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U.S. GOVERNMENT
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110TH CONGRESS
1ST SESSION

S. 2237

To fight crime.

IN THE SENATE OF THE UNITED STATES

OCTOBER 25, 2007

Mr. BIDEN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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A BILL

To fight crime.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Crime Control and Prevention Act of 2007''.

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TITLE I—SUPPORTING THE FIRST LINE OF DEFENSE

Subtitle A—COPS Improvement Act

SEC. 1101. SHORT TITLE.

This subtitle may be cited as the "COPS Improvements Act of 2007".

SEC. 1102. COPS GRANT IMPROVEMENTS.

(a) IN GENERAL.—Section 1701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) by amending subsection (a) to read as follows:

''(a) GRANT AUTHORIZATION.—The Attorney General shall carry out grant programs under which the Attorney General makes grants to States, units of local government, Indian tribal governments, other public and private entities, multijurisdictional or regional consortia, and individuals for the purposes described in subsections (b), (c), (d), and (e).'';

(2) in subsection (b)—

(A) by striking the subsection heading text and inserting ''COMMUNITY POLICING AND CRIME PREVENTION GRANTS'';

(B) in paragraph (3), by striking '', to increase the number of officers deployed in community-oriented policing'';

(C) in paragraph (4), by inserting ''or train'' after ''pay for'';

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

''(5) award grants to hire school resource officers and to establish school-based partnerships be-

tween local law enforcement agencies and local school systems to combat crime, gangs, drug activities, and other problems in and around elementary and secondary schools;'';

(E) by striking paragraph (9);

(F) by redesignating paragraphs (10) through (12) as paragraphs (9) through (11), respectively;

(G) by striking paragraph (13);

(H) by redesignating paragraphs (14) through (17) as paragraphs (12) through (15), respectively;

(I) in paragraph (14), as so redesignated, by striking ''and'' at the end;

(J) in paragraph (15), as so redesignated, by striking the period at the end and inserting a semicolon; and

(K) by adding at the end the following:

''(16) establish and implement innovative programs to reduce and prevent illegal drug manufacturing, distribution, and use, including the manufacturing, distribution, and use of methamphetamine; and

"(17) award enhancing community policing and crime prevention grants that meet emerging law enforcement needs, as warranted.";

(3) by striking subsection (c);

(4) by striking subsections (h) and (i);

(5) by redesignating subsections (d) through (g) as subsections (f) through (i), respectively;

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

"(c) TROOPS-TO-COPS PROGRAMS.—

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

"(2) DEFINITION.—In this subsection, 'former member of the Armed Forces' means a member of the Armed Forces of the United States who is involuntarily separated from the Armed Forces within the meaning of section 1141 of title 10, United States Code.

"(d) COMMUNITY PROSECUTORS PROGRAM.—The Attorney General may make grants under subsection (a)

to pay for additional community prosecuting programs, including programs that assign prosecutors to—

"(1) handle cases from specific geographic areas; and

"(2) address counter-terrorism problems, specific violent crime problems (including intensive illegal gang, gun, and drug enforcement and quality of life initiatives), and localized violent and other crime problems based on needs identified by local law enforcement agencies, community organizations, and others.

"(e) TECHNOLOGY GRANTS.—The Attorney General may make grants under subsection (a) to develop and use new technologies (including interoperable communications technologies, modernized criminal record technology, and forensic technology) to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime and to train law enforcement officers to use such technologies.";

(7) in subsection (f), as so redesignated—

(A) in paragraph (1), by striking "to States, units of local government, Indian tribal governments, and to other public and private entities,";

(B) in paragraph (2), by striking ''define for State and local governments, and other public and private entities,'' and inserting ''establish'';

(C) in the first sentence of paragraph (3), by inserting ''(including regional community policing institutes)'' after ''training centers or facilities''; and

(D) by adding at the end the following:

''(4) EXCLUSIVITY.—The Office of Community Oriented Policing Services shall be the exclusive component of the Department of Justice to perform the functions and activities specified in this paragraph.'';

(8) in subsection (g), as so redesignated, by striking ''may utilize any component'', and all that follows and inserting ''shall use the Office of Community Oriented Policing Services of the Department of Justice in carrying out this part.'';

(9) in subsection (h), as so redesignated—

(A) by striking ''subsection (a)'' the first place that term appears and inserting ''paragraphs (1) and (2) of subsection (b)''; and

(B) by striking ''in each fiscal year pursuant to subsection (a)'' and inserting ''in each

fiscal year for purposes described in paragraph (1) and (2) of subsection (b)'';

(10) in subsection (i), as so redesignated, by striking the second sentence; and

(11) by adding at the end the following:

''(j) RETENTION OF ADDITIONAL OFFICER POSITIONS.—For any grant under paragraph (1) or (2) of subsection (b) for hiring or rehiring career law enforcement officers, a grant recipient shall retain each additional law enforcement officer position created under that grant for not less than 12 months after the end of the period of that grant, unless the Attorney General waives, wholly or in part, the retention requirement of a program, project, or activity.''.

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

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by inserting '', unless waived by the Attorney General'' after ''under this part shall'';

(B) by striking paragraph (8); and

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

(2) by striking subsection (d).

(c) RENEWAL OF GRANTS.—Section 1703 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–2) is amended to read as follows:

"SEC. 1703. RENEWAL OF GRANTS.

"(a) IN GENERAL.—A grant made under this part may be renewed, without limitations on the duration of such renewal, to provide additional funds, if the Attorney General determines that the funds made available to the recipient were used in a manner required under an approved application and if the recipient can demonstrate significant progress in achieving the objectives of the initial application.

"(b) NO COST EXTENSIONS.—Notwithstanding subsection (a), the Attorney General may extend a grant period, without limitations as to the duration of such extension, to provide additional time to complete the objectives of the initial grant award.".

(d) LIMITATION ON USE OF FUNDS.—Section 1704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–3) is amended—

(1) in subsection (a), by striking "that would, in the absence of Federal funds received under this part, be made available from State or local sources" and inserting "that the Attorney General determines

would, in the absence of Federal funds received under this part, be made available for the purpose of the grant under this part from State or local sources''; and

(2) by striking subsection (c).

(e) ENFORCEMENT ACTIONS.—

(1) IN GENERAL.—Section 1706 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–5) is amended—

(A) in the section heading, by striking ''**REVOCATION OR SUSPENSION OF FUNDING**'' and inserting ''**ENFORCEMENT ACTIONS**''; and

(B) by striking ''revoke or suspend'' and all that follows and inserting ''take any enforcement action available to the Department of Justice.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711) is amended by striking the item relating to section 1706 and inserting the following:

''Sec. 1706. Enforcement actions.''.

(f) DEFINITIONS.—Section 1709(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–8(1)) is amended—

(1) by inserting ''who is a sworn law enforcement officer'' after ''permanent basis''; and

(2) by inserting '', including officers for the Amtrak Police Department'' before the period at the end.

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

(1) in subparagraph (A), by striking ''$1,047,119,000'' and all that follows and inserting ''$1,150,000,000 for each of fiscal years 2007 through 2012.''; and

(2) in subparagraph (B)—

(A) in the first sentence, by striking ''3 percent'' and inserting ''5 percent''; and

(B) by striking the second sentence and inserting the following: ''Of the funds available for grants under part Q, not less than $600,000,000 shall be used for grants for the purposes specified in section 1701(b), not more than $200,000,000 shall be used for grants under section 1701(d), and not more than $350,000,000 shall be used for grants under section 1701(e).''.

(h) PURPOSES.—Section 10002 of the Public Safety Partnership and Community Policing Act of 1994 (42 U.S.C. 3796dd note) is amended—

(1) in paragraph (4), by striking ''development'' and inserting ''use''; and

(2) in the matter following paragraph (4), by striking ''for a period of 6 years''.

(i) COPS PROGRAM IMPROVEMENTS.—

(1) IN GENERAL.—Section 109(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712h(b)) is amended—

(A) by striking paragraph (1);

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

(C) in paragraph (2), as so redesignated, by inserting '', except for the program under part Q of this title'' before the period.

(2) LAW ENFORCEMENT COMPUTER SYSTEMS.—Section 107 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712f) is amended by adding at the end the following:

''(c) EXCEPTION.—This section shall not apply to any grant made under part Q of this title.''.

Subtitle B—FBI Act of 2007

SEC. 1201. SHORT TITLE.

This subtitle be cited as the ''Full-strength Bureau Initiative Act of 2007'' or the ''FBI Act of 2007''.

SEC. 1202. FINDINGS.

Congress finds the following:

(1) Throughout its history, the FBI has been an integral part of anticrime investigatory efforts in the United States.

(2) Since September 11, 2001, the FBI has lost substantial capacity and willingness to fight violent crime.

(3) The FBI has reduced the goal of combating crime to number 8 of its top 10 priorities.

(4) To meet its primary goal of combating terrorism, the FBI has reprogrammed nearly 1,000 agents from crime to counterterrorism cases since September 11, 2001.

(5) While this reprogramming of agents to counterterrorism is necessary and proper, it has had the unintended consequence of precluding the FBI from adequately and satisfactorily discharging its traditional anticrime efforts.

(6) The FBI's shift to counterterrorism has reduced the Bureau's involvement in traditional crime investigations, including—

(A) fewer agents to the successful High Intensity Drug Trafficking Area (HIDTA) task forces;

(B) fewer violent crime cases, as the Bureau has reduced the number of agents committed to Federal-State-local task forces like ''Safe Streets'' and Violent Crime Task Forces; and

(C) fewer agents handling bank robbery and white collar crimes, which involve technical areas of investigative expertise that State and locals often lack.

(7) In testimony before the Committee on the Judiciary of the Senate, FBI Director Bob Mueller stated that the shortfall of agents has ''required difficult choices in determining how to most effectively use the available agents''.

(8) This reprogramming has occurred at the same time that Federal assistance for State and local law enforcement has been decimated, including the elimination of the Office of Community Oriented Policing Services hiring program and substantial

cuts to the Edward Byrne Memorial Justice Assistance Grant Program under part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.).

(9) Local police officials have decried this approach, and the results are becoming apparent, with the largest crime increase in 15 years according the 2005 Uniform Crime Reports.

(10) The preliminary Uniform Crime Reports for 2006, reported in December, have shown further increases in violent crime across the Nation.

(11) The FBI's traditional anticrime investigations complement and assist investigations by State and local law enforcement around the country.

(12) Through task forces and other more informal assistance, the FBI over the years has brought an invaluable expertise and resources to help state and local law enforcement in combating traditional criminal enterprises.

(13) Even when factoring in assistance local law enforcement has received from the Department of Homeland Security, the International Association of Chiefs of Police has stated, ''combined, the proposed FY 2006 funding level for DoJ/DHS law enforcement assistance programs is $2.158 B. This is

a reduction of $1.467 B or 40% from the combined FY 2005 level of $3.625 B. It represents a decrease in $2.55 B or 54% from FY2004.''.

(14) The FBI has the ability and the mandate to focus both on countering terrorists plots and fighting traditional crime.

(15) There does not need to be a trade-off between crime and terrorism, but this can only happen if the FBI is given the manpower to be able to do both.

SEC. 1203. AUTHORIZATION FOR MORE AGENTS.

There are authorized to be appropriated $160,000,000 for each of the fiscal years 2008 through 2012 to fund 1,000 Federal Bureau of Investigations field agents in addition to the number of Federal Bureau of Investigations field agents serving on the date of enactment of this Act.

Subtitle C—Project to Protect America Act of 2007

SEC. 1301. SHORT TITLE.

This subtitle may be cited as the ''Project to Protect America Act of 2007''.

SEC. 1302. FINDINGS.

The Congress finds that—

(1) the system of compensation for Federal law enforcement officers (in this section referred to as ''FLEOs'') must be reformed in order to deal with recruitment, retention, and morale problems associated with assignments to high-cost areas;

(2) as the Office of Personnel Management has confirmed, limitations on premium pay are contributing to the pay compression problem that, in turn, may be undermining the efficacy of incentives designed to encourage FLEOs to assume greater supervisory and managerial duties;

(3) the security of the Nation, as the report of the National Commission on Terrorist Attacks Upon the United States confirmed, depends on effective Federal law enforcement, which is particularly true of large metropolitan areas that should be staffed with FLEOs who are fairly compensated for their services;

(4) the combination of rising living costs and lagging compensation threatens to worsen the significant recruitment and retention problems already facing FLEOs;

(5) the problems described in paragraph (4) are especially serious among law enforcement officers of the Federal Bureau of Investigation, who—

(A) are recruited and subject to assignment nationwide and, upon assignment, are expected to adjust rapidly; and

(B) particularly in the case of those assigned to high-cost areas, often experience significant difficulties in finding adequate and affordable housing;

(6) the Office of Personnel Management should experiment with innovative approaches to address compensation problems in the Federal workforce and, in the case of FLEOs, should look to the Department of Defense as a model for providing a reasonable housing allowance to assist those assigned to high-cost areas; and

(7) as the Federal Bureau of Investigation implements policies aimed at limiting the tenure of Supervisory Special Agents, the need to retain skilled agents requires that retirement benefits be protected from the adverse consequences of such personnel policies.

SEC. 1303. DEFINITIONS.

In this subtitle:

(1) AREA.—The term ''area'' means a metropolitan statistical area within the continental United States.

(2) CONTINENTAL UNITED STATES.—The term ''continental United States'' means the several States of the United States and the District of Columbia, but does not include Alaska or Hawaii.

(3) COVERED SPECIAL AGENT.—The term ''covered Special Agent'' means an individual who—

(A) was a Special Agent of the Federal Bureau of Investigation;

(B) had completed not less than 3 years in field supervisory positions as of June 3, 2004;

(C) was transferred to a position at a lower pay grade because that individual chose not to accept a transfer to an equivalent or higher position within the Federal Bureau of Investigation under the Field Office Supervisory Term Limit Policy issued on June 3, 2004; and

(D) on or after June 3, 2004, is not reduced in pay grade or removed for performance or misconduct reasons.

(4) DEMONSTRATION PROJECT.—The term ''demonstration project'' means the demonstration project established under section 1304(a).

(5) DIRECTOR.—The term ''Director'' means the Director of the Office of Personnel Management.

(6) EMPLOYEE.—The term ''employee'' has the meaning given that term in section 2105 of title 5, United States Code.

(7) ELIGIBLE EMPLOYEE.—The term ''eligible employee''—

(A) means an employee who holds a position—

(i) that is in or under the Federal Bureau of Investigation;

(ii) that—

(I) is classified under chapter 51 of title 5, United States Code, as a GS–1811 position; or

(II) if the GS–1811 classification is redesignated or abolished or the requirements for the GS–1811 classification are modified after the date of enactment of this Act, meets the qualification requirements for the GS–1811 classification as in effect—

(aa) on the date that assistance is to be provided under the demonstration project; or

(bb) on such date of enactment; and

(iii) in a high-cost area; and

(B) does not include an employee who is serving on a temporary basis or a part-time career employment basis (as that term is defined in section 3401 of title 5, United States Code) or who is a reemployed annuitant under section 8344 or 8468 of title 5, United States Code.

(8) HIGH-COST AREA.—The term ''high-cost area'' means an area designated by the Director under section 1304(b)(1)(A).

(9) HOUSING COST DIFFERENTIAL.—The term ''housing cost differential'' means the difference in dollars between the monthly housing costs for an area and the monthly housing costs for the continental United States, as described in section 1304(b)(1)(A)(i).

(10) MANAGEMENT OFFICIAL.—The term ''management official'' has the meaning given that term in section 7103 of title 5, United States Code.

SEC. 1304. HOUSING ALLOWANCE DEMONSTRATION PROJECT.

(a) ESTABLISHMENT.—The Director shall establish a demonstration project under which eligible employees will be paid a basic housing allowance.

(b) IDENTIFICATION OF HIGH-COST AREAS.—

(1) CRITERIA.—

(A) IN GENERAL.—The Director shall designate an area as a high-cost area for a fiscal year if, during the most recent calendar year ending before the start of such fiscal year—

(i) the average monthly housing costs for that area exceeded the average monthly housing costs for the continental United States by not less than 10 percent; or

(ii) that area was 1 of the 10 areas within the continental United States having the highest cost of living (identified in such manner as the Director shall determine) and for which average monthly housing costs exceeded the average monthly housing costs for the continental United States.

(B) SAME DIFFERENTIAL COMPUTATION RULE APPLIES.—The Director shall determine the housing cost differential for any area identified under subparagraph (A)(ii) in the same manner as described in subparagraph (A)(i).

(2) ANNUAL DETERMINATIONS.—The Director shall identify high-cost areas for each fiscal year in

which the Director carries out the demonstration project.

(3) COSTS OF ADEQUATE HOUSING.—The determination of monthly housing costs under this subsection by the Director shall be based on the costs of renting adequate housing typically borne by individuals residing within the area involved who have income levels comparable to those of eligible employees within the same area (taking into account, with respect to eligible employees, only amounts payable to such employees under title 5, United States Code).

(c) BASIC HOUSING ALLOWANCE.—

(1) IN GENERAL.—The Director shall establish a basic housing allowance payable to each eligible employee employed in a high-cost area for each fiscal year in which the Director carries out the demonstration project.

(2) AMOUNT.—The amount of the basic housing allowance for each high-cost area shall be equal to such amount as the Director shall determine, except that—

(A) determinations under this paragraph shall be made in a manner consistent with section 403(b) of title 37, United States Code (re-

lating to basic allowance for housing for members of the uniformed services); and

(B) in no event may any such amount be less than the housing cost differential determined under subsection (b)(1)(A) for the area and fiscal year involved.

(3) MANNER OF PAYMENT.—A basic housing allowance shall be payable at the same time and in the same manner as basic pay.

(4) NONREDUCTION RULE.—The basic housing allowance payable to an individual who continuously remains an eligible employee within the same high-cost area may not be reduced by reason of any fluctuations in housing costs.

(5) RULE OF CONSTRUCTION.—Nothing in this subtitle may be construed to permit or require any reduction in basic pay by reason of the eligibility of an employee for or receipt of a basic housing allowance.

(d) APPLICABILITY OF PROVISIONS GOVERNING DEMONSTRATION PROJECTS GENERALLY.—The demonstration project shall be conducted in accordance with section 4703 of title 5, United States Code, except that such project shall not—

(1) be subject to the provisions of subsection (d)(1) of that section; and

(2) be considered in applying subsection (d)(2) of that section.

(e) DURATION.—The demonstration project—

(1) shall be conducted during the 5-year period beginning on the first day of the first fiscal year beginning not less than 30 days after the date of enactment of this Act; and

(2) may, subject to the availability of appropriations, be extended by the Director for 1 or more additional 12-month periods after the end of the 5-year period described in paragraph (1).

(f) REPORTING REQUIREMENT.—

(1) IN GENERAL.—Not later than 90 days after the date on which the demonstration project terminates, the Director shall submit to Congress a report on the demonstration project.

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) specifically address the effect of the housing allowance on employee retention, recruitment, and morale;

(B) be based on appropriate data and comments received from management officials, em-

ployees, and other interested persons (including professional associations representing employees); and

(C) include recommendations for any legislation that the Director considers appropriate.

SEC. 1305. ANNUITY PROTECTION.

For any covered Special Agent, the average pay for that individual, for purposes of section 8331(4) or 8401(3) of title 5, United States Code, as applicable, shall be the greater of—

(1) the average pay for that individual under the applicable section; or

(2) the amount to which that individual would have been entitled under the applicable section had that individual remained in the field supervisory position at the same grade and step until the date of the retirement of that individual.

SEC. 1306. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

Subtitle D—Drug Enforcement Special Agents Restoration Act of 2007

SEC. 1401. SHORT TITLE.

This subtitle may be cited as the ''Drug Enforcement Special Agents Restoration Act of 2007''.

SEC. 1402. FINDINGS.

Congress finds that—

(1) there is currently in place a hiring freeze at the Drug Enforcement Administration (referred to in this subtitle as the ''DEA'') that has no set end date;

(2) the DEA is losing approximately 160 agents each year due to attrition;

(3) fewer drug agents in the field inevitably lead to fewer drug-related arrests and seizures, and decreased resources allow drug trafficking organizations to operate more freely;

(4) drug trafficking money is used to fund terrorist activities; and

(5) the President's fiscal year 2008 budget request under funds the DEA and does nothing to alleviate the agency's hiring freeze.

SEC. 1403. ADDITIONAL DEA SPECIAL AGENTS.

(a) IN GENERAL.—There are authorized to be funded and hired 500 DEA special agents and 400 support personnel, as set forth in subsection (b), to permit the agents to carry out their duties as provided in subsection (b).

(b) ALLOCATION.—The agents and support personnel authorized by subsection (a) shall be allocated as follows:

(1) 400 special agents, including 50 Demand Reduction Coordinators, assigned domestically with an additional 250 authorized positions as domestic support staff to include intelligence analysts, chemists, informational technology specialists, program analysts, and technical and clerical experts.

(2) 100 special agents assigned internationally with an additional 150 authorized positions as foreign support staff to include intelligence analysts, program analyst, and technical and clerical experts.

SEC. 1404. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to hire additional agents and personnel as provided in this subtitle—

(1) $200,000,000 for fiscal year 2008;

(2) $210,000,000 for fiscal year 2009; and

(3) $220,000,000 for fiscal year 2010.

Subtitle E—National Commission on Law Enforcement and the Administration of Justice Act of 2007

SEC. 1501. SHORT TITLE.

This subtitle may be cited as the ''National Commission on Law Enforcement and the Administration of Justice Act of 2007''.

SEC. 1502. FINDINGS.

Congress finds the following:

(1) Since the attacks of September 11, 2001, local law enforcement agencies have been required to undertake new and different duties.

(2) These changes have required Federal, State, and local law enforcement agencies to reexamine and redefine how they work to combat terrorism by establishing new procedures for—

(A) collecting, analyzing, and sharing intelligence;

(B) how such agencies work together and with the private sector to protect critical infrastructure; and

(C) how to balance the protection of civil liberties and the prevention of terrorism attacks.

(3) The law enforcement community is still addressing ongoing concerns related to the criminal justice system.

(4) As a result of high-profile incidents involving use of force, allegations of racial profiling, corruption, and instances of unethical behavior by police officers and executives, many people in the United States believe that these problems are widespread and deeply rooted.

(5) The concerns of people in the United States encompass not only law enforcement agencies, but all the participants in the criminal justice system, including the courts, prosecutors, and corrections and probation officials.

(6) For all of the components of the criminal justice system to perform in an effective manner that ensures justice and leads to orderly and peaceful communities, there must exist a trusting and confident relationship with all people in every part of the United States.

(7) In 1965, President Lyndon B. Johnson established the Commission on Law Enforcement and Administration of Justice recognizing, as he said, ''the urgency of the nation's crime problem''.

(8) The Commission on Law Enforcement and Administration of Justice labored for 18 months, producing 200 specific recommendations involving Federal, State, tribal, and local governments, civic organizations, religious institutions, business groups, and individual citizens that were intended to create a safer and more just society.

(9) The resulting report, titled ''The Challenge of Crime in a Free Society'', marked the beginning of a sea change in the methods for dealing with crime and the public in the United States and built the framework for many of the exemplary programs that continue today.

(10) There have been numerous advances in policing and the administration of justice since that report, including community policing and drug courts.

(11) It is in the interest of the Nation to establish a commission to study the role of policing in United States society, anticipate challenges in policing, and issue detailed recommendations to Congress to ensure the safety and security of the people of the United States, while advancing the civil liberties of the people of the United States and the best interests of the people who serve as Federal, State, and local law enforcement officials.

SEC. 1503. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established the National Commission on Law Enforcement and the Administration of Justice (in this subtitle referred to as the ''Commission'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—Not later than 60 days the date of enactment of this Act, the Attorney General of the United States, in consultation with State and local experts in law enforcement and the administration of justice, shall appoint the members of the Commission.

(2) MEMBERS.—

(A) IN GENERAL.—There shall be 20 members of the Commission.

(B) QUALIFICATIONS.—An individual appointed to be a member of the Commission shall have demonstrated expertise in policing, counterterrorism, intelligence sharing, court administration, prison management, prisoner reentry, drug treatment, or the protection of civil liberties.

(C) NONPARTISAN BASIS.—The Attorney General shall appoint members of the Commission on a nonpartisan basis, with an equal num-

ber of members from each of the 2 major political parties.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers.

(4) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(5) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(6) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(7) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among its members.

SEC. 1504. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than 1 year after the date on which all members of the Commission have been appointed, the Commission shall submit a detailed report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(b) CONTENTS.—The report submitted under subsection (a) shall—

(1) identify—

(A) practices and procedures that have been particularly effective in policing during the period beginning on January 1, 1966 and ending on the date of enactment of this Act;

(B) the challenges facing law enforcement, courts, prisons, and other components of the criminal justice system; and

(C) technological advances that may lead to the improvement of the administration of justice; and

(2) make detailed recommendations to best address the challenges identified by the Commission.

(c) CONSULTATION.—In preparing the report submitted under subsection (a), the Commission shall—

(1) consult with individuals and organizations working within and outside the criminal justice system; and

(2) ensure that every effort is made to include individuals with the broadest possible perspective on the areas reviewed by the Commission and obtain input from stakeholders, including law enforcement officials, prosecutors, defense attorneys, public de-

fenders, probation officers, judges, prison officials, prevention experts, city officials, and other experts involved in the criminal justice system.

SEC. 1505. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this subtitle.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this subtitle. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 1506. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal

to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 1507. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits its report under section 1504(a).

SEC. 1508. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $3,000,000 to carry out this subtitle, to remain available until expended.

TITLE II—PREVENTING VIOLENT CRIME AND BREAKING THE CYCLE OF VIOLENCE

Subtitle A—Taking Care of Children

PART I—HEAD START

SEC. 2101. HEAD START ACT.

Section 639 of the Head Start Act (42 U.S.C. 9834) is amended by adding at the end the following:

''(c)(1) In addition to the other funds authorized to be appropriated under this section, there is authorized to be appropriated $120,000,000 for each of fiscal years 2008 through 2012 to provide—

''(A) Early Head Start services under section 645A; and

''(B) Head Start services under this subchapter for children (age 3 to compulsory school attendance)

whose families meet the low-income criteria of section 645(a)(1)(A).

''(2) The purpose of paragraph (1) is to increase the number of children in a safe environment who are prepared by teachers who meet the requirements of section 648A to succeed in elementary and middle school.''.

PART II—CHILD ABUSE PREVENTION AND TREATMENT

SEC. 2111. CHILD ABUSE PREVENTION AND TREATMENT ACT.

(a) STATE CHILD PROTECTIVE SERVICES AND COMMUNITY-BASED PREVENTION SERVICES.—Section 112 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h) is amended by adding at the end the following:

''(c) In addition to the other funds authorized to be appropriated under this section, there is authorized to be appropriated $200,000,000 for each of fiscal years 2008 through 2012 to improve the child protective services systems of the States through grants made under section 106.''.

(b) COMMUNITY BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT.—Section 210 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116i) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''There''; and

(2) by adding at the end the following:

''(b) In addition to the other funds authorized to be appropriated under this section, there is authorized to be appropriated $200,000,000 for each of fiscal years 2008 through 2012 to carry out community-based services for the prevention of child abuse and neglect through grants made under section 201(b).''.

(c) PARENT EDUCATION AND COUNSELING SERVICES, FAMILY-STRENGTHENING SERVICES, AND ADOPTION SERVICES.—Section 210 of the Child Abuse Prevention and Treatment Act, as amended by subsection (a)(2), is further amended by adding at the end the following:

''(c) In addition to the other funds authorized to be appropriated under this section, there is authorized to be appropriated $545,000,000 for providing parent education and counseling services and family-strengthening services, and referral to and counseling for adoption services, through grants made under section 201(b).''.

SEC. 2112. AFTER-SCHOOL PROGRAMS.

Section 299(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(a)) is amended by adding at the end the following:

"(8) In addition to any other amounts authorized to be appropriated by this subsection, an additional $120,000,000 is authorized to be appropriated for each of the fiscal years 2008 through 2012 for after-school programs providing a healthy mentoring and a safe environment as an alternative to juvenile crime under section 223(a)(9)(P).".

SEC. 2113. COMMUNITY PREVENTION.

Section 506 of the Incentive Grants for Local Delinquency Prevention Programs Act (42 U.S.C. 5785) is amended by—

(1) striking "To carry" and inserting the following:

"(a) IN GENERAL.—To carry"; and

(2) inserting at the end the following:

"(b) COMMUNITY PREVENTION.—In addition to amounts authorized to be appropriated by this section, an additional $120,000,000 is authorized to be appropriated for each of the fiscal years 2008 through 2012 for programs supporting early childhood development, in-home parent coaching, after-school activities, mentoring, and tutoring programs, as well as drop-out, gang, and substance abuse prevention programs.".

SEC. 2114. EFFECTIVE JUVENILE JUSTICE INTERVENTION PROGRAMS.

Section 299(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(a)) is amended by adding at the end the following:

''(9) In addition to any other amounts authorized to be appropriated by this subsection for title II, an additional $120,000,000 is authorized to be appropriated for each of the fiscal years 2008 through 2012 for formula grants under title II.''.

SEC. 2115. SAFE AND HEALTHY TRIBAL COMMUNITIES.

Section 1801A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee–1) is amended by adding at the end the following:

''(e) ADDITIONAL AUTHORIZATION.—In addition to any other amounts authorized to be appropriated by this title for this section, an additional $20,000,000 is authorized to be appropriated for each of the fiscal years 2008 through 2012 for grants pursuant to this section to Indian tribes for culturally appropriate programs to prevent youth crime, strengthen tribal juvenile justice, and hold tribal youth accountable.''.

SEC. 2116. STRENGTHENING TRIBAL LAW ENFORCEMENT AND COURTS.

Section 201(d) of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3681(d)) is amended by—

(1) striking ''For purposes'' and inserting the following:

''(1) IN GENERAL.—For purposes''; and

(2) inserting at the end the following:

''(2) TRIBAL COURTS ASSISTANCE PROGRAM.—In addition to amounts authorized to be appropriated by this subsection, an additional $20,000,000 is authorized to be appropriated for each of the fiscal years 2008 through 2012 for programs authorized by this section.''.

PART III—IMPROVEMENTS TO THE STRENGTHENING ABUSE AND NEGLECT COURTS ACT OF 2000

SEC. 2131. IMPROVEMENTS TO THE STRENGTHENING ABUSE AND NEGLECT COURTS ACT OF 2000.

Section 6 of the Strengthening Abuse and Neglect Courts Act of 2000 (Public Law 106–314; 42 U.S.C. 670 note) is amended—

(1) in the caption, by striking ''**IN UNDERSERVED AREAS**'' and inserting ''**TO SERVE CHILDREN OVER-REPRESENTED IN FOSTER CARE**'';

(2) in subsection (a)—

(A) in paragraph (1), by inserting before the semicolon ''to serve children who are significantly over-represented in foster care'';

(B) by striking paragraph (2) and inserting the following:

''(2) expanding the recruitment of volunteers, particularly to serve populations of children who are significantly over-represented in foster care; and''; and

(C) in paragraph (3), by inserting before the semicolon ''that serve children who are significantly over-represented in foster care'';

(3) in subsection (d), by striking ''$5,000,000 for the period of fiscal years 2001 and 2002'' and inserting ''$8,000,000 for each of the fiscal years 2008 through 2011''; and

(4) by inserting at the end the following:

''(e) NONSUPPLANTATION.—Funds authorized and appropriated under this Act shall supplement, not supplant, existing funds otherwise available for court-appointed special advocate programs and activities.''.

PART IV—SAFE BABIES ACT OF 2007

SEC. 2141. SHORT TITLE.

This part may be cited as the ''Safe Babies Act of 2007''.

SEC. 2142. FINDINGS.

The Congress finds as follows:

(1) Children three years of age and younger have the highest rates of victimization. Infants and toddlers are twice as likely as all other children to become victims of child maltreatment. Children ages three and younger are also 32 percent more likely to be placed in foster care than children ages four to eleven. Once placed in foster care, children three years of age and younger are more likely than older children to be abused and neglected, and they tend to stay in foster care longer than older children.

(2) Infants and toddlers are the most vulnerable to the effects of maltreatment. Research shows that young children who have experienced physical abuse have lower social competence, show less empathy for others, and have difficulty recognizing others' emotions. They are also more likely than children who have not been maltreated to have deficits in IQ scores, language ability, and school performance.

(3) Research shows that the human brain has achieved 80 to 85 percent of its adult size by the age of three. During those early years, the brain is developing the vast majority of its basic capacity, the development of which can determine future achievement or failure. Therefore, infants and toddlers in foster care are spending the most critical developmental period in situations that may be detrimental to healthy growth and development.

(4) Children under the age of four account for 81 percent of child fatalities, and children under the age of one account for 45 percent of such fatalities.

(5) Child welfare systems are not meeting the needs of the children who rely on public intervention to protect them. In the Child and Family Service Reviews for fiscal years 2003 and 2004, the Administration for Children and Families revealed that, of 19 States studied for performance on Child and Family Services Review indicators, none of the States achieved all of the specified outcomes, and all of the States failed to meet the outcome related to the provision of physical and mental health services to children in foster care.

(6) Judges can be powerful catalysts for change in the way communities address the needs of mal-

treated infants and toddlers. A groundbreaking project in the Juvenile Division of the Eleventh Judicial Circuit of Florida has combined the leadership of a family court judge with expertise in early childhood development. This ground breaking collaboration is ensuring that infants and toddlers receive the services they need. Mental health and parenting intervention services are provided for parents and children together. Initial results are promising in terms of eliminating further abuse and neglect and promoting safety and well-being through timely permanent placements.

SEC. 2143. COURT TEAMS.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by redesignating part F as part K; and

(2) by inserting after part E the following new part:

"PART F—COURT TEAMS

"SEC. 271. COURT TEAMS PROGRAM AUTHORIZED.

''(a) GRANT AUTHORIZED.—The Administrator shall award a grant to a national early childhood development organization to—

"(1) establish a National Court Teams Resource Center to—

"(A) promote the well-being of maltreated infants and toddlers and their families (including the special problems created by substance abuse, particularly methamphetamine abuse);

"(B) help prevent the recurrence of abuse and neglect of children; and

"(C) promote timely reunification of families or other successful permanency outcomes for maltreated infants and toddlers in foster care; and

"(2) select, and provide assistance to, local Court Teams created to achieve the goals described in paragraph (1).

"(b) GRANT DURATION.—The grant awarded under this part shall be for a period of 5 years, and shall be renewable at the discretion of the Administrator.

"SEC. 272. ELIGIBILITY; APPLICATION; SELECTION OF GRANTEE.

"(a) ELIGIBILITY.—To be eligible to receive the grant described in section 271, an entity shall be a national early childhood development organization, as defined in section 276, that has—

"(1) specific expertise in the development of infants and toddlers;

"(2) experience in incorporating the expertise described in paragraph (1) into the judicial system to promote change in the way courts address cases involving maltreated infants and toddlers in foster care; and

"(3) the capacity—

"(A) to establish and maintain the National Court Teams Resource Center described in section 273; and

"(B) to support the implementation and activities of local Court Teams by providing the assistance required under this part.

"(b) APPLICATION.—An entity desiring to receive the grant described in section 271 shall submit an application to the Administrator, at such time, in such manner, and containing such information as the Administrator may require. Such application shall—

"(1) describe the expertise of the entity in infant and toddler development, including any experience relevant to the ability of the entity to oversee the implementation of local Court Teams, and the capacity of the entity to provide assistance to local Court Teams;

"(2) include a detailed plan describing how the entity will establish and maintain the National Court Teams Resource Center, and how the entity will carry out the activities of such Center, as described in section 273; and

"(3) explain the process the entity will use to select local Court Teams to receive assistance under this part, including an assurance that the entity will give priority to applications that—

"(A) demonstrate the commitment of—

"(i) at least one qualified judge to lead the local Court Team and serve as Judicial Leader of the Court Team; and

"(ii) community agencies serving maltreated infants and toddlers and their families in such jurisdiction to participate in the local Court Team;

"(B) describe the population of maltreated infants and toddlers in the community within the jurisdiction of the court over which the qualified judge presides, including—

"(i) any problems contributing to the placement of maltreated infants and toddlers under the supervision of the court (including the impact of parental substance

abuse, and particularly methamphetamine abuse); and

"(ii) any challenges faced by the court in making decisions that are in the best interests of such maltreated infants and toddlers; and

"(C) describe how the local Court Team will carry out the activities required under section 274;

"(4) demonstrate the ability to meet the all selection criteria, including—

"(A) special expertise in the developmental needs of children three years of age and younger;

"(B) a demonstrated record of providing resources to parents and other caregivers regarding the healthy growth and development of their children;

"(C) a demonstrated record of providing resources for practitioners in the fields of child development, early child care and education, family support, pediatrics, child welfare, and mental health;

"(D) extensive knowledge about how exposure to violence (including domestic violence,

community violence, and child maltreatment) influences the growth and development of infants and toddlers;

"(E) a documented history of collaboration with public and private sector groups working to improve the lives of maltreated infants and toddlers, including collaboration with judges at the local level;

"(F) the capacity to analyze child welfare policy at the local, State, and national levels and to offer research-based solutions to the problems confronting child welfare systems across the country; and

"(G) the ability to manage multiple complex national resource centers and related activities, including strategic planning, team building, infrastructure development, training for multidisciplinary professionals at all levels, materials development for multiple audiences in a variety of formats, and conference planning and delivery at the local, State, regional, and national levels; and

"(5) include any other information the Administrator may require, including any assurance required by the Administrator that the entity, if selected, will

give special consideration to applications that have a significant number of child welfare cases in the jurisdiction of the court over which the qualified judge presides in which substance abuse, and particularly methamphetamine abuse, is involved.

"(c) SELECTION OF GRANTEE.—In considering grant applications under this part, the Administrator shall select the national early childhood development organization that demonstrates—

"(1) the greatest ability to satisfy the criteria described in subsection (b)(4); and

"(2) the most extensive experience in addressing the needs of abused and maltreated infants and toddlers through training and technical assistance provided to judges, multidisciplinary professionals and community leaders.

"SEC. 273. NATIONAL COURT TEAMS RESOURCE CENTER.

"(a) GENERAL ACTIVITIES.—The national early childhood development organization receiving the grant authorized under section 271 shall establish and maintain a National Court Teams Resource Center, which shall carry out the following activities:

"(1) Develop a process for selecting, and select, local Court Teams to receive assistance under this part.

"(2) Develop materials to guide qualified judges in the decision-making process regarding maltreated infants and toddlers, and to train members of local Court Teams and others in the community regarding the appropriate care of maltreated infants and toddlers, including the importance of—

"(A) stable foster care placements;

"(B) frequent parent-child visitation;

"(C) reduction of the recurrence of abuse and neglect;

"(D) improving health and well-being; and

"(E) timely permanent placement.

"(3) Conduct national meetings and training sessions for local Court Teams.

"(4) Develop a database that shall be—

"(A) available to each local Court Team to track such Court Team's progress; and

"(B) used by the National Court Teams Resource Center to facilitate evaluation of the local Court Teams receiving assistance under this part.

"(5) Provide information to communities and courts around the country seeking to adopt the Court Teams approach, including information related to—

"(A) the incorporation of knowledge about infant and toddler development into the resolution of cases by judges with jurisdiction over children in foster care; and

"(B) methods to change State and local government systems for addressing the needs of infants and toddlers in the foster care, and their families.

"(6) Any other activity necessary to provide the assistance required under subsection (b).

"(b) ASSISTANCE TO LOCAL COURT TEAMS.—Assistance provided to local Court Teams by the National Court Teams Resource Center shall include—

"(1) providing direction, coordination, and oversight of the implementation of local Court Teams, as needed;

"(2) providing a Local Community Coordinator for each local Court Team, who shall—

"(A) be selected by the National Court Teams Resource Center after consultation with the Judicial Leader of the local Court Team;

"(B) serve as a resource of child development expertise for the local Court Team; and

"(C) promote coordination (in the jurisdiction of the court over which the Judicial Leader presides) between—

"(i) community agencies that serve children; and

"(ii) providers of resources to support maltreated infants and toddlers;

"(3) providing training and technical assistance to local Court Teams, including—

"(A) individual consultation on site, through telephone conversations, and through responses to emailed information requests;

"(B) networking assistance and facilitation of telephone conference calls among Judicial Leaders and local Court Team members in different jurisdictions to discuss issues of common concern;

"(C) development and dissemination of training materials, including fact sheets, template forms, and sample operational materials developed by local Court Teams; and

"(D) training for local Court Teams related to—

"(i) the impact of abuse and neglect on infants and toddlers; and

"(ii) improved decision-making by courts regarding maltreated infants and toddlers to reduce the recurrence of abuse and neglect and improve developmental outcomes; and

"(4) organizing local training for community members of jurisdictions in which local Court Teams are located, which shall relate to the particular needs of infants and toddlers exposed to maltreatment and trauma, including topics such as—

"(A) general infant and toddler development;

"(B) the impact of abuse and neglect on development;

"(C) a relationship-based mental health intervention model for parents and children together;

"(D) best-practices in family interactions;

"(E) evidence-based parenting interventions; and

"(F) services available to foster children in the community.

"SEC. 274. LOCAL COURT TEAMS.

"(a) APPLICATION.—An entity desiring to receive the assistance for local Court Teams made available under

this part shall submit an application to the National Court Teams Resource Center at such time, in such manner, and containing such information as the National Court Teams Resource Center may require.

"(b) ELIGIBILITY.—To be eligible to receive assistance under this part, a local Court Team shall be comprised of—

"(1) a Judicial Leader, who shall be a qualified judge, and who shall lead and oversee the implementation and ongoing activities of the local Court Team;

"(2) a Local Community Coordinator, selected and provided by the National Court Teams Resource Center in accordance with section 273(b)(2); and

"(3) no fewer than six key stakeholders who—

"(A) are members of the community in which the local Court Team is located;

"(B) are committed to working to restructure the way the jurisdiction responds to the needs of maltreated infants and toddlers; and

"(C) represent a variety of individuals involved with the care of maltreated infants and toddlers, which may include pediatricians, child welfare workers, attorneys, court-appointed special advocates, mental health professionals, sub-

stance abuse treatment providers, Early Head Start and child care providers, Court Improvement Program staff, and any other individuals who are involved in the care of maltreated infants and toddlers.

"(c) REQUIRED USE OF ASSISTANCE.—A local Court Team shall use any assistance received under this part to carry out the following activities:

"(1) Conducting monthly case reviews of each case handled by the local Court Team, in which all individuals and organizations involved in a case meet to review progress in such case, and to monitor and track referral to, delivery of, and barriers against, services for maltreated infants and toddlers and their families.

"(2) Incorporating child-focused services into case plans for maltreated infants and toddlers, including services such as medical, developmental, and mental health interventions and, as appropriate, services for children and parents together.

"(3) Organizing the provision of local training (provided by the National Court Teams Resource Center) to community members of the jurisdiction in which the local Court Team is located, including court officials, child welfare agencies, attorneys,

Guardians Ad Litem, court-appointed special advocates, and other individuals and organizations providing services to infants and toddlers in foster care.

"(4) Identifying areas in the community in need of improved mental health and substance abuse treatment, and assisting the National Court Teams Resource Center in improving mental health treatment for parents and children together, and substance abuse treatment for families (including mothers and children), as needed.

"(5) Utilizing resource materials disseminated by the National Court Teams Resource Center to guide judges in the decision-making process regarding maltreated infants and toddlers, and to provide training for Court Team members.

"(6) Participating in the national evaluation conducted by the Administrator in accordance with section 275, to determine the extent to which the activities of the local Court Team reduce the recurrence of abuse and neglect and improve health and developmental outcomes for maltreated infants and toddlers.

"(d) PERMISSIBLE USE OF ASSISTANCE.—A local Court may use the assistance received under this part to carry out the following activities:

"(1) Developing processes for responding to parental substance abuse, such as—

"(A) coordinating with local law enforcement agencies to allow rapid response teams to intervene quickly on behalf of infants and toddlers who are identified by law enforcement personnel as being present during illegal activities related to methamphetamines or other illegal substances; and

"(B) establishing and maintaining relationships with substance abuse treatment programs to increase access to treatment for parents of maltreated infants and toddlers.

"(2) Identifying the areas in the community in need of early childhood mental health services, and assisting the National Court Teams Resource Center in providing relationship-based early childhood mental health services by providing training on parent-child psychotherapy to mental health providers.

"(3) Any other activities that help meet the needs and improve the health and developmental outcomes of maltreated infants and toddlers in foster care.

"SEC. 275. EVALUATIONS AND REPORTS.

"(a) EVALUATION FORM.—Not later than 6 months after the date of the enactment of this Act, the National Court Teams Resource Center shall create, and distribute to each local Court Team, an evaluation form that shall be used to periodically collect any data from local Court Teams that the National Court Teams Resource Center determines may be relevant to the reports required by subsection (b).

"(b) REPORTS TO CONGRESS BY THE ADMINISTRATOR.—At the end of the three-year period beginning on the date of the enactment of this Act, and again at the end of the five-year period beginning on such date of enactment, the Administrator shall—

"(1) compile the data collected in the periodic evaluation forms completed by each local Court Team;

"(2) conduct a national evaluation of Court Teams, based on such compilation of data; and

"(3) report to Congress on the effectiveness of Court Teams, including the extent to which local Court Teams are—

"(A) improving access to services for maltreated infants and toddlers;

"(B) reducing the recurrence of abuse and neglect;

"(C) promoting permanent placements of maltreated infants and toddlers; and

"(D) improving the developmental outcomes for maltreated infants and toddlers who have been in foster care.

"SEC. 276. DEFINITIONS.

"For the purposes of this part:

"(1) COURT-APPOINTED SPECIAL ADVOCATE.—The term 'court-appointed special advocate' means an individual who is trained by a recognized court-appointed special advocate program and appointed by a court to advocate for the best interests of children who come into the court system primarily as a result of abuse or neglect.

"(2) COURT IMPROVEMENT PROGRAM.—The term 'Court Improvement Program' means a program authorized under section 438 of the Social Security Act (42 U.S.C. 629h).

"(3) GUARDIAN AD LITEM.—The term 'Guardian Ad Litem' means an attorney or court-appointed special advocate who is appointed by a court to advocate for the best interests of children who come into the court system primarily as a result of abuse or neglect.

"(4) MALTREATED INFANT OR TODDLER.—The term 'maltreated infant or toddler' means any child three years of age or younger who is the victim of a substantiated case of physical abuse, neglect, medical neglect, sexual abuse, or emotional abuse.

"(5) NATIONAL EARLY CHILDHOOD DEVELOPMENT ORGANIZATION.—The term 'national early childhood development organization' means a national, private, nonprofit organization—

"(A) that is dedicated to supporting the healthy development and well-being of infants, toddlers, and their families; and

"(B) that has the capacity for research, training, information dissemination, and leadership development in all of the professional disciplines related to infants and toddlers three years of age and younger.

"(6) QUALIFIED JUDGE.—The term 'qualified judge' means a judge who presides over a court that has jurisdiction over children in foster care, such as a judge for a dependency court or family court.".

SEC. 2144. AUTHORIZATION OF APPROPRIATIONS.

Section 299 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

(1) in subsection (a)—

(A) in the header, by striking ''PARTS C AND E)'' and inserting ''PARTS C, E, AND F)''; and

(B) in paragraph (2), by striking ''parts C and E)'' and inserting ''parts C, E, and F)'';

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

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

''(d) AUTHORIZATION OF APPROPRIATIONS FOR PART F.—There are authorized to be appropriated to carry out part F, $5,000,000 for each of fiscal years 2008, 2009, 2010, 2011, and 2012.''.

Subtitle B—Gang Abatement and Prevention Act of 2007

SEC. 2201. SHORT TITLE.

This subtitle may be cited as the ''Gang Abatement and Prevention Act of 2007''.

SEC. 2202. FINDINGS.

Congress finds that—

(1) violent crime and drug trafficking are pervasive problems at the national, State, and local level;

(2) according to recent Federal Bureau of Investigation, Uniform Crime Reports, violent crime in

the United States is on the rise, with a 2.3 percent increase in violent crime in 2005 (the largest increase in the United States in 15 years) and an even larger 3.7 percent jump during the first 6 months of 2006, and the Police Executive Research Forum reports that, among jurisdictions providing information, homicides are up 10.21 percent, robberies are up 12.27 percent, and aggravated assaults with firearms are up 9.98 percent since 2004;

(3) these disturbing rises in violent crime are attributable in part to the spread of criminal street gangs and the willingness of gang members to commit acts of violence and drug trafficking offenses;

(4) according to a recent National Drug Threat Assessment, criminal street gangs are responsible for much of the retail distribution of the cocaine, methamphetamine, heroin, and other illegal drugs being distributed in rural and urban communities throughout the United States;

(5) gangs commit acts of violence or drug offenses for numerous motives, such as membership in or loyalty to the gang, for protecting gang territory, and for profit;

(6) gang presence and intimidation, and the organized and repetitive nature of the crimes that

gangs and gang members commit, has a pernicious effect on the free flow of interstate commercial activities and directly affects the freedom and security of communities plagued by gang activity, diminishing the value of property, inhibiting the desire of national and multinational corporations to transact business in those communities, and in a variety of ways directly and substantially affecting interstate and foreign commerce;

(7) gangs often recruit and utilize minors to engage in acts of violence and other serious offenses out of a belief that the criminal justice systems are more lenient on juvenile offenders;

(8) gangs often intimidate and threaten witnesses to prevent successful prosecutions;

(9) gangs prey upon and incorporate minors into their ranks, exploiting the fact that adolescents have immature decision-making capacity, therefore, gang activity and recruitment can be reduced and deterred through increased vigilance, appropriate criminal penalties, partnerships between Federal and State and local law enforcement, and proactive prevention and intervention efforts, particularly targeted at juveniles and young adults, prior to and even during gang involvement;

(10) State and local prosecutors and law enforcement officers, in hearings before the Committee on the Judiciary of the Senate and elsewhere, have enlisted the help of Congress in the prevention, investigation, and prosecution of gang crimes and in the protection of witnesses and victims of gang crimes; and

(11) because State and local prosecutors and law enforcement have the expertise, experience, and connection to the community that is needed to assist in combating gang violence, consultation and coordination between Federal, State, and local law enforcement and collaboration with other community agencies is critical to the successful prosecutions of criminal street gangs and reduction of gang problems.

PART I—NEW FEDERAL CRIMINAL LAWS NEEDED TO FIGHT VIOLENT NATIONAL, INTERNATIONAL, REGIONAL, AND LOCAL GANGS THAT AFFECT INTERSTATE AND FOREIGN COMMERCE

SEC. 2221. REVISION AND EXTENSION OF PENALTIES RELATED TO CRIMINAL STREET GANG ACTIVITY.

(a) IN GENERAL.—Chapter 26 of title 18, United States Code, is amended to read as follows:

"CHAPTER 26—CRIMINAL STREET GANGS

''Sec.
''521. Definitions.
''522. Criminal street gang prosecutions.
''523. Recruitment of persons to participate in a criminal street gang.
''524. Violent crimes in furtherance of criminal street gangs.
''525. Forfeiture.

"§ 521. Definitions

''In this chapter:

''(1) CRIMINAL STREET GANG.—The term 'criminal street gang' means a formal or informal group, organization, or association of 5 or more individuals—

''(A) each of whom has committed at least 1 gang crime; and

''(B) who collectively commit 3 or more gang crimes (not less than 1 of which is a serious violent felony), in separate criminal epi-

sodes (not less than 1 of which occurs after the date of enactment of the Gang Abatement and Prevention Act of 2007, and the last of which occurs not later than 5 years after the commission of a prior gang crime (excluding any time of imprisonment for that individual)).

"(2) GANG CRIME.—The term 'gang crime' means an offense under Federal law punishable by imprisonment for more than 1 year, or a felony offense under State law that is punishable by a term of imprisonment of 5 years or more in any of the following categories:

"(A) A crime that has as an element the use, attempted use, or threatened use of physical force against the person of another, or is burglary, arson, kidnapping, or extortion.

"(B) A crime involving obstruction of justice, or tampering with or retaliating against a witness, victim, or informant.

"(C) A crime involving the manufacturing, importing, distributing, possessing with intent to distribute, or otherwise trafficking in a controlled substance or listed chemical (as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

"(D) Any conduct punishable under—

"(i) section 844 (relating to explosive materials);

"(ii) subsection (a)(1), (d), (g)(1) (where the underlying conviction is a violent felony or a serious drug offense (as those terms are defined in section 924(e)), (g)(2), (g)(3), (g)(4), (g)(5), (g)(8), (g)(9), (g)(10), (g)(11), (i), (j), (k), (n), (o), (p), (q), (u), or (x) of section 922 (relating to unlawful acts);

"(iii) subsection (b), (c), (g), (h), (k), (l), (m), or (n) of section 924 (relating to penalties);

"(iv) section 930 (relating to possession of firearms and dangerous weapons in Federal facilities);

"(v) section 931 (relating to purchase, ownership, or possession of body armor by violent felons);

"(vi) sections 1028 and 1029 (relating to fraud, identity theft, and related activity in connection with identification documents or access devices);

"(vii) section 1084 (relating to transmission of wagering information);

"(viii) section 1952 (relating to interstate and foreign travel or transportation in aid of racketeering enterprises);

"(ix) section 1956 (relating to the laundering of monetary instruments);

"(x) section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity); or

"(xi) sections 2312 through 2315 (relating to interstate transportation of stolen motor vehicles or stolen property).

"(E) Any conduct punishable under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of aliens for immoral purposes) of the Immigration and Nationality Act (8 U.S.C. 1324, 1327, and 1328).

"(F) Any crime involving aggravated sexual abuse, sexual assault, pimping or pandering involving prostitution, sexual exploitation of

children (including sections 2251, 2251A, 2252 and 2260), peonage, slavery, or trafficking in persons (including sections 1581 through 1592) and sections 2421 through 2427 (relating to transport for illegal sexual activity).

''(3) MINOR.—The term 'minor' means an individual who is less than 18 years of age.

''(4) SERIOUS VIOLENT FELONY.—The term 'serious violent felony' has the meaning given that term in section 3559.

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

"§ 522. Criminal street gang prosecutions

''(a) STREET GANG CRIME.—It shall be unlawful for any person to knowingly commit, or conspire, threaten, or attempt to commit, a gang crime for the purpose of furthering the activities of a criminal street gang, or gaining entrance to or maintaining or increasing position in a criminal street gang, if the activities of that criminal street gang occur in or affect interstate or foreign commerce.

''(b) PENALTY.—Any person who violates subsection (a) shall be fined under this title and—

"(1) for murder, kidnapping, conduct that would violate section 2241 if the conduct occurred in the special maritime and territorial jurisdiction of the United States, or maiming, imprisonment for any term of years or for life;

"(2) for any other serious violent felony, by imprisonment for not more than 30 years;

"(3) for any crime of violence that is not a serious violent felony, by imprisonment for not more than 20 years; and

"(4) for any other offense, by imprisonment for not more than 10 years.

"§ 523. Recruitment of persons to participate in a criminal street gang

"(a) PROHIBITED ACTS.—It shall be unlawful to knowingly recruit, employ, solicit, induce, command, coerce, or cause another person to be or remain as a member of a criminal street gang, or attempt or conspire to do so, with the intent to cause that person to participate in a gang crime, if the defendant travels in interstate or foreign commerce in the course of the offense, or if the activities of that criminal street gang are in or affect interstate or foreign commerce.

"(b) PENALTIES.—Whoever violates subsection (a) shall—

"(1) if the person recruited, employed, solicited, induced, commanded, coerced, or caused to participate or remain in a criminal street gang is a minor—

"(A) be fined under this title, imprisoned not more than 10 years, or both; and

"(B) at the discretion of the sentencing judge, be liable for any costs incurred by the Federal Government, or by any State or local government, for housing, maintaining, and treating the minor until the person attains the age of 18 years;

"(2) if the person who recruits, employs, solicits, induces, commands, coerces, or causes the participation or remaining in a criminal street gang is incarcerated at the time the offense takes place, be fined under this title, imprisoned not more than 10 years, or both; and

"(3) in any other case, be fined under this title, imprisoned not more than 5 years, or both.

"(c) CONSECUTIVE NATURE OF PENALTIES.—Any term of imprisonment imposed under subsection (b)(2) shall be consecutive to any term imposed for any other offense.

"§ 524. Violent crimes in furtherance of criminal street gangs

"(a) IN GENERAL.—It shall be unlawful for any person, for the purpose of gaining entrance to or maintaining or increasing position in, or in furtherance of, or in association with, a criminal street gang, or as consideration for anything of pecuniary value to or from a criminal street gang, to knowingly commit or threaten to commit against any individual a crime of violence that is an offense under Federal law punishable by imprisonment for more than 1 year or a felony offense under State law that is punishable by a term of imprisonment of 5 years or more, or attempt or conspire to do so, if the activities of the criminal street gang occur in or affect interstate or foreign commerce.

"(b) PENALTY.—Any person who violates subsection (a) shall be punished by a fine under this title and—

"(1) for murder, kidnapping, conduct that would violate section 2241 if the conduct occurred in the special maritime and territorial jurisdiction of the United States, or maiming, by imprisonment for any term of years or for life;

"(2) for a serious violent felony other than one described in paragraph (1), by imprisonment for not more than 30 years; and

"(3) in any other case, by imprisonment for not more than 20 years.

"§ 525. Forfeiture

"(a) CRIMINAL FORFEITURE.—A person who is convicted of a violation of this chapter shall forfeit to the United States—

"(1) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the violation; and

"(2) any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the violation.

"(b) PROCEDURES APPLICABLE.—Pursuant to section 2461(c) of title 28, the provisions of section 413 of the Controlled Substances Act (21 U.S.C. 853), except subsections (a) and (d) of that section, shall apply to the criminal forfeiture of property under this section.".

(b) AMENDMENT RELATING TO PRIORITY OF FORFEITURE OVER ORDERS FOR RESTITUTION.—Section 3663(c)(4) of title 18, United States Code, is amended by striking "chapter 46 or" and inserting "chapter 26, chapter 46, or".

(c) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ", section 522 (relating to criminal street gang prosecutions),

523 (relating to recruitment of persons to participate in a criminal street gang), and 524 (relating to violent crimes in furtherance of criminal street gangs)'' before '', section 541''.

PART II—VIOLENT CRIME REFORMS TO REDUCE GANG VIOLENCE

SEC. 2241. VIOLENT CRIMES IN AID OF RACKETEERING ACTIVITY.

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

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

(A) by inserting ''or in furtherance or in aid of an enterprise engaged in racketeering activity,'' before ''murders,''; and

(B) by inserting ''engages in conduct that would violate section 2241 if the conduct occurred in the special maritime and territorial jurisdiction of the United States,'' before ''maims,'';

(2) in paragraph (1), by inserting ''conduct that would violate section 2241 if the conduct occurred in the special maritime and territorial jurisdiction of the United States, or maiming,'' after ''kidnapping,'';

(3) in paragraph (2), by striking ''maiming'' and inserting ''assault resulting in serious bodily injury'';

(4) in paragraph (3), by striking ''or assault resulting in serious bodily injury'';

(5) in paragraph (4)—

(A) by striking ''five years'' and inserting ''10 years''; and

(B) by adding ''and'' at the end; and

(6) by striking paragraphs (5) and (6) and inserting the following:

''(5) for attempting or conspiring to commit any offense under this section, by the same penalties (other than the death penalty) as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy.''.

SEC. 2242. MURDER AND OTHER VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME.

(a) IN GENERAL.—Part D of the Controlled Substances Act (21 U.S.C. 841 et seq.) is amended by adding at the end the following:

"SEC. 424. MURDER AND OTHER VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME.

"(a) IN GENERAL.—Whoever, during and in relation to any drug trafficking crime, knowingly commits any crime of violence against any individual that is an offense under Federal law punishable by imprisonment for more than 1 year or a felony offense under State law that is punishable by a term of imprisonment of 5 years or more, or threatens, attempts or conspires to do so, shall be punished by a fine under title 18, United States Code, and—

"(1) for murder, kidnapping, conduct that would violate section 2241 if the conduct occurred in the special maritime and territorial jurisdiction of the United States, or maiming, by imprisonment for any term of years or for life;

"(2) for a serious violent felony (as defined in section 3559 of title 18, United States Code) other than one described in paragraph (1) by imprisonment for not more than 30 years;

"(3) for a crime of violence that is not a serious violent felony, by imprisonment for not more than 20 years; and

"(4) in any other case by imprisonment for not more than 10 years.

"(b) VENUE.—A prosecution for a violation of this section may be brought in—

"(1) the judicial district in which the murder or other crime of violence occurred; or

"(2) any judicial district in which the drug trafficking crime may be prosecuted.

"(c) DEFINITIONS.—In this section—

"(1) the term 'crime of violence' has the meaning given that term in section 16 of title 18, United States Code; and

"(2) the term 'drug trafficking crime' has the meaning given that term in section 924(c)(2) of title 18, United States Code.".

(b) CLERICAL AMENDMENT.—The table of contents for the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91–513; 84 Stat. 1236) is amended by inserting after the item relating to section 423, the following:

"Sec. 424. Murder and other violent crimes committed during and in relation to a drug trafficking crime.".

SEC. 2243. EXPANSION OF REBUTTABLE PRESUMPTION AGAINST RELEASE OF PERSONS CHARGED WITH FIREARMS OFFENSES.

Section 3142(e) of title 18, United States Code, is amended in the matter following paragraph (3), by inserting after "that the person committed" the following: "an

offense under subsection (g)(1) (where the underlying conviction is a drug trafficking crime or crime of violence (as those terms are defined in section 924(c))), (g)(2), (g)(3), (g)(4), (g)(5), (g)(8), (g)(9), (g)(10), or (g)(11) of section 922,''.

SEC. 2244. STATUTE OF LIMITATIONS FOR VIOLENT CRIME.

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

''§ 3299A. Violent crime offenses

''No person shall be prosecuted, tried, or punished for any noncapital felony crime of violence, including any racketeering activity or gang crime which involves any crime of violence, unless the indictment is found or the information is instituted not later than 10 years after the date on which the alleged violation occurred or the continuing offense was completed.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following:

''3299A. Violent crime offenses.''.

SEC. 2245. STUDY OF HEARSAY EXCEPTION FOR FORFEITURE BY WRONGDOING.

The Judicial Conference of the United States shall study the necessity and desirability of amending section 804(b) of the Federal Rules of Evidence to permit the in-

troduction of statements against a party by a witness who has been made unavailable where it is reasonably foreseeable by that party that wrongdoing would make the declarant unavailable.

SEC. 2246. POSSESSION OF FIREARMS BY DANGEROUS FELONS.

(a) IN GENERAL.—Section 924(e) of title 18, United States Code, is amended by striking paragraph (1) and inserting the following:

''(1) In the case of a person who violates section 922(g) of this title and has previously been convicted by any court referred to in section 922(g)(1) of a violent felony or a serious drug offense shall—

''(A) in the case of 1 such prior conviction, where a period of not more than 10 years has elapsed since the later of the date of conviction and the date of release of the person from imprisonment for that conviction, be imprisoned for not more than 15 years, fined under this title, or both;

''(B) in the case of 2 such prior convictions, committed on occasions different from one another, and where a period of not more than 10 years has elapsed since the later of the date of conviction and the date of release of the person from imprisonment for the most recent such conviction, be imprisoned

for not more than 20 years, fined under this title, or both; and

"(C) in the case of 3 such prior convictions, committed on occasions different from one another, and where a period of not more than 10 years has elapsed since the later of date of conviction and the date of release of the person from imprisonment for the most recent such conviction, be imprisoned for any term of years not less than 15 years or for life and fined under this title, and notwithstanding any other provision of law, the court shall not suspend the sentence of, or grant a probationary sentence to, such person with respect to the conviction under section 922(g).".

(b) AMENDMENT TO SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to provide for an appropriate increase in the offense level for violations of section 922(g) of title 18, United States Code, in accordance with section 924(e) of that title 18, as amended by subsection (a).

SEC. 2247. CONFORMING AMENDMENT.

The matter preceding paragraph (1) in section 922(d) of title 18, United States Code, is amended by inserting ", transfer," after "sell".

SEC. 2248. AMENDMENTS RELATING TO VIOLENT CRIME.

(a) CARJACKING.—Section 2119 of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking ", with the intent" and all that follows through "to do so, shall" and inserting "knowingly takes a motor vehicle that has been transported, shipped, or received in interstate or foreign commerce from the person of another by force and violence or by intimidation, causing a reasonable apprehension of fear of death or serious bodily injury in an individual, or attempts or conspires to do so, shall";

(2) in paragraph (1), by striking "15 years" and inserting "20 years";

(3) in paragraph (2), by striking "or imprisoned not more than 25 years, or both" and inserting "and imprisoned for any term of years or for life"; and

(4) in paragraph (3), by inserting "the person takes or attempts to take the motor vehicle in violation of this section with intent to cause death or

cause serious bodily injury, and'' before ''death results''.

(b) CLARIFICATION AND STRENGTHENING OF PROHIBITION ON ILLEGAL GUN TRANSFERS TO COMMIT DRUG TRAFFICKING CRIME OR CRIME OF VIOLENCE.—Section 924(h) of title 18, United States Code, is amended to read as follows:

''(h) Whoever knowingly transfers a firearm that has moved in or that otherwise affects interstate or foreign commerce, knowing that the firearm will be used to commit, or possessed in furtherance of, a crime of violence (as defined in subsection (c)(3)) or drug trafficking crime (as defined in subsection (c)(2)) shall be fined under this title and imprisoned not more than 20 years.''.

(c) AMENDMENT OF SPECIAL SENTENCING PROVISION RELATING TO LIMITATIONS ON CRIMINAL ASSOCIATION.—Section 3582(d) of title 18, United States Code, is amended—

(1) by inserting ''chapter 26 of this title (criminal street gang prosecutions) or in'' after ''felony set forth in''; and

(2) by inserting ''a criminal street gang or'' before ''an illegal enterprise''.

(d) CONSPIRACY PENALTY.—Section 371 of title 18, United States Code, is amended by striking ''five years,

or both.'' and inserting ''10 years (unless the maximum penalty for the crime that served as the object of the conspiracy has a maximum penalty of imprisonment of less than 10 years, in which case the maximum penalty under this section shall be the penalty for such crime), or both. This paragraph does not supersede any other penalty specifically set forth for a conspiracy offense.''.

SEC. 2249. PUBLICITY CAMPAIGN ABOUT NEW CRIMINAL PENALTIES.

The Attorney General is authorized to conduct media campaigns in any area designated as a high intensity gang activity area under section 2261 and any area with existing and emerging problems with gangs, as needed, to educate individuals in that area about the changes in criminal penalties made by this subtitle, and shall report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives the amount of expenditures and all other aspects of the media campaign.

SEC. 2250. STATUTE OF LIMITATIONS FOR TERRORISM OFFENSES.

Section 3286(a) of title 18, United States Code, is amended—

(1) in the subsection heading, by striking ''EIGHT-YEAR'' and inserting ''TEN-YEAR''; and

(2) in the first sentence, by striking ''8 years'' and inserting ''10 years''.

SEC. 2251. CRIMES COMMITTED IN INDIAN COUNTRY OR EXCLUSIVE FEDERAL JURISDICTION AS RACKETEERING PREDICATES.

Section 1961(1)(A) of title 18, United States Code, is amended by inserting '', or would have been so chargeable if the act or threat (other than gambling) had not been committed in Indian country (as defined in section 1151) or in any other area of exclusive Federal jurisdiction,'' after ''chargeable under State law''.

SEC. 2252. PREDICATE CRIMES FOR AUTHORIZATION OF INTERCEPTION OF WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS.

Section 2516(1) of title 18, United States Code, is amended—

(1) by striking ''or'' and the end of paragraph (r);

(2) by redesignating paragraph (s) as paragraph (u); and

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

''(s) any violation of section 424 of the Controlled Substances Act (relating to murder and other

violent crimes in furtherance of a drug trafficking crime);

"(t) any violation of section 522, 523, or 524 (relating to criminal street gangs); or".

SEC. 2253. CLARIFICATION OF HOBBS ACT.

Section 1951(b) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting "including the unlawful impersonation of a law enforcement officer (as that term is defined in section 245(c) of this title)," after "by means of actual or threatened force,"; and

(2) in paragraph (2), by inserting "including the unlawful impersonation of a law enforcement officer (as that term is defined in section 245(c) of this title)," after "by wrongful use of actual or threatened force,".

SEC. 2254. INTERSTATE TAMPERING WITH OR RETALIATION AGAINST A WITNESS, VICTIM, OR INFORMANT IN A STATE CRIMINAL PROCEEDING.

(a) IN GENERAL.—Chapter 73 of title 18, United States Code, is amended by inserting after section 1513 the following:

"§ 1513A. Interstate tampering with or retaliation against a witness, victim, or informant in a State criminal proceeding

''(a) IN GENERAL.—It shall be unlawful for any person—

''(1) to travel in interstate or foreign commerce, or to use the mail or any facility in interstate or foreign commerce, or to employ, use, command, counsel, persuade, induce, entice, or coerce any individual to do the same, with the intent to—

''(A) use or threaten to use any physical force against any witness, informant, victim, or other participant in a State criminal proceeding in an effort to influence or prevent participation in such proceeding, or to retaliate against such individual for participating in such proceeding; or

''(B) threaten, influence, or prevent from testifying any actual or prospective witness in a State criminal proceeding; or

''(2) to attempt or conspire to commit an offense under subparagraph (A) or (B) of paragraph (1).

''(b) PENALTIES.—

''(1) USE OF FORCE.—Any person who violates subsection (a)(1)(A) by use of force—

"(A) shall be fined under this title, imprisoned not more than 20 years, or both; and

"(B) if death, kidnapping, or serious bodily injury results, shall be fined under this title, imprisoned for any term of years or for life, or both.

"(2) OTHER VIOLATIONS.—Any person who violates subsection (a)(1)(A) by threatened use of force or violates paragraph (1)(B) or (2) of subsection (a) shall be fined under this title, imprisoned not more than 10 years, or both.

"(c) VENUE.—A prosecution under this section may be brought in the district in which the official proceeding (whether or not pending, about to be instituted or was completed) was intended to be affected or was completed, or in which the conduct constituting the alleged offense occurred.".

(b) CONFORMING AMENDMENT.—Section 1512 is amended, in the section heading, by adding at the end the following: "**IN A FEDERAL PROCEEDING**".

(c) CHAPTER ANALYSIS.—The table of sections for chapter 73 of title 18, United States Code, is amended—

(1) by striking the item relating to section 1512 and inserting the following:

"1512. Tampering with a witness, victim, or an informant in a Federal proceeding.";

and

(2) by inserting after the item relating to section 1513 the following:

"1513A. Interstate tampering with or retaliation against a witness, victim, or informant in a State criminal proceeding.".

SEC. 2255. AMENDMENT OF SENTENCING GUIDELINES.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend its guidelines and policy statements to conform with this part and the amendments made by this part.

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

(1) establish new guidelines and policy statements, as warranted, in order to implement new or revised criminal offenses under this part and the amendments made by this part;

(2) consider the extent to which the guidelines and policy statements adequately address—

(A) whether the guidelines offense levels and enhancements—

(i) are sufficient to deter and punish such offenses; and

(ii) are adequate in view of the statutory increases in penalties contained in this

part and the amendments made by this part; and

(B) whether any existing or new specific offense characteristics should be added to reflect congressional intent to increase penalties for the offenses set forth in this part and the amendments made by this part;

(3) ensure that specific offense characteristics are added to increase the guideline range—

(A) by at least 2 offense levels, if a criminal defendant committing a gang crime or gang recruiting offense was an alien who was present in the United States in violation of section 275 or 276 of the Immigration and Nationality Act (8 U.S.C. 1325 and 1326) at the time the offense was committed; and

(B) by at least 4 offense levels, if such defendant had also previously been ordered removed or deported under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on the grounds of having committed a crime;

(4) determine under what circumstances a sentence of imprisonment imposed under this part or the amendments made by this part shall run consecutively to any other sentence of imprisonment im-

posed for any other crime, except that the Commission shall ensure that a sentence of imprisonment imposed under section 424 of the Controlled Substances Act (21 U.S.C. 841 et seq.), as added by this Act, shall run consecutively, to an extent that the Sentencing Commission determines appropriate, to the sentence imposed for the underlying drug trafficking offense;

(5) account for any aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(6) ensure reasonable consistency with other relevant directives, other sentencing guidelines, and statutes;

(7) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

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

PART III—INCREASED FEDERAL RESOURCES TO DETER AND PREVENT SERIOUSLY AT-RISK YOUTH FROM JOINING ILLEGAL STREET GANGS AND FOR OTHER PURPOSES

SEC. 2261. DESIGNATION OF AND ASSISTANCE FOR HIGH INTENSITY GANG ACTIVITY AREAS.

(a) DEFINITIONS.—In this section:

(1) GOVERNOR.—The term ''Governor'' means a Governor of a State, the Mayor of the District of Columbia, the tribal leader of an Indian tribe, or the chief executive of a Commonwealth, territory, or possession of the United States.

(2) HIGH INTENSITY GANG ACTIVITY AREA.—The term ''high intensity gang activity area'' or ''HIGAA'' means an area within 1 or more States or Indian country that is designated as a high intensity gang activity area under subsection (b)(1).

(3) INDIAN COUNTRY.—The term ''Indian country'' has the meaning given the term in section 1151 of title 18, United States Code.

(4) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(5) STATE.—The term ''State'' means a State of the United States, the District of Columbia, and

any commonwealth, territory, or possession of the United States.

(6) TRIBAL LEADER.—The term ''tribal leader'' means the chief executive officer representing the governing body of an Indian tribe.

(b) HIGH INTENSITY GANG ACTIVITY AREAS.—

(1) DESIGNATION.—The Attorney General, after consultation with the Governors of appropriate States, may designate as high intensity gang activity areas, specific areas that are located within 1 or more States, which may consist of 1 or more municipalities, counties, or other jurisdictions as appropriate.

(2) ASSISTANCE.—In order to provide Federal assistance to high intensity gang activity areas, the Attorney General shall—

(A) establish local collaborative working groups, which shall include—

(i) criminal street gang enforcement teams, consisting of Federal, State, tribal, and local law enforcement authorities, for the coordinated investigation, disruption, apprehension, and prosecution of criminal street gangs and offenders in each high intensity gang activity area;

(ii) educational, community, and faith leaders in the area;

(iii) service providers in the community, including those experienced at reaching youth and adults who have been involved in violence and violent gangs or groups, to provide gang-involved or seriously at-risk youth with positive alternatives to gangs and other violent groups and to address the needs of those who leave gangs and other violent groups, and those reentering society from prison; and

(iv) evaluation teams to research and collect information, assess data, recommend adjustments, and generally assure the accountability and effectiveness of program implementation;

(B) direct the reassignment or detailing from any Federal department or agency (subject to the approval of the head of that department or agency, in the case of a department or agency other than the Department of Justice) of personnel to each criminal street gang enforcement team;

(C) direct the reassignment or detailing of representatives from—

(i) the Department of Justice;

(ii) the Department of Education;

(iii) the Department of Labor;

(iv) the Department of Health and Human Services;

(v) the Department of Housing and Urban Development; and

(vi) any other Federal department or agency (subject to the approval of the head of that department or agency, in the case of a department or agency other than the Department of Justice) to each high intensity gang activity area to identify and coordinate efforts to access Federal programs and resources available to provide gang prevention, intervention, and reentry assistance;

(D) prioritize and administer the Federal program and resource requests made by the local collaborative working group established under subparagraph (A) for each high intensity gang activity area;

(E) provide all necessary funding for the operation of each local collaborative working group in each high intensity gang activity area; and

(F) provide all necessary funding for national and regional meetings of local collaborative working groups, criminal street gang enforcement teams, and educational, community, social service, faith-based, and all other related organizations, as needed, to ensure effective operation of such teams through the sharing of intelligence and best practices and for any other related purpose.

(3) COMPOSITION OF CRIMINAL STREET GANG ENFORCEMENT TEAM.—Each team established under paragraph (2)(A)(i) shall consist of agents and officers, where feasible, from—

(A) the Federal Bureau of Investigation;

(B) the Drug Enforcement Administration;

(C) the Bureau of Alcohol, Tobacco, Firearms, and Explosives;

(D) the United States Marshals Service;

(E) the Department of Homeland Security;

(F) the Department of Housing and Urban Development;

(G) State, local, and, where appropriate, tribal law enforcement;

(H) Federal, State, and local prosecutors; and

(I) the Bureau of Indian Affairs, Office of Law Enforcement Services, where appropriate.

(4) CRITERIA FOR DESIGNATION.—In considering an area for designation as a high intensity gang activity area under this section, the Attorney General shall consider—

(A) the current and predicted levels of gang crime activity in the area;

(B) the extent to which qualitative and quantitative data indicate that violent crime in the area is related to criminal street gang activity, such as murder, robbery, assaults, carjacking, arson, kidnapping, extortion, drug trafficking, and other criminal activity;

(C) the extent to which State, local, and, where appropriate, tribal law enforcement agencies, schools, community groups, social service agencies, job agencies, faith-based organizations, and other organizations have committed resources to—

(i) respond to the gang crime problem; and

(ii) participate in a gang enforcement team;

(D) the extent to which a significant increase in the allocation of Federal resources would enhance local response to the gang crime activities in the area; and

(E) any other criteria that the Attorney General considers to be appropriate.

(5) RELATION TO HIDTAS.—If the Attorney General establishes a high intensity gang activity area that substantially overlaps geographically with any existing high intensity drug trafficking area (in this section referred to as a ''HIDTA''), the Attorney General shall direct the local collaborative working group for that high intensity gang activity area to enter into an agreement with the Executive Board for that HIDTA, providing that—

(A) the Executive Board of that HIDTA shall establish a separate high intensity gang activity area law enforcement steering committee, and select (with a preference for Federal, State, and local law enforcement agencies that are within the geographic area of that high

intensity gang activity area) the members of that committee, subject to the concurrence of the Attorney General;

(B) the high intensity gang activity area law enforcement steering committee established under subparagraph (A) shall administer the funds provided under subsection (g)(1) for the criminal street gang enforcement team, after consulting with, and consistent with the goals and strategies established by, that local collaborative working group;

(C) the high intensity gang activity area law enforcement steering committee established under subparagraph (A) shall select, from Federal, State, and local law enforcement agencies within the geographic area of that high intensity gang activity area, the members of the Criminal Street Gang Enforcement Team, in accordance with paragraph (3); and

(D) the Criminal Street Gang Enforcement Team of that high intensity gang activity area, and its law enforcement steering committee, may, with approval of the Executive Board of the HIDTA with which it substantially over-

laps, utilize the intelligence-sharing, administrative, and other resources of that HIDTA.

(c) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than December 1 of each year, the Attorney General shall submit a report to the appropriate committees of Congress and the Director of the Office of Management and Budget and the Domestic Policy Council that describes, for each designated high intensity gang activity area—

(A) the specific long-term and short-term goals and objectives;

(B) the measurements used to evaluate the performance of the high intensity gang activity area in achieving the long-term and short-term goals;

(C) the age, composition, and membership of gangs;

(D) the number and nature of crimes committed by gangs and gang members;

(E) the definition of the term ''gang'' used to compile that report; and

(F) the programmatic outcomes and funding need of the high intensity gang area, including—

(i) an evidence-based analysis of the best practices and outcomes from the work of the relevant local collaborative working group; and

(ii) an analysis of whether Federal resources distributed meet the needs of the high intensity gang activity area and, if any programmatic funding shortfalls exist, recommendations for programs or funding to meet such shortfalls.

(2) APPROPRIATE COMMITTEES.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on the Judiciary, the Committee on Appropriations, and the Committee on Health, Education, Labor, and Pensions of the Senate; and

(B) the Committee on the Judiciary, the Committee on Appropriations, the Committee on Education and Labor, and the Committee on Energy and Commerce of the House of Representatives.

(d) ADDITIONAL ASSISTANT UNITED STATES ATTORNEYS.—The Attorney General is authorized to hire 94 additional Assistant United States attorneys, and non-

1 attorney coordinators and paralegals as necessary, to
2 carry out the provisions of this section.

3 (e) ADDITIONAL DEFENSE COUNSEL.—In each of
4 the fiscal years 2008 through 2012, the Director of the
5 Administrative Office of the United States Courts is au-
6 thorized to hire 71 additional attorneys, nonattorney coor-
7 dinators, and investigators, as necessary, in Federal De-
8 fender Programs and Federal Community Defender Orga-
9 nizations, and to make additional payments as necessary
10 to retain appointed counsel under section 3006A of title
11 18, United States Code, to adequately respond to any in-
12 creased or expanded caseloads that may occur as a result
13 of this subtitle or the amendments made by this subtitle.
14 Funding under this subsection shall not exceed the fund-
15 ing levels under subsection (d).

16 (f) NATIONAL GANG RESEARCH, EVALUATION, AND
17 POLICY INSTITUTE.—

18 (1) IN GENERAL.—The Office of Justice Pro-
19 grams of the Department of Justice, after consulting
20 with relevant law enforcement officials, practitioners
21 and researchers, shall establish a National Gang Re-
22 search, Evaluation, and Policy Institute (in this sub-
23 section referred to as the ''Institute'').

24 (2) ACTIVITIES.—The Institute shall—

(A) promote and facilitate the implementation of data-driven, effective gang violence suppression, prevention, intervention, and reentry models, such as the Operation Ceasefire model, the Strategic Public Health Approach, the Gang Reduction Program, or any other promising municipally driven, comprehensive community-wide strategy that is demonstrated to be effective in reducing gang violence;

(B) assist jurisdictions by conducting timely research on effective models and designing and promoting implementation of effective local strategies, including programs that have objectives and data on how they reduce gang violence (including shootings and killings), using prevention, outreach, and community approaches, and that demonstrate the efficacy of these approaches; and

(C) provide and contract for technical assistance as needed in support of its mission.

(3) NATIONAL CONFERENCE.—Not later than 90 days after the date of its formation, the Institute shall design and conduct a national conference to reduce and prevent gang violence, and to teach and promote gang violence prevention, intervention, and

reentry strategies. The conference shall be attended by appropriate representatives from criminal street gang enforcement teams, and local collaborative working groups, including representatives of educational, community, religious, and social service organizations, and gang program and policy research evaluators.

(4) NATIONAL DEMONSTRATION SITES.—Not later than 120 days after the date of its formation, the Institute shall select appropriate HIGAA areas to serve as primary national demonstration sites, based on the nature, concentration, and distribution of various gang types, the jurisdiction's established capacity to integrate prevention, intervention, reentry and enforcement efforts, and the range of particular gang-related issues. After establishing primary national demonstration sites, the Institute shall establish such other secondary sites, to be linked to and receive evaluation, research, and technical assistance through the primary sites, as it may determine appropriate.

(5) DISSEMINATION OF INFORMATION.—Not later than 180 days after the date of its formation, the Institute shall develop and begin dissemination of information about methods to effectively reduce

and prevent gang violence, including guides, research and assessment models, case studies, evaluations, and best practices. The Institute shall also create a website, designed to support the implementation of successful gang violence prevention models, and disseminate appropriate information to assist jurisdictions in reducing gang violence.

(6) GANG INTERVENTION ACADEMIES.—Not later than 6 months after the date of its formation, the Institute shall, either directly or through contracts with qualified nonprofit organizations, establish not less than 1 training academy, located in a high intensity gang activity area, to promote effective gang intervention and community policing. The purposes of an academy established under this paragraph shall be to increase professionalism of gang intervention workers, improve officer training for working with gang intervention workers, create best practices for independent cooperation between officers and intervention workers, and develop training for community policing.

(7) SUPPORT.—The Institute shall obtain initial and continuing support from experienced researchers and practitioners, as it determines necessary, to test

and assist in implementing its strategies nationally, regionally, and locally.

(8) RESEARCH AGENDA.—The Institute shall establish and implement a core research agenda designed to address areas of particular challenge, including—

(A) how best to apply and continue to test the models described in paragraph (2) in particularly large jurisdictions;

(B) how to foster and maximize the continuing impact of community moral voices in this context;

(C) how to ensure the long-term sustainability of reduced violent crime levels once initial levels of enthusiasm may subside; and

(D) how to apply existing intervention frameworks to emerging local, regional, national, or international gang problems, such as the emergence of the gang known as MS–13.

(9) EVALUATION.—The National Institute of Justice shall evaluate, on a continuing basis, comprehensive gang violence prevention, intervention, suppression, and reentry strategies supported by the Institute, and shall report the results of these evaluations by no later than October 1 each year to the

Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(10) FUNDS.—The Attorney General shall use not less than 3 percent, and not more than 5 percent, of the amounts made available under this section to establish and operate the Institute.

(g) USE OF FUNDS.—Of amounts made available to a local collaborative working group under this section for each fiscal year that are remaining after the costs of hiring a full time coordinator for the local collaborative effort—

(1) 50 percent shall be used for the operation of criminal street gang enforcement teams; and

(2) 50 percent shall be used—

(A) to provide at-risk youth with positive alternatives to gangs and other violent groups and to address the needs of those who leave gangs and other violent groups through—

(i) service providers in the community, including schools and school districts; and

(ii) faith leaders and other individuals experienced at reaching youth who have been involved in violence and violent gangs or groups;

(B) for the establishment and operation of the National Gang Research, Evaluation, and Policy Institute; and

(C) to support and provide technical assistance to research in criminal justice, social services, and community gang violence prevention collaborations.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $75,000,000 for each of fiscal years 2008 through 2012. Any funds made available under this subsection shall remain available until expended.

SEC. 2262. GANG PREVENTION GRANTS.

(a) AUTHORITY TO MAKE GRANTS.—The Office of Justice Programs of the Department of Justice may make grants, in accordance with such regulations as the Attorney General may prescribe, to States, units of local government, tribal governments, and qualified private entities, to develop community-based programs that provide crime prevention, research, and intervention services that are designed for gang members and at-risk youth.

(b) USE OF GRANT AMOUNTS.—A grant under this section may be used (including through subgrants) for—

(1) preventing initial gang recruitment and involvement among younger teenagers;

(2) reducing gang involvement through nonviolent and constructive activities, such as community service programs, development of nonviolent conflict resolution skills, employment and legal assistance, family counseling, and other safe, community-based alternatives for high-risk youth;

(3) developing in-school and after-school gang safety, control, education, and resistance procedures and programs;

(4) identifying and addressing early childhood risk factors for gang involvement, including parent training and childhood skills development;

(5) identifying and fostering protective factors that buffer children and adolescents from gang involvement;

(6) developing and identifying investigative programs designed to deter gang recruitment, involvement, and activities through effective intelligence gathering;

(7) developing programs and youth centers for first-time nonviolent offenders facing alternative penalties, such as mandated participation in community service, restitution, counseling, and education and prevention programs;

(8) implementing regional, multidisciplinary approaches to combat gang violence though coordinated programs for prevention and intervention (including street outreach programs and other peacemaking activities) or coordinated law enforcement activities (including regional gang task forces and regional crime mapping strategies that enhance focused prosecutions and reintegration strategies for offender reentry); or

(9) identifying at-risk and high-risk students through home visits organized through joint collaborations between law enforcement, faith-based organizations, schools, and social workers.

(c) GRANT REQUIREMENTS.—

(1) MAXIMUM.—The amount of a grant under this section may not exceed $1,000,000.

(2) CONSULTATION AND COOPERATION.—Each recipient of a grant under this section shall have in effect on the date of the application by that entity agreements to consult and cooperate with local, State, or Federal law enforcement and participate, as appropriate, in coordinated efforts to reduce gang activity and violence.

(d) ANNUAL REPORT.—Each recipient of a grant under this section shall submit to the Attorney General,

for each year in which funds from a grant received under this section are expended, a report containing—

(1) a summary of the activities carried out with grant funds during that year;

(2) an assessment of the effectiveness of the crime prevention, research, and intervention activities of the recipient, based on data collected by the grant recipient;

(3) a strategic plan for the year following the year described in paragraph (1);

(4) evidence of consultation and cooperation with local, State, or Federal law enforcement or, if the grant recipient is a government entity, evidence of consultation with an organization engaged in any activity described in subsection (b); and

(5) such other information as the Attorney General may require.

(e) DEFINITION.—In this section, the term ''units of local government'' includes sheriffs departments, police departments, and local prosecutor offices.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section $35,000,000 for each of the fiscal years 2008 through 2012.

SEC. 2263. ENHANCEMENT OF PROJECT SAFE NEIGHBORHOODS INITIATIVE TO IMPROVE ENFORCEMENT OF CRIMINAL LAWS AGAINST VIOLENT GANGS.

(a) IN GENERAL.—While maintaining the focus of Project Safe Neighborhoods as a comprehensive, strategic approach to reducing gun violence in America, the Attorney General is authorized to expand the Project Safe Neighborhoods program to require each United States attorney to—

(1) identify, investigate, and prosecute significant criminal street gangs operating within their district; and

(2) coordinate the identification, investigation, and prosecution of criminal street gangs among Federal, State, and local law enforcement agencies.

(b) ADDITIONAL STAFF FOR PROJECT SAFE NEIGHBORHOODS.—

(1) IN GENERAL.—The Attorney General may hire Assistant United States attorneys, non-attorney coordinators, or paralegals to carry out the provisions of this section.

(2) ENFORCEMENT.—The Attorney General may hire Bureau of Alcohol, Tobacco, Firearms, and Explosives agents for, and otherwise expend additional resources in support of, the Project Safe

Neighborhoods/Firearms Violence Reduction program.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $20,000,000 for each of fiscal years 2008 through 2012 to carry out this section. Any funds made available under this paragraph shall remain available until expended.

SEC. 2264. ADDITIONAL RESOURCES NEEDED BY THE FEDERAL BUREAU OF INVESTIGATION TO INVESTIGATE AND PROSECUTE VIOLENT CRIMINAL STREET GANGS.

(a) EXPANSION OF SAFE STREETS PROGRAM.—The Attorney General is authorized to expand the Safe Streets Program of the Federal Bureau of Investigation for the purpose of supporting criminal street gang enforcement teams.

(b) NATIONAL GANG ACTIVITY DATABASE.—

(1) IN GENERAL.—The Attorney General shall establish a National Gang Activity Database to be housed at and administered by the Department of Justice.

(2) DESCRIPTION.—The database required by paragraph (1) shall—

(A) be designed to disseminate gang information to law enforcement agencies throughout the country and, subject to appropriate controls, to disseminate aggregate statistical information to other members of the criminal justice system, community leaders, academics, and the public;

(B) contain critical information on gangs, gang members, firearms, criminal activities, vehicles, and other information useful for investigators in solving and reducing gang-related crimes;

(C) operate in a manner that enables law enforcement agencies to—

(i) identify gang members involved in crimes;

(ii) track the movement of gangs and members throughout the region;

(iii) coordinate law enforcement response to gang violence;

(iv) enhance officer safety;

(v) provide realistic, up-to-date figures and statistical data on gang crime and violence;

(vi) forecast trends and respond accordingly; and

(vii) more easily solve crimes and prevent violence; and

(D) be subject to guidelines, issued by the Attorney General, specifying the criteria for adding information to the database, the appropriate period for retention of such information, and a process for removing individuals from the database, and prohibiting disseminating gang information to any entity that is not a law enforcement agency, except aggregate statistical information where appropriate.

(3) USE OF RISS SECURE INTRANET.—From amounts made available to carry out this section, the Attorney General shall provide the Regional Information Sharing Systems such sums as are necessary to use the secure intranet known as RISSNET to electronically connect existing gang information systems (including the RISSGang National Gang Database) with the National Gang Activity Database, thereby facilitating the automated information exchange of existing gang data by all connected systems without the need for additional databases or data replication.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise authorized, there are authorized to be appropriated to the Attorney General $10,000,000 for each of fiscal years 2008 through 2012 to carry out this section.

(2) AVAILABILITY.—Any amounts appropriated under paragraph (1) shall remain available until expended.

SEC. 2265. GRANTS TO PROSECUTORS AND LAW ENFORCEMENT TO COMBAT VIOLENT CRIME.

(a) IN GENERAL.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

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

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

(3) by adding at the end the following:

''(5) to hire additional prosecutors to—

''(A) allow more cases to be prosecuted; and

''(B) reduce backlogs; and

''(6) to fund technology, equipment, and training for prosecutors and law enforcement in order to

increase accurate identification of gang members and violent offenders, and to maintain databases with such information to facilitate coordination among law enforcement and prosecutors.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

''SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $20,000,000 for each of the fiscal years 2008 through 2012 to carry out this subtitle.''.

SEC. 2266. EXPANSION AND REAUTHORIZATION OF THE MENTORING INITIATIVE FOR SYSTEM INVOLVED YOUTH.

(a) EXPANSION.—Section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5665(a)) is amended by adding at the end the following: ''The Administrator shall expand the number of sites receiving such grants from 4 to 12.''.

(b) AUTHORIZATION OF PROGRAM.—Section 299(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(c)) is amended—

(1) by striking ''There are authorized'' and inserting the following:

"(1) IN GENERAL.—There are authorized"; and

(2) by adding at the end the following:

"(2) AUTHORIZATION OF APPROPRIATIONS FOR MENTORING INITIATIVE.—There are authorized to be appropriated to carry out the Mentoring Initiative for System Involved Youth Program under part E $4,800,000 for each of fiscal years 2008 through 2012.".

SEC. 2267. DEMONSTRATION GRANTS TO ENCOURAGE CREATIVE APPROACHES TO GANG ACTIVITY AND AFTER-SCHOOL PROGRAMS.

(a) IN GENERAL.—The Attorney General may make grants to public or nonprofit private entities (including faith-based organizations) for the purpose of assisting the entities in carrying out projects involving innovative approaches to combat gang activity.

(b) CERTAIN APPROACHES.—Approaches under subsection (a) may include the following:

(1) Encouraging teen-driven approaches to gang activity prevention.

(2) Educating parents to recognize signs of problems and potential gang involvement in their children.

(3) Teaching parents the importance of a nurturing family and home environment to keep children out of gangs.

(4) Facilitating communication between parents and children, especially programs that have been evaluated and proven effective.

(c) MATCHING FUNDS.—

(1) IN GENERAL.—The Attorney General may make a grant under this section only if the entity receiving the grant agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward the cost of activities to be performed with that grant in an amount that is not less than 25 percent of such costs.

(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required under paragraph (1) may be in cash or in kind, fairly evaluated, including facilities, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

(d) EVALUATION OF PROJECTS.—

(1) IN GENERAL.—The Attorney General shall establish criteria for the evaluation of projects involving innovative approaches under subsection (a).

(2) GRANTEES.—A grant may be made under subsection (a) only if the entity involved—

(A) agrees to conduct evaluations of the approach in accordance with the criteria established under paragraph (1);

(B) agrees to submit to the Attorney General reports describing the results of the evaluations, as the Attorney General determines to be appropriate; and

(C) submits to the Attorney General, in the application under subsection (e), a plan for conducting the evaluations.

(e) APPLICATION FOR GRANT.—A public or nonprofit private entity desiring a grant under this section shall submit an application in such form, in such manner, and containing such agreements, assurances, and information (including the agreements under subsections (c) and (d) and the plan under subsection (d)(2)(C)) as the Attorney General determines appropriate.

(f) REPORT TO CONGRESS.—Not later than February 1 of each year, the Attorney General shall submit to Congress a report describing the extent to which the ap-

proaches under subsection (a) have been successful in reducing the rate of gang activity in the communities in which the approaches have been carried out. Each report under this subsection shall describe the various approaches used under subsection (a) and the effectiveness of each of the approaches.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 to carry out this section for each of the fiscal years 2008 through 2012.

SEC. 2268. SHORT-TERM STATE WITNESS PROTECTION SECTION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Chapter 37 of title 28, United States Code, is amended by adding at the end the following:

"§ 570. Short-Term State Witness Protection Section

''(a) IN GENERAL.—There is established in the United States Marshals Service a Short-Term State Witness Protection Section which shall provide protection for witnesses in State and local trials involving homicide or other major violent crimes pursuant to cooperative agreements with State and local criminal prosecutor's offices and the United States attorney for the District of Columbia.

"(b) ELIGIBILITY.—

"(1) IN GENERAL.—The Short-Term State Witness Protection Section shall give priority in awarding grants and providing services to—

"(A) criminal prosecutor's offices for States with an average of not less than 100 murders per year; and

"(B) criminal prosecutor's offices for jurisdictions that include a city, town, or township with an average violent crime rate per 100,000 inhabitants that is above the national average.

"(2) CALCULATION.—The rate of murders and violent crime under paragraph (1) shall be calculated using the latest available crime statistics from the Federal Bureau of Investigation during 5-year period immediately preceding an application for protection.".

(2) CHAPTER ANALYSIS.—The chapter analysis for chapter 37 of title 28, United States Code, is amended by striking the items relating to sections 570 through 576 and inserting the following:

"570. Short-Term State Witness Protection Section.".

(b) GRANT PROGRAM.—

(1) DEFINITIONS.—In this subsection—

(A) the term "eligible prosecutor's office" means a State or local criminal prosecutor's of-

fice or the United States attorney for the District of Columbia; and

(B) the term ''serious violent felony'' has the same meaning as in section 3559(c)(2) of title 18, United States Code.

(2) GRANTS AUTHORIZED.—

(A) IN GENERAL.—The Attorney General is authorized to make grants to eligible prosecutor's offices for purposes of identifying witnesses in need of protection or providing short term protection to witnesses in trials involving homicide or serious violent felony.

(B) ALLOCATION.—Each eligible prosecutor's office receiving a grant under this subsection may—

(i) use the grant to identify witnesses in need of protection or provide witness protection (including tattoo removal services); or

(ii) pursuant to a cooperative agreement with the Short-Term State Witness Protection Section of the United States Marshals Service, credit the grant to the Short-Term State Witness Protection Section to cover the costs to the section of

providing witness protection on behalf of the eligible prosecutor's office.

(3) APPLICATION.—

(A) IN GENERAL.—Each eligible prosecutor's office desiring a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(B) CONTENTS.—Each application submitted under subparagraph (A) shall—

(i) describe the activities for which assistance under this subsection is sought; and

(ii) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this subsection.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $90,000,000 for each of fiscal years 2008 through 2010.

SEC. 2269. WITNESS PROTECTION SERVICES.

Section 3526 of title 18, United States Code (Cooperation of other Federal agencies and State govern-

ments; reimbursement of expenses) is amended by adding at the end the following:

"(c) In any case in which a State government requests the Attorney General to provide temporary protection under section 3521(e) of this title, the costs of providing temporary protection are not reimbursable if the investigation or prosecution in any way relates to crimes of violence committed by a criminal street gang, as defined under the laws of the relevant State seeking assistance under this title.".

SEC. 2270. EXPANSION OF FEDERAL WITNESS RELOCATION AND PROTECTION PROGRAM.

Section 3521(a)(1) of title 18 is amended by inserting ", criminal street gang, serious drug offense, homicide," after "organized criminal activity".

SEC. 2271. FAMILY ABDUCTION PREVENTION GRANT PROGRAM.

(a) STATE GRANTS.—The Attorney General is authorized to make grants to States for projects involving—

(1) the extradition of individuals suspected of committing a family abduction;

(2) the investigation by State and local law enforcement agencies of family abduction cases;

(3) the training of State and local law enforcement agencies in responding to family abductions

and recovering abducted children, including the development of written guidelines and technical assistance;

(4) outreach and media campaigns to educate parents on the dangers of family abductions; and

(5) the flagging of school records.

(b) MATCHING REQUIREMENT.—Not less than 50 percent of the cost of a project for which a grant is made under this section shall be provided by non-Federal sources.

(c) DEFINITIONS.—In this section:

(1) FAMILY ABDUCTION.—-The term ''family abduction'' means the taking, keeping, or concealing of a child or children by a parent, other family member, or person acting on behalf of the parent or family member, that prevents another individual from exercising lawful custody or visitation rights.

(2) FLAGGING.—The term ''flagging'' means the process of notifying law enforcement authorities of the name and address of any person requesting the school records of an abducted child.

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

Guam, the Virgin Islands, any territory or possession of the United States, and any Indian tribe.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 and 2010.

SEC. 2272. STUDY ON ADOLESCENT DEVELOPMENT AND SENTENCES IN THE FEDERAL SYSTEM.

(a) IN GENERAL.—The United States Sentencing Commission shall conduct a study to examine the appropriateness of sentences for minors in the Federal system.

(b) CONTENTS.—The study conducted under subsection (a) shall—

(1) incorporate the most recent research and expertise in the field of adolescent brain development and culpability;

(2) evaluate the toll of juvenile crime, particularly violent juvenile crime, on communities;

(3) consider the appropriateness of life sentences without possibility for parole for minor offenders in the Federal system; and

(4) evaluate issues of recidivism by juveniles who are released from prison or detention after serving determinate sentences.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the United States Sentencing Commission shall submit to Congress a report regarding the study conducted under subsection (a), which shall—

(1) include the findings of the Commission;

(2) describe significant cases reviewed as part of the study; and

(3) make recommendations, if any.

(d) REVISION OF GUIDELINES.—If determined appropriate by the United States Sentencing Commission, after completing the study under subsection (a) the Commission may, pursuant to its authority under section 994 of title 28, United States Code, establish or revise guidelines and policy statements, as warranted, relating to the sentencing of minors under this subtitle or the amendments made by this subtitle.

SEC. 2273. NATIONAL YOUTH ANTI-HEROIN MEDIA CAMPAIGN.

Section 709 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1708) is amended—

(1) by redesignating subsections (k) and (l) as subsections (l) and (m), respectively; and

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

1 "(k) PREVENTION OF HEROIN ABUSE.—

2 "(1) FINDINGS.—Congress finds the following:

3 "(A) Heroin, and particularly the form
4 known as 'cheese heroin' (a drug made by mix-
5 ing black tar heroin with diphenhydramine),
6 poses a significant and increasing threat to
7 youth in the United States.

8 "(B) Drug organizations import heroin
9 from outside of the United States, mix the
10 highly addictive drug with diphenhydramine,
11 and distribute it mostly to youth.

12 "(C) Since the initial discovery of cheese
13 heroin on Dallas school campuses in 2005, at
14 least 21 minors have died after overdosing on
15 cheese heroin in Dallas County.

16 "(D) The number of arrests involving pos-
17 session of cheese heroin in the Dallas area dur-
18 ing the 2006–2007 school year increased over
19 60 percent from the previous school year.

20 "(E) The ease of communication via the
21 Internet and cell phones allows a drug trend to
22 spread rapidly across the country, creating a
23 national threat.

24 "(F) Gangs recruit youth as new members
25 by providing them with this inexpensive drug.

"(G) Reports show that there is rampant ignorance among youth about the dangerous and potentially fatal effects of cheese heroin.

"(2) PREVENTION OF HEROIN ABUSE.—In conducting advertising and activities otherwise authorized under this section, the Director shall promote prevention of youth heroin use, including cheese heroin.".

SEC. 2274. TRAINING AT THE NATIONAL ADVOCACY CENTER.

(a) IN GENERAL.—The National District Attorneys Association may use the services of the National Advocacy Center in Columbia, South Carolina to conduct a national training program for State and local prosecutors for the purpose of improving the professional skills of State and local prosecutors and enhancing the ability of Federal, State, and local prosecutors to work together.

(b) TRAINING.—The National Advocacy Center in Columbia, South Carolina may provide comprehensive continuing legal education in the areas of trial practice, substantive legal updates, and support staff training.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section $6,500,000, to remain available until expended, for fiscal years 2008 through 2011.

PART IV—CRIME PREVENTION AND INTERVENTION STRATEGIES

SEC. 2281. SHORT TITLE.

This title may be cited as the ''Prevention Resources for Eliminating Criminal Activity Using Tailored Interventions in Our Neighborhoods Act of 2007'' or the ''PRECAUTION Act''.

SEC. 2282. PURPOSES.

The purposes of this title are to—

(1) establish a commitment on the part of the Federal Government to provide leadership on successful crime prevention and intervention strategies;

(2) further the integration of crime prevention and intervention strategies into traditional law enforcement practices of State and local law enforcement offices around the country;

(3) develop a plain-language, implementation-focused assessment of those current crime and delinquency prevention and intervention strategies that are supported by rigorous evidence;

(4) provide additional resources to the National Institute of Justice to administer research and development grants for promising crime prevention and intervention strategies;

(5) develop recommendations for Federal priorities for crime and delinquency prevention and inter-

vention research, development, and funding that may augment important Federal grant programs, including the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), grant programs administered by the Office of Community Oriented Policing Services of the Department of Justice, grant programs administered by the Office of Safe and Drug-Free Schools of the Department of Education, and other similar programs; and

(6) reduce the costs that rising violent crime imposes on interstate commerce.

SEC. 2283. DEFINITIONS.

In this title, the following definitions shall apply:

(1) COMMISSION.—The term ''Commission'' means the National Commission on Public Safety Through Crime Prevention established under section 2284(a).

(2) RIGOROUS EVIDENCE.—The term ''rigorous evidence'' means evidence generated by scientifically valid forms of outcome evaluation, particularly randomized trials (where practicable).

(3) SUBCATEGORY.—The term ''subcategory'' means 1 of the following categories:

(A) Family and community settings (including public health-based strategies).

(B) Law enforcement settings (including probation-based strategies).

(C) School settings (including antigang and general antiviolence strategies).

(4) TOP-TIER.—The term ''top-tier'' means any strategy supported by rigorous evidence of the sizable, sustained benefits to participants in the strategy or to society.

SEC. 2284. NATIONAL COMMISSION ON PUBLIC SAFETY THROUGH CRIME PREVENTION.

(a) ESTABLISHMENT.—There is established a commission to be known as the National Commission on Public Safety Through Crime Prevention.

(b) MEMBERS.—

(1) IN GENERAL.—The Commission shall be composed of 9 members, of whom—

(A) 3 shall be appointed by the President, 1 of whom shall be the Assistant Attorney General for the Office of Justice Programs or a representative of such Assistant Attorney General;

(B) 2 shall be appointed by the Speaker of the House of Representatives, unless the Speak-

er is of the same party as the President, in which case 1 shall be appointed by the Speaker of the House of Representatives and 1 shall be appointed by the minority leader of the House of Representatives;

(C) 1 shall be appointed by the minority leader of the House of Representatives (in addition to any appointment made under subparagraph (B));

(D) 2 shall be appointed by the majority leader of the Senate, unless the majority leader is of the same party as the President, in which case 1 shall be appointed by the majority leader of the Senate and 1 shall be appointed by the minority leader of the Senate; and

(E) 1 member appointed by the minority leader of the Senate (in addition to any appointment made under subparagraph (D)).

(2) PERSONS ELIGIBLE.—

(A) IN GENERAL.—Each member of the Commission shall be an individual who has knowledge or expertise in matters to be studied by the Commission.

(B) REQUIRED REPRESENTATIVES.—At least—

(i) 2 members of the Commission shall be respected social scientists with experience implementing or interpreting rigorous, outcome-based trials; and

(ii) 2 members of the Commission shall be law enforcement practitioners.

(3) CONSULTATION REQUIRED.—The President, the Speaker of the House of Representatives, the minority leader of the House of Representatives, and the majority leader and minority leader of the Senate shall consult prior to the appointment of the members of the Commission to achieve, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission.

(4) TERM.—Each member shall be appointed for the life of the Commission.

(5) TIME FOR INITIAL APPOINTMENTS.—The appointment of the members shall be made not later than 60 days after the date of enactment of this Act.

(6) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made, and shall be made not later

than 60 days after the date on which the vacancy occurred.

(7) EX OFFICIO MEMBERS.—The Director of the National Institute of Justice, the Director of the Office of Juvenile Justice and Delinquency Prevention, the Director of the Community Capacity Development Office, the Director of the Bureau of Justice Statistics, the Director of the Bureau of Justice Assistance, and the Director of Community Oriented Policing Services (or a representative of each such director) shall each serve in an ex officio capacity on the Commission to provide advice and information to the Commission.

(c) OPERATION.—

(1) CHAIRPERSON.—At the initial meeting of the Commission, the members of the Commission shall elect a chairperson from among its voting members, by a vote of ⅔ of the members of the Commission. The chairperson shall retain this position for the life of the Commission. If the chairperson leaves the Commission, a new chairperson shall be selected, by a vote of ⅔ of the members of the Commission.

(2) MEETINGS.—The Commission shall meet at the call of the chairperson. The initial meeting of the

Commission shall take place not later than 30 days after the date on which all the members of the Commission have been appointed.

(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum to conduct business, and the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission.

(4) RULES.—The Commission may establish by majority vote any other rules for the conduct of Commission business, if such rules are not inconsistent with this title or other applicable law.

(d) PUBLIC HEARINGS.—

(1) IN GENERAL.—The Commission shall hold public hearings. The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under this section.

(2) FOCUS OF HEARINGS.—The Commission shall hold at least 3 separate public hearings, each of which shall focus on 1 of the subcategories.

(3) WITNESS EXPENSES.—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section

1821 of title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Commission.

(e) COMPREHENSIVE STUDY OF EVIDENCE-BASED CRIME PREVENTION AND INTERVENTION STRATEGIES.—

(1) IN GENERAL.—The Commission shall carry out a comprehensive study of the effectiveness of crime and delinquency prevention and intervention strategies, organized around the 3 subcategories.

(2) MATTERS INCLUDED.—The study under paragraph (1) shall include—

(A) a review of research on the general effectiveness of incorporating crime prevention and intervention strategies into an overall law enforcement plan;

(B) an evaluation of how to more effectively communicate the wealth of social science research to practitioners;

(C) a review of evidence regarding the effectiveness of specific crime prevention and intervention strategies, focusing on those strategies supported by rigorous evidence;

(D) an identification of—

(i) promising areas for further research and development; and

(ii) other areas representing gaps in the body of knowledge that would benefit from additional research and development;

(E) an assessment of the best practices for implementing prevention and intervention strategies;

(F) an assessment of the best practices for gathering rigorous evidence regarding the implementation of intervention and prevention strategies; and

(G) an assessment of those top-tier strategies best suited for duplication efforts in a range of settings across the country.

(3) INITIAL REPORT ON TOP-TIER CRIME PREVENTION AND INTERVENTION STRATEGIES.—

(A) DISTRIBUTION.—Not later than 18 months after the date on which all members of the Commission have been appointed, the Commission shall submit a public report on the study carried out under this subsection to—

(i) the President;

(ii) Congress;

(iii) the Attorney General;

(iv) the Chief Federal Public Defender of each district;

(v) the chief executive of each State;

(vi) the Director of the Administrative Office of the Courts of each State;

(vii) the Director of the Administrative Office of the United States Courts; and

(viii) the attorney general of each State.

(B) CONTENTS.—The report under subparagraph (A) shall include—

(i) the findings and conclusions of the Commission;

(ii) a summary of the top-tier strategies, including—

(I) a review of the rigorous evidence supporting the designation of each strategy as top-tier;

(II) a brief outline of the keys to successful implementation for each strategy; and

(III) a list of references and other information on where further information on each strategy can be found;

(iii) recommended protocols for implementing crime and delinquency prevention and intervention strategies generally;

(iv) recommended protocols for evaluating the effectiveness of crime and delinquency prevention and intervention strategies; and

(v) a summary of the materials relied upon by the Commission in preparation of the report.

(C) CONSULTATION WITH OUTSIDE AUTHORITIES.—In developing the recommended protocols for implementation and rigorous evaluation of top-tier crime and delinquency prevention and intervention strategies under this paragraph, the Commission shall consult with the Committee on Law and Justice at the National Academy of Science and with national associations representing the law enforcement and social science professions, including the National Sheriffs' Association, the Police Executive Research Forum, the International Association of Chiefs of Police, the Consortium of Social Science Associations, and the American Society of Criminology.

(f) RECOMMENDATIONS REGARDING DISSEMINATION OF THE INNOVATIVE CRIME PREVENTION AND INTERVENTION STRATEGY GRANTS.—

(1) SUBMISSION.—

(A) IN GENERAL.—Not later than 30 days after the date of the final hearing under subsection (d) relating to a subcategory, the Commission shall provide the Director of the National Institute of Justice with recommendations on qualifying considerations relating to that subcategory for selecting grant recipients under section 2285.

(B) DEADLINE.—Not later than 13 months after the date on which all members of the Commission have been appointed, the Commission shall provide all recommendations required under this subsection.

(2) MATTERS INCLUDED.—The recommendations provided under paragraph (1) shall include recommendations relating to—

(A) the types of strategies for the applicable subcategory that would best benefit from additional research and development;

(B) any geographic or demographic targets;

(C) the types of partnerships with other public or private entities that might be pertinent and prioritized; and

(D) any classes of crime and delinquency prevention and intervention strategies that should not be given priority because of a preexisting base of knowledge that would benefit less from additional research and development.

(g) FINAL REPORT ON THE RESULTS OF THE INNOVATIVE CRIME PREVENTION AND INTERVENTION STRATEGY GRANTS.—

(1) IN GENERAL.—Following the close of the 3-year implementation period for each grant recipient under section 2285, the Commission shall collect the results of the study of the effectiveness of that grant under section 2285(b)(3) and shall submit a public report to the President, the Attorney General, Congress, the chief executive of each State, and the attorney general of each State describing each strategy funded under section 2285 and its results. This report shall be submitted not later than 5 years after the date of the selection of the chairperson of the Commission.

(2) COLLECTION OF INFORMATION AND EVIDENCE REGARDING GRANT RECIPIENTS.—The Com-

mission's collection of information and evidence regarding each grant recipient under section 2285 shall be carried out by—

(A) ongoing communications with the grant administrator at the National Institute of Justice;

(B) visits by representatives of the Commission (including at least 1 member of the Commission) to the site where the grant recipient is carrying out the strategy with a grant under section 2285, at least once in the second and once in the third year of that grant;

(C) a review of the data generated by the study monitoring the effectiveness of the strategy; and

(D) other means as necessary.

(3) MATTERS INCLUDED.—The report submitted under paragraph (1) shall include a review of each strategy carried out with a grant under section 2285, detailing—

(A) the type of crime or delinquency prevention or intervention strategy;

(B) where the activities under the strategy were carried out, including geographic and demographic targets;

(C) any partnerships with public or private entities through the course of the grant period;

(D) the type and design of the effectiveness study conducted under section 2285(b)(3) for that strategy;

(E) the results of the effectiveness study conducted under section 2285(b)(3) for that strategy;

(F) lessons learned regarding implementation of that strategy or of the effectiveness study conducted under section 2285(b)(3), including recommendations regarding which types of environments might best be suited for successful replication; and

(G) recommendations regarding the need for further research and development of the strategy.

(h) PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(2) COMPENSATION OF MEMBERS.—Members of the Commission shall serve without compensation.

(3) STAFF.—

(A) IN GENERAL.—The chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(B) COMPENSATION.—The chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) DETAIL OF FEDERAL EMPLOYEES.—With the affirmative vote of ⅔ of the members of the Commission, any Federal Government employee,

with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(i) CONTRACTS FOR RESEARCH.—

(1) NATIONAL INSTITUTE OF JUSTICE.—With a ⅔ affirmative vote of the members of the Commission, the Commission may select nongovernmental researchers and experts to assist the Commission in carrying out its duties under this title. The National Institute of Justice shall contract with the researchers and experts selected by the Commission to provide funding in exchange for their services.

(2) OTHER ORGANIZATIONS.—Nothing in this subsection shall be construed to limit the ability of the Commission to enter into contracts with other entities or organizations for research necessary to carry out the duties of the Commission under this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 to carry out this section.

(k) TERMINATION.—The Commission shall terminate on the date that is 30 days after the date on which the

Commission submits the last report required by this section.

(l) EXEMPTION.—The Commission shall be exempt from the Federal Advisory Committee Act.

SEC. 2285. INNOVATIVE CRIME PREVENTION AND INTERVENTION STRATEGY GRANTS.

(a) GRANTS AUTHORIZED.—The Director of the National Institute of Justice may make grants to public and private entities to fund the implementation and evaluation of innovative crime or delinquency prevention or intervention strategies. The purpose of grants under this section shall be to provide funds for all expenses related to the implementation of such a strategy and to conduct a rigorous study on the effectiveness of that strategy.

(b) GRANT DISTRIBUTION.—

(1) PERIOD.—A grant under this section shall be made for a period of not more than 3 years.

(2) AMOUNT.—The amount of each grant under this section—

(A) shall be sufficient to ensure that rigorous evaluations may be performed; and

(B) shall not exceed $2,000,000.

(3) EVALUATION SET-ASIDE.—

(A) IN GENERAL.—A grantee shall use not less than $300,000 and not more than

$700,000 of the funds from a grant under this section for a rigorous study of the effectiveness of the strategy during the 3-year period of the grant for that strategy.

(B) METHODOLOGY OF STUDY.—

(i) IN GENERAL.—Each study conducted under subparagraph (A) shall use an evaluator and a study design approved by the employee of the National Institute of Justice hired or assigned under subsection (c).

(ii) CRITERIA.—The employee of the National Institute of Justice hired or assigned under subsection (c) shall approve—

(I) an evaluator that has successfully carried out multiple studies producing rigorous evidence of effectiveness; and

(II) a proposed study design that is likely to produce rigorous evidence of the effectiveness of the strategy.

(iii) APPROVAL.—Before a grant is awarded under this section, the evaluator and study design of a grantee shall be ap-

proved by the employee of the National Institute of Justice hired or assigned under subsection (c).

(4) DATE OF AWARD.—Not later than 6 months after the date of receiving recommendations relating to a subcategory from the Commission under section 2284(f), the Director of the National Institute of Justice shall award all grants under this section relating to that subcategory.

(5) TYPE OF GRANTS.—One-third of the grants made under this section shall be made in each subcategory. In distributing grants, the recommendations of the Commission under section 2284(f) shall be considered.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $18,000,000 to carry out this subsection.

(c) DEDICATED STAFF.—

(1) IN GENERAL.—The Director of the National Institute of Justice shall hire or assign a full-time employee to oversee the grants under this section.

(2) STUDY OVERSIGHT.—The employee of the National Institute of Justice hired or assigned under paragraph (1) shall be responsible for ensuring that

grantees adhere to the study design approved before the applicable grant was awarded.

(3) LIAISON.—The employee of the National Institute of Justice hired or assigned under paragraph (1) may be used as a liaison between the Commission and the recipients of a grant under this section. That employee shall be responsible for ensuring timely cooperation with Commission requests.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $150,000 for each of fiscal years 2008 through 2012 to carry out this subsection.

(d) APPLICATIONS.—A public or private entity desiring a grant under this section shall submit an application at such time, in such manner, and accompanied by such information as the Director of the National Institute of Justice may reasonably require.

(e) COOPERATION WITH THE COMMISSION.—Grant recipients shall cooperate with the Commission in providing them with full information on the progress of the strategy being carried out with a grant under this section, including—

(1) hosting visits by the members of the Commission to the site where the activities under the strategy are being carried out;

(2) providing pertinent information on the logistics of establishing the strategy for which the grant under this section was received, including details on partnerships, selection of participants, and any efforts to publicize the strategy; and

(3) responding to any specific inquiries that may be made by the Commission.

Subtitle C—School Safety and Student Protection Act of 2007

SEC. 2301. SHORT TITLE.

This subtitle may be cited as the ''School Safety and Student Protection Act of 2007''.

SEC. 2302. BULLYING PREVENTION POLICIES, PROGRAMS, AND STATISTICS.

(a) STATE APPLICATION.—Section 4113(a) of such Act (20 U.S.C. 7113(a)) is amended—

(1) in paragraph (9)—

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

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

(C) by inserting after subparagraph (C) (as amended by subparagraph (A)) the following:

"(D) the incidence and prevalence of reported incidents of bullying;

"(E) the perception of students regarding their school environment, including with respect to the prevalence and seriousness of incidents of bullying and the responsiveness of the school to those incidents; and".

(2) in paragraph (18), by striking "and" at the end;

(3) by redesignating paragraph (19) as paragraph (20);

(4) by inserting after paragraph (18) (as amended by paragraph (2)) the following:

"(19) provides an assurance that the State educational agency will provide assistance to local educational agencies and schools in their efforts to prevent and appropriately respond to incidents of bullying, and describes how the State educational agency will meet the requirements of this paragraph; and".

(b) LOCAL EDUCATIONAL AGENCY PROGRAM APPLICATION.—Section 4114(d) of such Act (20 U.S.C. 7114(d)) is amended—

(1) in paragraph (2)(B)(i)—

(A) in the matter preceding subclause (I), by striking the semicolon and inserting a comma;

(B) in subclause (I), by striking ''and'' at the end; and

(C) by adding at the end the following:

''(III) performance indicators for bullying prevention programs and activities; and''; and

(2) in paragraph (7)—

(A) in subparagraph (A), by inserting '', including bullying'' after ''disorderly conduct'';

(B) in subparagraph (D), by striking ''and'' at the end; and

(C) by adding at the end the following:

''(F) annual notice to parents and students describing the full range of prohibited conduct contained in the discipline policies described in subparagraph (A); and

''(G) complaint procedures for students or parents who seek to register complaints regarding conduct prohibited by the discipline policies described in subparagraph (A), including—

''(i) the name of the school or local educational agency officials who are des-

ignated with the responsibility for receiving such complaints; and

"(ii) timelines that the school or local educational agency will follow to resolve such complaints;".

(c) AUTHORIZED ACTIVITIES.—Section 4115(b)(2) of such Act (20 U.S.C. 7115(b)(2)) is amended—

(1) in subparagraph (A)—

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

(B) in clause (vii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(viii) teach students about the consequences of bullying."; and

(2) in subparagraph (E), by adding at the end the following:

"(xxiii) Programs that address the causes of bullying and that train teachers, administrators, and counselors regarding strategies to prevent bullying and to effectively intervene when bullying incidents occur.".

(d) DEFINITIONS.—

(1) DRUG VIOLENCE AND PREVENTION.—Paragraph (3)(B) of section 4151 of such Act (20 U.S.C. 7161) is amended by inserting ''bullying,'' after ''sexual harassment and abuse,''.

(2) PROTECTIVE FACTOR, BUFFER, OR ASSET.—Paragraph (6) of section 4151 of such Act is amended by inserting '', including bullying,'' after ''violent behavior''.

(3) RISK FACTOR.—Paragraph (7) of section 4151 of such Act is amended by inserting '', including bullying,'' after ''violent behavior''.

(4) BULLYING AND VIOLENCE.—Section 4151 of such Act is further amended—

(A) by redesignating paragraphs (1) through (11) (as amended by paragraphs (1) through (3)) as paragraphs (2) through (12);

(B) by inserting before paragraph (2) (as redesignated by subparagraph (A)) the following:

''(1) BULLYING.—The term 'bullying' means any intentional written, electronic, verbal, or physical act or actions against another student that a reasonable person under the circumstances knows will have the effect of—

"(A) placing a student in reasonable fear of substantial harm to the student's emotional or physical well-being or substantial damage to the student's property;

"(B) creating a hostile, threatening, humiliating, or abusive educational environment due to the pervasiveness or persistence of actions or due to a power differential between the bully and the target;

"(C) interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits; or

"(D) perpetuating such conduct by inciting, soliciting, or coercing an individual or group to demean, dehumanize, embarrass, or cause emotional, psychological, or physical harm to another person."; and

(C) by adding at the end the following:

"(13) VIOLENCE.—The term 'violence' includes bullying.".

(e) EFFECT ON OTHER LAWS.—

(1) AMENDMENT.—The Safe and Drug-Free Schools and Communities Act (20 U.S.C. 7101 et seq.) is amended by adding at the end the following:

"SEC. 4156. EFFECT ON OTHER LAWS.

"(a) FEDERAL AND STATE NONDISCRIMINATION LAWS.—Nothing in this part shall be construed to alter legal standards regarding, or limit rights available to victims of, bullying under other Federal or State laws, including title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), or the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

"(b) FREE SPEECH AND EXPRESSION LAWS.—Nothing in this part shall be construed to alter legal standards regarding, or affect the rights available to individuals under, other Federal laws that establish protections for freedom of speech and expression.".

(2) CLERICAL AMENDMENT.—The table of contents of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended by adding after the item relating to section 4155 the following:

"Sec. 4156. Effect on other laws.".

Subtitle D—Civic Justice Corps Demonstration Act of 2007

SEC. 2401. SHORT TITLE.

This subtitle may be cited as the "Civic Justice Corps Demonstration Act of 2007".

SEC. 2402. PURPOSE.

The purpose of this subtitle is to provide competitive grants for community service programs modeled after the Civic Justice Corps programs for 16 through 25 year-olds who are court-involved, were previously incarcerated, or who are otherwise economically or educationally disadvantaged.

SEC. 2403. DEFINITIONS.

In this subtitle, the term ''eligible entity'' means a nonprofit organization or a unit of local government.

SEC. 2404. GRANTS AUTHORIZED.

The Attorney General is authorized to make grants under this subtitle to establish and support community service programs in accordance with the purpose of the subtitle for a period of 5 years.

SEC. 2405. APPLICATION PROCESS.

(a) IN GENERAL.—An eligible entity shall submit an application to the Attorney General, who shall strive to achieve geographic balance in the allocation of funds.

(b) CRITERIA.—The Attorney General shall specify the information to be contained in the application, but successful applicants shall demonstrate the ability to meet the following criteria:

(1) Implement a process to recruit and enroll 16 through 25 year-old court-involved, previously in-

1 carcerated, or otherwise economically or education-
2 ally disadvantaged young people.
3 (2) Provide intensive support services to meet
4 work and non-work related needs of court-involved
5 participants, including reentry and aftercare issues.
6 (3) Engage participants in a diploma-granting
7 or credential-providing education program.
8 (4) Engage court-involved youth in team-based
9 community service projects.
10 (5) Provide participants the opportunity to se-
11 cure additional training and education.
12 (6) Develop appropriate post-program place-
13 ment and support services focused on employment
14 preparation and education/training specifically lead-
15 ing to employment in high-growth industries.
16 (7) Collect data on a regular basis and use a
17 data-based management decision-making process
18 driven by results.
19 (8) Develop a sustainability plan.
20 (c) ADDITIONAL REQUIREMENTS.—The application
21 shall include evidence that the applicant has—
22 (1) a clearly identified local need;
23 (2) established relationships with justice agen-
24 cies, employers, support services providers, education

entities, and the workforce development system, and ability to form relationships with these entities;

(3) established education programming with a preference for granting high school diplomas (or access to GED preparation and/or credentialed programs for those not able to obtain diplomas);

(4) established a career preparation and life and work skill development program, including the ability to create pathways from service in the Civic Justice Corps program to enrollment in college/community college to enrollment in a pre-apprenticeship or apprenticeship or job;

(5) an ability to provide effective services and support for alternative sentencing programs utilizing appropriate balanced and restorative justice principles;

(6) an ability to engage in staff development designed to focus on the special needs of court-involved, previously incarcerated and disadvantaged young people (including sobriety, housing, transportation, lack of work experience) and providing the intensive services necessary to accommodate a successful transition to the Civil Justice Corps program;

(7) an ability to provide high quality service projects that meet unmet community needs, including projects supporting energy conservation, environmental restoration, renovation of substandard housing, disaster prevention, relief and recovery, education, human services, and health care; and

(8) developed a sustainability plan.

SEC. 2406. REPORTS AND EVALUATION.

(a) REPORT.—An eligible entity receiving a grant awarded under this subtitle shall submit a report annually to the Attorney General at such time, in such manner, and providing such information as the Attorney General may require.

(b) EVALUATION.—The Attorney General shall provide for an external study and evaluation of the grants awarded under this subtitle that shall—

(1) include an analysis and documentation of the strategies implemented and the key lessons learned related to program design, systems coordination, and implementation;

(2) measure the outcomes, and progress toward the outcomes, of the strategies implemented in terms of enrollment, educational achievement, participation rates, recidivism, post-program retention, employment and entering post-secondary education;

(3) document the incremental progress of young people over time on the measures above; and

(4) begin at the initiation of the grants to the eligible entities.

SEC. 2407. BEST PRACTICES.

(a) IN GENERAL.—The Attorney General shall—

(1) provide technical assistance to grantees under this subtitle that request assistance; and

(2) disseminate best practices that emerge from demonstration projects conducted under this subtitle.

(b) PROVIDERS.—Training and technical assistance providers under this section shall be national organizations with a proven track record of working with the Civic Justice Corps model and young people from disadvantaged backgrounds.

SEC. 2408. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle $20,000,000 for fiscal year 2008, and such sums as necessary thereafter.

(b) ALLOCATION.—Of the amounts appropriated to carry out this subtitle for each fiscal year—

(1) 90 percent shall be for grants to eligible entities;

(2) 5 percent shall be for technical assistance and dissemination of best practices; and

(3) 5 percent shall be for evaluation.

Subtitle E—National Domestic Violence Volunteer Attorney Network Act

SEC. 2501. SHORT TITLE.

This subtitle may be cited as the ''National Domestic Violence Volunteer Attorney Network Act''.

SEC. 2502. DEFINITIONS.

In this subtitle, the terms ''dating partner'', ''dating violence'', ''domestic violence'', ''legal assistance'', ''linguistically and culturally specific services'', ''stalking'', and ''State domestic violence coalitions'' shall have the same meaning given such terms in section 3 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162).

SEC. 2503. NATIONAL DOMESTIC VIOLENCE VOLUNTEER ATTORNEY NETWORK.

Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–6) is amended by adding at the end the following:

''(g) NATIONAL DOMESTIC VIOLENCE VOLUNTEER ATTORNEY NETWORK.—

''(1) IN GENERAL.—

1 "(A) GRANTS.—The Attorney General may
2 award grants to the American Bar Association
3 Commission on Domestic Violence to work in
4 collaboration with the American Bar Associa-
5 tion Committee on Pro Bono and Public Service
6 and other organizations to create, recruit law-
7 yers for, and provide training, mentoring, and
8 technical assistance for a National Domestic Vi-
9 olence Volunteer Attorney Network.
10 "(B) USE OF FUNDS.—Funds allocated to
11 the American Bar Association's Commission on
12 Domestic Violence under this subsection shall
13 be used to—
14 "(i) create and maintain a network to
15 field and manage inquiries from volunteer
16 lawyers seeking to represent and assist vic-
17 tims of domestic violence;
18 "(ii) solicit lawyers to serve as volun-
19 teer lawyers in the network;
20 "(iii) retain dedicated staff to support
21 volunteer attorneys by—
22 "(I) providing field technical as-
23 sistance inquiries;
24 "(II) providing on-going men-
25 toring and support;

"(III) collaborating with national domestic violence legal technical assistance providers and statewide legal coordinators and local legal services programs; and

"(IV) developing legal education and other training materials; and

"(iv) maintain a point of contact with the statewide legal coordinator in each State regarding coordination of training, mentoring, and supporting volunteer attorneys representing victims of domestic violence.

"(2) AUTHORIZATION.—There are authorized to be appropriated to carry out this subsection $2,000,000 for each of the fiscal years 2008 and 2009 and $3,000,000 for each of the fiscal years 2010 through 2013.

"(3) ELIGIBILITY FOR OTHER GRANTS.—A receipt of an award under this subsection by the Commission on Domestic Violence of the American Bar Association shall not preclude the Commission from receiving additional grants under the Office on Violence Against Women's Technical Assistance Program to carry out the purposes of that program.

"(4) OTHER CONDITIONS.—

"(A) PROHIBITION ON TORT LITIGATION.—Funds appropriated for the grant program under this subsection may not be used to fund civil representation in a lawsuit based on a tort claim. This subparagraph shall not be construed as a prohibition on providing assistance to obtain restitution.

"(B) PROHIBITION ON LOBBYING.—Any funds appropriated under this subsection shall be subject to the prohibitions in section 1913 of title 18, United States Code, relating to lobbying with appropriated moneys.".

SEC. 2504. DOMESTIC VIOLENCE VOLUNTEER ATTORNEY REFERRAL PROGRAM.

(a) PILOT PROGRAM.—

(1) IN GENERAL.—For fiscal years 2008 and 2009, the Office on Violence Against Women of the Department of Justice, in consultation with the Domestic Violence Legal Advisory Task Force, shall designate 5 States in which to implement the pilot program of the National Domestic Violence Volunteer Attorney Referral Project and distribute funds under this subsection.

(2) CRITERIA.—Criteria for selecting the States for the pilot program under this subsection shall include—

(A) equitable distribution between urban and rural areas, equitable geographical distribution;

(B) States that have a demonstrated capacity to coordinate among local and statewide domestic violence organizations;

(C) organizations serving immigrant women; and

(D) volunteer legal services offices throughout the State.

(3) PURPOSE.—The purpose of the pilot program under this subsection is to—

(A) provide for a coordinated system of ensuring that domestic violence victims throughout the pilot States have access to safe, culturally, and linguistically appropriate representation in all legal matters arising as a consequence of the abuse or violence; and

(B) support statewide legal coordinators in each State to manage referrals for victims to attorneys and to train attorneys on related domestic violence issues.

1 (4) ROLE OF STATEWIDE LEGAL COORDI-
2 NATOR.—A statewide legal coordinator under this
3 subsection shall—
4 (A) be employed by the statewide domestic
5 violence coalition, unless the statewide domestic
6 violence coalition determines that the needs of
7 victims throughout the State would be best
8 served if the coordinator was employed by an-
9 other statewide organization;
10 (B) develop and maintain an updated data-
11 base of attorneys throughout the State, includ-
12 ing—
13 (i) legal services programs;
14 (ii) volunteer programs;
15 (iii) organizations serving immigrant
16 women;
17 (iv) law school clinical programs;
18 (v) bar associations;
19 (vi) attorneys in the National Domes-
20 tic Violence Volunteer Attorney Network;
21 and
22 (vii) local domestic violence programs;
23 (C) consult and coordinate with existing
24 statewide and local programs including volun-

teer representation projects or statewide legal services programs;

(D) provide referrals to victims who are seeking legal representation in matters arising as a consequence of the abuse or violence;

(E) participate in biannual meetings with other Pilot Program grantees, American Bar Association Commission on Domestic Violence, American Bar Association Committee on Pro Bono and Public Service, and national domestic violence legal technical assistance providers;

(F) receive referrals of victims seeking legal representation from the National Domestic Violence Hotline and other sources;

(G) receive and disseminate information regarding volunteer attorneys and training and mentoring opportunities; and

(H) work with the Office on Violence Against Women, the American Bar Association Commission on Domestic Violence, and the National Domestic Violence Legal Advisory Task Force to assess the effectiveness of the Pilot Program.

(5) ELIGIBILITY FOR GRANTS.—The Attorney General shall award grants to statewide legal coordinators under this subsection.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $750,000 for each of fiscal years 2008 and 2009 to fund the statewide coordinator positions and other costs associated with the position in the 5 pilot program States under this subsection.

(7) EVALUATION AND REPORTING.—An entity receiving a grant under this subsection shall submit to the Department of Justice a report detailing the activities taken with the grant funds, including such additional information as the agency shall require.

(b) NATIONAL PROGRAM.—

(1) PURPOSE.—The purpose of the national program under this subsection is to—

(A) provide for a coordinated system of ensuring that domestic violence victims throughout the country have access to safe, culturally and linguistically appropriate representation in legal matters arising as a consequence of the abuse or violence; and

(B) support statewide legal coordinators in each State to coordinate referrals to domestic

1 violence attorneys and to train attorneys on re-
2 lated domestic violence issues, including immi-
3 gration matters.

4 (2) GRANTS.—The Attorney General shall
5 award grants to States for the purposes set forth in
6 subsection (a) and to support designated statewide
7 legal coordinators under this subsection.

8 (3) ROLE OF THE STATEWIDE LEGAL COORDI-
9 NATOR.—The statewide legal coordinator under this
10 subsection shall be subject to the requirements and
11 responsibilities provided in subsection (a)(4).

12 (4) GUIDELINES.—The Office on Violence
13 Against Women, in consultation with the Domestic
14 Violence Legal Advisory Task Force and the results
15 detailed in the Study of Legal Representation of Do-
16 mestic Violence Victims, shall develop guidelines for
17 the implementation of the national program under
18 this section, based on the effectiveness of the Pilot
19 Program in improving victims' access to culturally
20 and linguistically appropriate legal representation in
21 the pilot States.

22 (5) AUTHORIZATION OF APPROPRIATIONS.—
23 There are authorized to be appropriated $8,000,000
24 for each of fiscal years 2010 through 2013 to fund

the statewide coordinator position in every State and other costs associated with the position.

(6) EVALUATION AND REPORTING.—An entity receiving a grant under this subsection shall submit to the Department of Justice a report detailing the activities taken with the grant funds, including such additional information as the agency shall require.

SEC. 2505. TECHNICAL ASSISTANCE FOR THE NATIONAL DOMESTIC VIOLENCE VOLUNTEER ATTORNEY NETWORK.

(a) PURPOSES.—The purpose of this section is to allow—

(1) national domestic violence legal technical assistance providers to expand their services to provide training and ongoing technical assistance to volunteer attorneys in the National Domestic Violence Volunteer Attorney Network; and

(2) providers of domestic violence law to receive additional funding to train and assist attorneys in the areas of—

(A) custody and child support;

(B) employment;

(C) housing;

(D) immigrant victims' legal needs (including immigration, protection order, family and public benefits issues); and

(E) interstate custody and relocation law.

(b) GRANTS.—The Attorney General shall award grants to national domestic violence legal technical assistance providers to expand their services to provide training and ongoing technical assistance to volunteer attorneys in the National Domestic Violence Volunteer Attorney Network, statewide legal coordinators, the National Domestic Violence Hotline and Internet-based legal referral organizations described in section 1201(i)(1) of the Violence Against Women Act of 2000, as added by section 6.

(c) ELIGIBILITY FOR OTHER GRANTS.—A receipt of an award under this section shall not preclude the national domestic violence legal technical assistance providers from receiving additional grants under the Office on Violence Against Women's Technical Assistance Program to carry out the purposes of that program.

(d) ELIGIBLE ENTITIES.—In this section, an eligible entity is a national domestic violence legal technical assistance provider that—

(1) has expertise on legal issues that arise in cases of victims of domestic violence, dating violence and stalking, including family, immigration, housing,

protection order, public benefits, custody, child support, interstate custody and relocation, employment and other civil legal needs of victims; and

(2) has an established record of providing technical assistance and support to lawyers representing victims of domestic violence.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $800,000 for national domestic violence legal technical assistance providers for each fiscal year from 2008 through 2013.

SEC. 2506. NATIONAL DOMESTIC VIOLENCE HOTLINE LEGAL REFERRALS.

Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–6) is amended by adding at the end the following:

"(h) LEGAL REFERRALS BY THE NATIONAL DOMESTIC VIOLENCE HOTLINE.—

"(1) IN GENERAL.—The Attorney General may award grants to the National Domestic Violence Hotline (as authorized by section 316 of the Family Violence Prevention and Services Act (42 U.S.C. 10416)) to provide information about statewide legal coordinators and legal services.

1 "(2) USE OF FUNDS.—Funds allocated to the
2 National Domestic Violence Hotline under this sub-
3 section shall be used to—
4 "(A) update the Hotline's technology and
5 systems to reflect legal services and referrals to
6 statewide legal coordinators;
7 "(B) collaborate with the American Bar
8 Association Commission on Domestic Violence
9 and the national domestic violence legal tech-
10 nical assistance providers to train and provide
11 appropriate assistance to the Hotline's advo-
12 cates on legal services; and
13 "(C) maintain a network of legal services
14 and statewide legal coordinators and collaborate
15 with the American Bar Association Commission
16 on Domestic Violence.
17 "(3) AUTHORIZATION.—There are to be appro-
18 priated to carry out this subsection $500,000 for
19 each of fiscal years 2008 through 2013.
20 "(i) LEGAL REFERRALS BY INTERNET-BASED SERV-
21 ICES FOR DOMESTIC VIOLENCE VICTIMS.—
22 "(1) IN GENERAL.—The Attorney General may
23 award grants to Internet-based non-profit organiza-
24 tions with a demonstrated expertise on domestic vio-
25 lence to provide State-specific information about

statewide legal coordinators and legal services through the Internet.

"(2) USE OF FUNDS.—Funds allocated to Internet-based organizations under this subsection shall be used to—

"(A) collaborate with the American Bar Association Commission on Domestic Violence and the national domestic violence legal technical assistance providers to train and provide appropriate assistance to personnel on referring legal services; and

"(B) maintain a network of legal services and statewide legal coordinators, and collaborate with the American Bar Association Commission on Domestic Violence and the National Domestic Violence Hotline.

"(3) AUTHORIZATION.—There are to be appropriated to carry out this subsection $250,000 for each fiscal years of 2008 through 2013.".

SEC. 2507. STUDY OF LEGAL REPRESENTATION OF DOMESTIC VIOLENCE VICTIMS.

(a) IN GENERAL.—The Government Accountability Office shall study the scope and quality of legal representation and advocacy for victims of domestic violence, dat-

ing violence, and stalking, including the provision of culturally and linguistically appropriate services.

(b) SCOPE OF STUDY.—The Government Accountability Office shall specifically assess the representation and advocacy of—

(1) organizations providing direct legal services and other support to victims of domestic violence, dating violence, and stalking, including Legal Services Corporation grantees, non-Legal Services Corporation legal services organizations, domestic violence programs receiving Legal Assistance for Victims grants or other Violence Against Women Act funds to provide legal assistance, volunteer programs (including those operated by bar associations and law firms), law schools which operate domestic violence, and family law clinical programs; and

(2) organizations providing support to direct legal services delivery programs and to their volunteer attorneys, including State coalitions on domestic violence, National Legal Aid and Defender Association, the American Bar Association Commission on Domestic Violence, the American Bar Association Committee on Pro Bono and Public Service, State bar associations, judicial organizations, and national advocacy organizations (including the Legal Re-

1 source Center on Violence Against Women, and the
2 National Center on Full Faith and Credit).
3 (c) ASSESSMENT.—The assessment shall, with re-
4 spect to each entity under subsection (b), include—
5 (1) what kind of legal assistance is provided to
6 victims of domestic violence, such as counseling or
7 representation in court proceedings;
8 (2) number of lawyers on staff;
9 (3) how legal services are being administered in
10 a culturally and linguistically appropriate manner,
11 and the number of multilingual advocates;
12 (4) what type of cases are related to the abuse,
13 such as protective orders, divorce, housing, and child
14 custody matters, and immigration filings;
15 (5) what referral mechanisms are used to
16 match a lawyer with a domestic violence victim;
17 (6) what, if any, collaborative partnerships are
18 in place between the legal services program and do-
19 mestic violence agencies;
20 (7) what existing technical assistance or train-
21 ing on domestic violence and legal skills is provided
22 to attorneys providing legal services to victims of do-
23 mestic violence;

(8) what training or technical assistance for attorneys would improve the provision of legal services to victims of domestic violence;

(9) how does the organization manage means-testing or income requirements for clients;

(10) what, if any legal support is provided by non-lawyer victim advocates; and

(11) whether they provide support to or sponsor a pro bono legal program providing legal representation to victims of domestic violence.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Government Accountability Office shall submit to Congress a report on the findings and recommendations of the study required by this section.

SEC. 2508. ESTABLISH A DOMESTIC VIOLENCE LEGAL ADVISORY TASK FORCE.

(a) IN GENERAL.—The Attorney General shall establish the Domestic Violence Legal Advisory Task Force to provide guidance for the implementation of the Study of Legal Representation of Domestic Violence Victims, the Pilot Program for the National Domestic Violence Volunteer Attorney Referral Project, and the National Program for the National Domestic Violence Volunteer Attorney Referral Project.

(b) COMPOSITION.—The Task Force established under this section shall be composed of experts in providing legal assistance to domestic violence victims and developing effective volunteer programs providing legal assistance to domestic violence victims, including judges with expertise on domestic violence, individuals with experience representing low-income domestic violence victims, and private bar members involved with volunteer legal services.

(c) RESPONSIBILITIES.—The Task Force shall provide—

(1) ongoing advice to the American Bar Association Commission on Domestic Violence, the National Domestic Violence Hotline, and the Statewide Coordinators regarding implementation of the Pilot Program and the National Program of the Domestic Violence Volunteer Attorney Referral Project;

(2) recommendations to the Office on Violence Against Women regarding the selection of the 5 sites for the Pilot Program; and

(3) attend regular meetings covered by American Bar Association Commission or Domestic Violence.

(d) REPORT.—The Task Force shall report to Congress every 2 years on its work under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $100,000 for each of fiscal years 2008 through 2013.

Subtitle F—Juvenile Delinquency Court Improvement

SEC. 2601. JUVENILE DELINQUENCY COURT IMPROVEMENT ACT.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part F, as added by section 2143, the following:

"PART G—JUVENILE DELINQUENCY COURT IMPROVEMENT ACT

"SEC. 281A. SHORT TITLE.

''This part may be cited as the 'Juvenile Delinquency Court Improvement Act'.

"SEC. 281B. GRANTS.

''The Attorney General, through the Office of Juvenile Justice and Delinquency Prevention, may make grants to assist State courts to—

''(1) assess current juvenile delinquency and status offense practice in order to identify areas in need of improvement; and

''(2) implement improvements deemed necessary by the highest courts of the State courts as a result

of the assessments described in paragraph (1), including—

"(A) meeting the needs of juvenile offenders (including status offenders), while ensuring public safety; and

"(B) implementing a corrective action plan, as necessary, based on the assessments described in paragraph (1).

"SEC. 281C. AUTHORIZED ACTIVITIES.

"A grantee under this part may carry out activities that support State court efforts to assess and improve current juvenile delinquency practice, including—

"(1) providing training and technical assistance for members of the judiciary, public defenders, prosecutors, and juvenile justice professionals statewide in order to assess and improve practice;

"(2) developing data information systems to track movement of youth through the juvenile justice system, trends in case management, outcomes resulting from various sanctions and services provided; and

"(3) evaluating practice improvements implemented by State juvenile delinquency courts.

"SEC. 281D. ELIGIBLE ENTITIES.

''Eligible grantees under this part are the highest courts of the States.

"SEC. 281E. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this part such sums as are necessary for each of fiscal years 2008 to 2011.

''(b) AVAILABILITY.—Funds appropriated under this section shall remain available until expended and may only be used for the specific programs and activities described in this part.''.

SEC. 2602. THE JUVENILE DELINQUENCY JUDICIAL TRAINING AND TECHNICAL ASSISTANCE ACT.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part G, as added by section 2601, the following:

"PART H—THE JUVENILE DELINQUENCY JUDICIAL TRAINING AND TECHNICAL ASSISTANCE ACT

"SEC. 282A. SHORT TITLE.

''This part may be cited as the 'Juvenile Delinquency Judicial Training and Technical Assistance Act'.

"SEC. 282B. PURPOSE.

''The purpose of this part is to enable the Attorney General, through the Office of Juvenile Justice and Delin-

quency Prevention, to make grants to improve juvenile delinquency practice in State courts.

"SEC. 282C. GRANTS.

"The Attorney General, acting through the Office of Juvenile Justice and Delinquency Prevention, may make grants to States for—

"(1) providing training and technical assistance to judges hearing juvenile delinquency and status offense cases, in order to improve the knowledge and judicial decisionmaking of such judges;

"(2) providing training and technical assistance to public defenders and prosecutors who practice in the juvenile court system;

"(3) promoting, through training, the principles and guidelines outlined in Juvenile Delinquency Guidelines: Improving Court Practice in Juvenile Delinquency Cases (National Council of Juvenile and Family Court Judges), in order to improve outcomes for children and youth in the juvenile justice system;

"(4) enabling systems change in the juvenile court systems by supporting collaboration between courts and juvenile justice agencies;

"(5) establishing and maintaining model courts;

"(6) helping juvenile courts to develop data information systems to track movement of youth through the juvenile justice system, and to track trends in case management;

"(7) providing interdisciplinary education, publications, research, and mentoring to courts seeking to improve court and system responses in juvenile delinquency and status offense cases; and

"(8) developing other projects likely to improve juvenile court and system responses in juvenile delinquency and status offense cases.

"SEC. 282D. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this part $4,000,000 for each of fiscal years 2008 to 2011.

"(b) AVAILABILITY.—Amounts appropriated under this section shall remain available until expended and may only be used for the specific programs and activities described in this part.".

SEC. 2603. THE JUVENILE AND FAMILY COURT TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION ACT.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended

by inserting after part H, as added by section 2602, the following:

"PART I—THE JUVENILE AND FAMILY COURT TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION ACT

"SEC. 283A. SHORT TITLE.

''This part may be cited as the 'Juvenile and Family Court Training, Technical Assistance, and Data Collection Act'.

"SEC. 283B. PURPOSE.

''The purpose of this part is to enable the Attorney General, though the Office on Juvenile Justice and Delinquency Prevention, to award grants to improve juvenile and family court responses.

"SEC. 283C. GRANTS.

''The Attorney General, acting though the Office on Juvenile Justice and Delinquency Prevention, may make grants to eligible organizations for—

''(1) training and technical assistance for judges and court-related personnel to improve system effectiveness and judicial decisionmaking in juvenile cases;

''(2) the archiving of juvenile court case records, in order to provide empirical information to

support policy decisionmaking and to study the roots of juvenile justice policies and practices;

''(3) the development of internet-based repositories of information about issues of interest to judges, public defenders, prosecutors, and other court-related personnel of State juvenile courts, including descriptions of effective juvenile justice systems, summarizing juvenile justice trends, and developing educational and policy materials on effective juvenile court practices;

''(4) training and technical assistance to judges and court-related personnel on child abuse, neglect, and permanency planning; and

''(5) other projects likely to improve juvenile court responses and systems.

''SEC. 283D. DEFINITION.

''In this section, the term 'eligible organization' means a national private, nonprofit organization with—

''(1) demonstrated expertise in developing and providing judicial education about juvenile justice systems and practice and permanency planning;

''(2) demonstrated capacity to provide education and outreach to juvenile court judges and court-related personnel through membership services and leadership in developing model standards; and

"(3) a board or membership composed primarily of judges.

"SEC. 283E. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this part $4,000,000 for each of fiscal years 2008 to 2011.

"(b) AVAILABILITY.—Amounts appropriated under this section shall remain available until expended and may only be used for the specific programs and activities described in this part.".

SEC. 2604. MODEL COURTS ENHANCEMENTS ACT.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part I, as added by section 2603, the following:

"PART J—MODEL COURTS ENHANCEMENTS ACT

"SEC. 284A. SHORT TITLE.

"This part may be cited as the 'Model Courts Enhancements Act'.

"SEC. 284B. GRANTS.

"The Attorney General, though the Office on Juvenile Justice and Delinquency Prevention, may award grants to improve court practice in handling of child abuse and neglect cases in urban, rural, and tribal jurisdictions by supporting—

"(1) training and technical assistance to juvenile judges, public defenders, prosecutors, and other court-related personnel based on Resource Guidelines: Improving Court Practice in Child Abuse & Neglect Cases (National Council of Juvenile and Family Court Judges) in order to improve outcomes for children and their families in the Nation's foster care system;

"(2) systems change through collaborations between courts and child welfare agencies;

"(3) the establishment and maintenance of model courts;

"(4) providing interdisciplinary training, publications, research, and mentoring to courts seeking to improve responses in child abuse and neglect cases; and

"(5) other projects likely to improve juvenile court responses and systems in child abuse and neglect cases, foster care interventions, and permanency planning.

"SEC. 284C. GRANT REQUIREMENTS.

"Eligible grantees under this part are national private, nonprofit organizations with—

"(1) a demonstrated expertise in developing and providing judicial education about juvenile justice

systems and practice and child welfare, foster care, and permanency planning;

"(2) a demonstrated capacity to provide education and outreach to juvenile court judges and court-related personnel through membership services and leadership in developing model standards; and

"(3) a board or membership composed primarily of judges.

"SEC. 284D. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There is authorized to be appropriated to carry out this part $4,000,000 for each of fiscal years 2008 to 2011.

"(b) AVAILABILITY.—Funds appropriated under this section shall remain available until expended and may only be used for the specific programs and activities described in this part.".

Subtitle G—Improving Assistance to Domestic and Sexual Violence Victims Act of 2007

SEC. 2701. SHORT TITLE.

This subtitle may be cited as the "Improving Assistance to Domestic and Sexual Violence Victims Act of 2007".

SEC. 2702. DEFINITIONS AND UNIVERSAL GRANT CONDITIONS.

(a) YOUTH DEFINITION.—Section 40002(a)(37) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(36)), as added by section 3 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), is amended to read as follows:

"(37) YOUTH.—The term 'youth' means teen and young adult victims of domestic violence, dating violence, sexual assault, or stalking between the ages of 12 and 24.".

(b) EXPERTISE REQUIREMENT.—Section 40002(b)(11) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(b)(11)), as added by section 3 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), is amended by adding at the end the following: "The Director of the Office on Violence Against Women shall ensure that training or technical assistance will be developed and provided by entities having demonstrated expertise in the purposes, uses of funds, and other aspects of the grant program for which such training or technical assistance is provided.".

(c) STATE OBLIGATIONS.—Section 40002(b)(2) of the Violence Against Women Act of 1994 (42 U.S.C.

13925(b)) is amended by inserting at the end the following:

"(F) NO OBLIGATION OF STATE.—Share of match not required in accordance with this paragraph is waived and does not become the obligation of the State.".

(d) FEDERAL OBLIGATIONS.—

(1) IN GENERAL.—Section 2007(f) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1(f)) is amended by striking the period and inserting ", except that the Federal share may exceed 75 percent when grantees have received a hardship waiver under section 40002(b)(1)(B) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(b)(1)(B)) or for that portion of a grant that supports subgrants to entities exempt from match under section 40002(b)(1)(A) or (b)(1)(B) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(b)(1)(A) and (B))."

(2) TECHNICAL AMENDMENT.—Section 40002(b)(1) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(b)(1)), as added by section 3 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law

109–1625), is amended by striking ''under this Act for'' and inserting ''under this Act to''.

(e) TREATMENT OF CONFIDENTIAL INFORMATION.—Section 40002(b)(2) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(b)(2)) is amended—

(1) in subparagraph (A), by inserting ''privacy and'' before ''safety'';

(2) in subparagraph (B)—

(A) by striking ''and (D),'' and inserting ''(D), (E), (F), (G), and (H),'';

(B) in clause (ii) by—

(i) striking ''consent'' and inserting ''authorization'';

(ii) striking ''(or in the case of an unemancipated minor, the minor and the parent or guardian or in the case of persons with disabilities, the guardian)''; and

(iii) striking '', except that consent for release may not be given by the abuser of the minor, person with disabilities, or the abuser of the other parent of the minor.'' and inserting ''; or''; and

(3) by designating subparagraph (E) as subparagraph (H) and inserting after subparagraph (D) the following:

"(E) STATUTORILY PERMITTED REPORTS OF ABUSE OR NEGLECT.—Nothing shall prohibit a grantee or subgrantee from reporting abuse and neglect as those terms are defined by law and where mandated or expressly permitted by the State, tribe, or territory.

"(F) PREEMPTION.—Nothing in this section shall be construed to supersede any provision of any Federal, State, tribal, territorial, or local law that provides greater protection than this paragraph for victims of domestic violence, dating violence, sexual assault, or stalking.

"(G) MINORS AND PERSONS WITH GUARDIANS.—If a minor or a person with a guardian is permitted by law to receive services without the parent's or guardian's consent, the minor or person with a guardian may release information without additional consent. Under any condition, consent for release of information may not be given by the abuser of the minor, or person with a guardian, or the abuser of the other parent of the minor.".

SEC. 2703. CRIMINAL JUSTICE.

(a) APPLICATION REQUIREMENTS.—Section 2007(d) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1(d)) is amended—

(1) in paragraph (3) by striking ''and'' after the semicolon;

(2) in paragraph (4), by striking the period and inserting ''and''; and

(3) by inserting at the end the following:

''(5) proof of compliance with the requirements prohibiting the publication of protection order information on the Internet provided in section 2013A.''.

(b) LIMITS ON INTERNET PUBLICATION OF PROTECTION ORDER INFORMATION.—Section 2265(d) of title 18, United States Code, is amended by striking paragraph (3).

(c) STATE CERTIFICATION.—Part T of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by inserting after section 2013 the following:

''SEC. 2013A. LIMITS ON INTERNET PUBLICATION OF PROTECTION ORDER INFORMATION.

''(a) IN GENERAL.—A State, Indian tribe, or territory shall not make available publicly on the Internet any information regarding the filing for or issuance, modification, registration, extension or enforcement of a protection order, restraining order, or injunction in either the issuing

or enforcing State, tribal or territorial jurisdiction, if such publication would be likely to publicly reveal the identity or location of the party protected under such order.

''(b) EXCEPTION.—A State, Indian tribe, or territory may share court generated and law enforcement-generated information about such orders if that information is contained in secure, governmental registries for protection order enforcement purposes.''.

(d) HEALTH CARE PROFESSIONALS.—Section 2010(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–4) is amended by striking ''trained examiners for'' and inserting ''health care professionals for adult, youth, and child''.

(e) RURAL STATE.—Section 40002 (a)(22) of the Violence Against Women Act of 1994 (42 U.S.C. 13925 (a)(22)), is amended by striking ''150,000'' and inserting ''200,000''.

(f) COSTS FOR CRIMINAL CHARGES AND PROTECTION ORDERS.—Section 2011 (a)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–5 (a)(1)), as redesignated by the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107–273), is amended by inserting ''dating violence,'' before ''stalking''.

(g) GRANTS TO ENCOURAGE ARREST POLICIES AND ENFORCEMENT OF PROTECTION ORDERS.—Section 2101(c)(4) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh(c)(4)) is amended by inserting ''dating violence,'' before ''stalking''.

SEC. 2704. FAMILIES.

Section 41304 of the Violence Against Women Act of 1994 (42 U.S.C. 14043d–3), as added by section 401 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Department of Health and Human Services'' and inserting ''Secretary of Health and Human Services (in this section referred to as the 'Secretary'), through the Administration for Children, Youth and Families'';

(B) in paragraph (2) by striking ''Director'' and inserting ''Secretary''; and

(C) in paragraph (3) by striking ''Director'' and inserting ''Secretary''; and

(2) in subsection (d)(1), by striking ''Director'' both places it appears and inserting ''Secretary''.

SEC. 2705. HOUSING.

(a) SECTION 6.—Section 6(u)(1)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended by inserting '', as described in subparagraph (C),'' after ''HUD approved certification form''.

(b) SECTION 8.—Section 8(ee)(1)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended by inserting '', as described in subparagraph (C),'' after ''HUD approved certification form''.

SEC. 2706. ECONOMIC SECURITY.

(a) AUTHORITY.—Section 41501(a) of the Violence Against Women Act of 1994 (42 U.S.C. 14043f(a)) is amended by—

(1) striking ''The Attorney General'' and inserting the following:

''(1) IN GENERAL.—The Attorney General''; and

(2) striking the last sentence and inserting the following:

''(2) INFORMATION AND ASSISTANCE.—The resource center shall provide information and assistance to employers and labor organizations to—

"(A) aid in their efforts to develop and implement responses to such violence; and

"(B) victims service providers, including community-based organizations and tribal coalitions, to enable to them to provide resource materials or other assistance to employers, labor organizations, or employees.".

(b) ENTITIES PROVIDING ASSISTANCE.—Section 41501 (c)(1) of the Violence Against Women Act of 1994 (42 U.S.C. 14043f(c)(1)) is amended by striking "and labor organizations" and inserting ", labor organizations, victim service providers, community-based organizations, State domestic violence coalitions, State sexual assault coalitions, and tribal coalitions".

SEC. 2707. TRIBAL ISSUES.

(a) CONSULTATION.—Section 903 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 is amended by inserting at the end the following:

"(c) REPORT TO CONGRESS.—The Attorney General shall ensure that no later than 3 months after the date the annual consultation is held, a report is submitted to the Committee on Indian Affairs and the Judiciary Committee of the Senate, the Judiciary Committee and the Committee on Natural Resources of the House of Rep-

resentatives summarizing the consultation, request of Indian tribes for enhancing the safety of Indian women, the investigative efforts of the Federal Bureau of Investigation and prosecutorial efforts of the United States Attorneys on cases of domestic violence, sexual assault, dating violence and stalking, the statistics of investigations, indictments and convictions of such cases for the preceding 3 years.''.

(b) GRANTS TO INDIAN TRIBAL GOVERNMENTS.—Section 2015 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–10) is amended by inserting at the end the following:

''(c) AVAILABILITY.—Funds appropriated under this section shall remain available until expended and may only be used for the specific programs and activities described in this title.

''(d) DURATION.—Grants made under this section shall be for no more than a 24-month project period. Extension of the project period shall be allowable.

''(e) TECHNICAL ASSISTANCE.—No later than 120 days after receiving an appropriation for this program, the Director of the Office on Violence Against Women shall set aside not less than 6 percent of the total amount of the funds made available under this section for the purpose of entering into cooperative agreements with a tribal

organization with demonstrated experience in providing training and technical experience to Indian tribes in addressing violence against Indian women. Such training and technical experience shall be specifically designed to address the unique legal status and geographic circumstances of the Indian tribes receiving funds under this program.''.

SEC. 2708. POLYGRAPH PROCEDURES.

(a) STOP GRANTS.—Section 2013(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(a)) is amended by striking ''as a condition for proceeding with the investigation of such an offense''.

(b) GRANTS TO ENCOURAGE ARREST.—Section 2101(c)(5)(A) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh(c)(5)(A)) is amended by striking ''as a condition for proceeding with the investigation of such an offense''.

SEC. 2709. SEXUAL ASSAULT NURSE EXAMINERS.

Section 2101(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh(b)) is amended by adding the following after paragraph (13):

''(14) To provide for sexual assault forensic medical personnel examiners in the collection and preservation of evidence, analysis, prevention, expert

testimony, and treatment of trauma related to sexual assault.''.

TITLE III—PROTECTING COMMUNITIES BY REDUCING RECIDIVISM

Subtitle A—Enhanced Second Chance Act of 2007

SEC. 3101. SHORT TITLE.

This subtitle may be cited as the ''Enhanced Second Chance Act of 2007''.

SEC. 3102. FINDING.

Congress finds the following:

(1) In 2002, over 7,000,000 people were incarcerated in Federal or State prisons or in local jails. Nearly 650,000 people are released from Federal and State incarceration into communities nationwide each year.

(2) There are over 3,200 jails throughout the United States, the vast majority of which are operated by county governments. Each year, these jails will release more than 10,000,000 people back into the community.

(3) Recent studies indicate that over ⅔ of released State prisoners are expected to be rearrested

for a felony or serious misdemeanor within 3 years after release.

(4) According to the Bureau of Justice Statistics, expenditures on corrections alone increased from $9,000,000,000 in 1982, to $59,600,000,000 in 2002. These figures do not include the cost of arrest and prosecution, nor do they take into account the cost to victims.

(5) The Serious and Violent Offender Reentry Initiative provided $139,000,000 in funding for State governments to develop and implement education, job training, mental health treatment, and substance abuse treatment for serious and violent offenders. This subtitle seeks to build upon the innovative and successful State reentry programs developed under the Serious and Violent Offender Reentry Initiative, which terminated after fiscal year 2005.

(6) Between 1991 and 1999, the number of children with a parent in a Federal or State correctional facility increased by more than 100 percent, from approximately 900,000 to approximately 2,000,000. According to the Bureau of Prisons, there is evidence to suggest that inmates who are connected to their children and families are more

likely to avoid negative incidents and have reduced sentences.

(7) Released prisoners cite family support as the most important factor in helping them stay out of prison. Research suggests that families are an often underutilized resource in the reentry process.

(8) Approximately 100,000 juveniles (ages 17 years and under) leave juvenile correctional facilities, State prison, or Federal prison each year. Juveniles released from secure confinement still have their likely prime crime years ahead of them. Juveniles released from secure confinement have a recidivism rate ranging from 55 to 75 percent. The chances that young people will successfully transition into society improve with effective reentry and aftercare programs.

(9) Studies have shown that between 15 percent and 27 percent of prisoners expect to go to homeless shelters upon release from prison.

(10) Fifty-seven percent of Federal and 70 percent of State inmates used drugs regularly before going to prison, and the Bureau of Justice Statistics report titled ''Trends in State Parole, 1990–2000'' estimates the use of drugs or alcohol around the

time of the offense that resulted in the incarceration of the inmate at as high as 84 percent.

(11) The high prevalence of infectious disease, substance abuse, and mental health disorders that has been found in incarcerated populations demands that a recovery model of treatment should be used for handling the more than ⅔ of all offenders with such needs.

(12) Family-based treatment programs have proven results for serving the special populations of female offenders and substance abusers with children. An evaluation by the Substance Abuse and Mental Health Services Administration of family-based treatment for substance-abusing mothers and children found that 6 months after such treatment, 60 percent of the mothers remained alcohol and drug free, and drug-related offenses declined from 28 percent to 7 percent. Additionally, a 2003 evaluation of residential family-based treatment programs revealed that 60 percent of mothers remained clean and sober 6 months after treatment, criminal arrests declined by 43 percent, and 88 percent of the children treated in the program with their mothers remained stabilized.

(13) A Bureau of Justice Statistics analysis indicated that only 33 percent of Federal inmates and 36 percent of State inmates had participated in residential inpatient treatment programs for alcohol and drug abuse 12 months before their release. Further, over ⅓ of all jail inmates have some physical or mental disability and 25 percent of jail inmates have been treated at some time for a mental or emotional problem.

(14) State Substance Abuse Agency Directors, also known as Single State Authorities (in this paragraph referred to as ''SSAs''), manage the publicly funded substance abuse prevention and treatment system of the Nation. SSAs are responsible for planning and implementing statewide systems of care that provide clinically appropriate substance abuse services. Given the high rate of substance use disorders among offenders reentering our communities, successful reentry programs require close interaction and collaboration with each SSA as the program is planned, implemented and evaluated.

(15) According to the National Institute of Literacy, 70 percent of all prisoners function at the lowest literacy levels.

(16) Less than 32 percent of State prison inmates have a high school diploma or a higher level of education, compared to 82 percent of the general population.

(17) Approximately 38 percent of inmates who completed 11 years or less of school were not working before entry into prison.

(18) The percentage of State prisoners participating in educational programs decreased by more than 8 percent between 1991 and 1997, despite growing evidence of how educational programming while incarcerated reduces recidivism.

(19) The National Institute of Justice has found that 1 year after release, up to 60 percent of former inmates are not employed.

(20) Transitional jobs programs have proven to help people with criminal records to successfully return to the workplace and to the community, and therefore can reduce recidivism.

(21) Successful reentry protects those who might otherwise be crime victims. It also improves the likelihood that individuals released from prison or juvenile detention facilities can pay fines, fees, restitution, and family support.

(22) Participation in State correctional education programs lowers the likelihood of reincarceration by 29 percent, according to a recent United States Department of Education study. A Federal Bureau of Prisons study found a 33 percent drop in recidivism among Federal prisoners who participated in vocational and apprenticeship training.

SEC. 3103. REAUTHORIZATION OF ADULT AND JUVENILE OFFENDER STATE AND LOCAL REENTRY DEMONSTRATION PROJECTS.

(a) ADULT OFFENDER DEMONSTRATION PROJECTS AUTHORIZED.—Section 2976(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(b)) is amended by striking paragraphs (1) through (4) and inserting the following:

''(1) establishing or improving the system or systems under which—

''(A) the correctional agency of the State or local government develops and carries out plans to facilitate the reentry into the community of each offender in State or local custody;

''(B) the supervision and services provided to offenders in State or local custody are coordinated with the supervision and services pro-

vided to offenders after reentry into the community;

"(C) the efforts of various public and private entities to provide supervision and services to offenders after reentry into the community, and to family members of such offenders, are coordinated; and

"(D) offenders awaiting reentry into the community are provided with documents (such as identification papers, referrals to services, medical prescriptions, job training certificates, apprenticeship papers, and information on obtaining public assistance) useful in achieving a successful transition from prison;

"(2) carrying out programs and initiatives by units of local government to strengthen reentry services for individuals released from local jails;

"(3) enabling prison mentors of offenders to remain in contact with those offenders, including through the use of such technology as videoconferencing, during incarceration and after reentry into the community and encouraging the involvement of prison mentors in the reentry process;

"(4) providing structured post-release housing and transitional housing, including group homes for

recovering substance abusers, through which offenders are provided supervision and services immediately following reentry into the community;

''(5) assisting offenders in securing permanent housing upon release or following a stay in transitional housing;

''(6) providing continuity of health services (including mental health services, substance abuse treatment and aftercare, and treatment for contagious diseases) to offenders in custody and after reentry into the community;

''(7) providing offenders with education, job training, English as a second language programs, work experience programs, self-respect and life skills training, and other skills useful in achieving a successful transition from prison;

''(8) facilitating collaboration among corrections and community corrections, technical schools, community colleges, and the workforce development and employment service sectors to—

''(A) promote, where appropriate, the employment of people released from prison and jail, through efforts such as educating employers about existing financial incentives and facilitate the creation of job opportunities, including

transitional jobs, for this population that will benefit communities;

"(B) connect inmates to employment, including supportive employment and employment services, before their release to the community;

"(C) address barriers to employment, including licensing; and

"(D) identify labor market needs to ensure that education and training are appropriate;

"(9) assessing the literacy and educational needs of offenders in custody and identifying and providing services appropriate to meet those needs, including followup assessments and long-term services;

"(10) systems under which family members of offenders are involved in facilitating the successful reentry of those offenders into the community, including removing obstacles to the maintenance of family relationships while the offender is in custody, strengthening the family's capacity to function as a stable living situation during reentry where appropriate to the safety and well-being of any children involved, and involving family members in the planning and implementation of the reentry process;

"(11) programs under which victims are included, on a voluntary basis, in the reentry process;

"(12) programs that facilitate visitation and maintenance of family relationships with respect to offenders in custody by addressing obstacles such as travel, telephone costs, mail restrictions, and restrictive visitation policies;

"(13) identifying and addressing barriers to collaborating with child welfare agencies in the provision of services jointly to offenders in custody and to the children of such offenders;

"(14) implementing programs in correctional agencies to include the collection of information regarding any dependent children of an incarcerated person as part of intake procedures, including the number of children, age, and location or jurisdiction, and connect identified children with appropriate services;

"(15) addressing barriers to the visitation of children with an incarcerated parent, and maintenance of the parent-child relationship, such as the location of facilities in remote areas, telephone costs, mail restrictions, and visitation policies;

"(16) creating, developing, or enhancing prisoner and family assessments curricula, policies, pro-

cedures, or programs (including mentoring programs) to help prisoners with a history or identified risk of domestic violence, dating violence, sexual assault, or stalking reconnect with their families and communities, as appropriate (or when it is safe to do so), and become mutually respectful, nonabusive parents or partners, under which particular attention is paid to the safety of children affected and the confidentiality concerns of victims, and efforts are coordinated with existing victim service providers;

''(17) developing programs and activities that support parent-child relationships, as appropriate to the health and well-being of the child, such as—

''(A) using telephone conferencing to permit incarcerated parents to participate in parent-teacher conferences;

''(B) using videoconferencing to allow virtual visitation when incarcerated persons are more than 100 miles from their families;

''(C) the development of books on tape programs, through which incarcerated parents read a book into a tape to be sent to their children;

"(D) the establishment of family days, which provide for longer visitation hours or family activities; or

"(E) the creation of children's areas in visitation rooms with parent-child activities;

"(18) expanding family based treatment centers that offer family based comprehensive treatment services for parents and their children as a complete family unit;

"(19) conducting studies to determining who is returning to prison or jail and which of those returning prisoners represent the greatest risk to community safety;

"(20) developing or adopting procedures to ensure that dangerous felons are not released from prison prematurely;

"(21) developing and implementing procedures to assist relevant authorities in determining when release is appropriate and in the use of data to inform the release decision;

"(22) developing and implementing procedures to identify efficiently and effectively those violators of probation or parole who should be returned to prison;

"(23) utilizing validated assessment tools to assess the risk factors of returning inmates and prioritizing services based on risk;

"(24) conducting studies to determine who is returning to prison or jail and which of those returning prisoners represent the greatest risk to community safety;

"(25) facilitating and encouraging timely and complete payment of restitution and fines by ex-offenders to victims and the community;

"(26) establishing or expanding the use of reentry courts to—

"(A) monitor offenders returning to the community;

"(B) provide returning offenders with—

"(i) drug and alcohol testing and treatment; and

"(ii) mental and medical health assessments and services;

"(C) facilitate restorative justice practices and convene family or community impact panels, family impact educational classes, victim impact panels, or victim impact educational classes;

"(D) provide and coordinate the delivery of other community services to offenders, including—

"(i) housing assistance;

"(ii) education;

"(iii) employment training;

"(iv) children and family support;

"(v) conflict resolution skills training;

"(vi) family violence intervention programs; and

"(vii) other appropriate social services; and

"(E) establish and implement graduated sanctions and incentives; and

"(27) providing technology and other tools necessary to advance post- release supervision.".

(b) JUVENILE OFFENDER DEMONSTRATION PROJECTS AUTHORIZED.—Section 2976(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(c)) is amended by striking "may be expended for" and all that follows through the period at the end and inserting "may be expended for any activity referred to in subsection (b).".

(c) APPLICATIONS; PRIORITIES; PERFORMANCE MEASUREMENTS.—Section 2976 of the Omnibus Crime

1 Control and Safe Streets Act of 1968 (42 U.S.C. 3797w)
2 is amended—
3 (1) by redesignating subsection (h) as sub-
4 section (o); and
5 (2) by striking subsections (d) through (g) and
6 inserting the following:
7 ''(d) APPLICATIONS.—A State, unit of local govern-
8 ment, territory, or Indian tribe desiring a grant under this
9 section shall submit an application to the Attorney Gen-
10 eral that—
11 ''(1) contains a reentry strategic plan, which
12 describes the long-term strategy, and a detailed im-
13 plementation schedule, including the jurisdiction's
14 plans to pay for the program after the Federal fund-
15 ing is discontinued;
16 ''(2) identifies the governmental agencies and
17 community- and faith-based organizations that will
18 be coordinated by, and collaborate on, the appli-
19 cant's prisoner reentry strategy and certifies their
20 involvement; and
21 ''(3) describes the methodology and outcome
22 measures that will be used in evaluating the pro-
23 gram.
24 ''(e) PRIORITY CONSIDERATION.—The Attorney Gen-
25 eral shall give priority to grant applications that best—

1 ''(1) focus initiatives on geographic areas with
2 a substantiated high population of ex-offenders;
3 ''(2) include partnerships with community-based
4 organizations, including faith-based organizations;
5 ''(3) provide consultations with crime victims
6 and former incarcerated prisoners and their families;
7 ''(4) review the process by which the State ad-
8 judicates violations of parole or supervised release
9 and consider reforms to maximize the use of grad-
10 uated, community-based sanctions for minor and
11 technical violations of parole or supervised release;
12 ''(5) establish prerelease planning procedures
13 for prisoners to ensure that a prisoner's eligibility
14 for Federal or State benefits (including Medicaid,
15 Medicare, Social Security, and veterans' benefits)
16 upon release is established prior to release, subject
17 to any limitations in law, and to ensure that pris-
18 oners are provided with referrals to appropriate so-
19 cial and health services or are linked to appropriate
20 community-based organizations;
21 ''(6) target high-risk offenders for reentry pro-
22 grams through validated assessment tools; and
23 ''(7) provide returning offenders with informa-
24 tion on how they can restore their voting rights, and
25 any other civil or civic rights denied to them due to

1 their offender status, under the laws of the State
2 where they are released.
3 "(f) REQUIREMENTS.—The Attorney General may
4 make a grant to an applicant only if the application—
5 "(1) reflects explicit support of the chief execu-
6 tive officer of the State or unit of local government,
7 territory, or Indian tribe applying for a grant under
8 this section;
9 "(2) provides extensive discussion of the role of
10 State corrections departments, community correc-
11 tions agencies, juvenile justice systems, or local jail
12 systems in ensuring successful reentry of ex-offend-
13 ers into their communities;
14 "(3) provides extensive evidence of collaboration
15 with State and local government agencies overseeing
16 health, housing, child welfare, education, and em-
17 ployment services, and local law enforcement;
18 "(4) in the case of a State grantee, the State
19 provides a plan for the analysis of existing State
20 statutory, regulatory, rules-based, and practice-based
21 hurdles to a prisoner's reintegration into the com-
22 munity; in the case of a local grantee, the local
23 grantee provides a plan for the analysis of existing
24 local statutory, regulatory, rules-based, and practice-
25 based hurdles to a prisoner's reintegration into the

community; and in the case of a territorial grantee, the territory provides a plan for the analysis of existing territorial statutory, regulatory, rules-based, and practice-based hurdles to a prisoner's reintegration into the community that—

"(A) takes particular note of laws, regulations, rules, and practices that disqualify former prisoners from obtaining professional licenses or other requirements for certain types of employment, and that hinder full civic participation;

"(B) identifies those laws, regulations, rules, or practices that are not directly connected to the crime committed and the risk that the ex-offender presents to the community; and

"(C) affords members of the public an opportunity to participate in the process described in this subsection; and

"(5) includes the use of a State or local task force to carry out the activities funded under the grant.

"(g) USES OF GRANT FUNDS.—

"(1) FEDERAL SHARE.—The Federal share of a grant received under this section may not exceed 75 percent of the project funded under the grant, unless the Attorney General—

"(A) waives, in whole or in part, the requirement of this paragraph; and

"(B) publicly delineates the rationale for the waiver.

"(2) SUPPLEMENT NOT SUPPLANT.—Federal funds received under this section shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for the activities funded under this section.

"(h) REENTRY STRATEGIC PLAN.—

"(1) IN GENERAL.—As a condition of receiving financial assistance under this section, each applicant shall develop a comprehensive strategic reentry plan that contains measurable annual and 5- to 10-year performance outcomes. The plan shall have as a goal to reduce the rate of recidivism of incarcerated persons served with funds from this section within the State by 50 percent over a period of 10 years.

"(2) COORDINATION.—In developing reentry plans under this subsection, applicants shall coordinate with communities and stakeholders, including experts in the fields of public safety, corrections, housing, health, education, employment, and mem-

bers of community and faith-based organizations that provide reentry services.

"(3) MEASUREMENTS OF PROGRESS.—Each reentry plan developed under this subsection shall measure the applicant's progress toward increasing public safety by reducing rates of recidivism and enabling released offenders to transition successfully back into their communities.

"(i) REENTRY TASK FORCE.—

"(1) IN GENERAL.—As a condition of receiving financial assistance under this section, each State or local government receiving a grant shall establish or empower a Reentry Task Force, or other relevant convening authority, to examine ways to pool existing resources and funding streams to promote lower recidivism rates for returning prisoners, and to minimize the harmful effects of incarceration on families and communities by collecting data and best practices in offender reentry from demonstration grantees and other agencies and organizations.

"(2) MEMBERSHIP.—The task force or other authority shall be comprised of relevant State or local leaders, agencies, service providers, community-based organizations, and stakeholders.

"(j) STRATEGIC PERFORMANCE OUTCOMES.—

1 "(1) IN GENERAL.—Each applicant shall iden-
2 tify specific performance outcomes related to the
3 long-term goals of increasing public safety and re-
4 ducing recidivism.
5 "(2) PERFORMANCE OUTCOMES.—The perform-
6 ance outcomes identified under paragraph (1) shall
7 include, with respect to offenders released back into
8 the community—
9 "(A) recommitment rates;
10 "(B) reduction in crime;
11 "(C) employment and education;
12 "(D) violations of conditions of supervised
13 release;
14 "(E) child support;
15 "(F) housing;
16 "(G) drug and alcohol abuse; and
17 "(H) participation in mental health serv-
18 ices.
19 "(3) OPTIONAL MEASURES.—States may also
20 report on other activities that increase the success
21 rates of offenders who transition from prison, such
22 as programs that foster effective risk management
23 and treatment programming, offender accountability,
24 and community and victim participation.

1 "(4) COORDINATION.—Applicants should co-
2 ordinate with communities and stakeholders about
3 the selection of performance outcomes identified by
4 the applicants and with the Department of Justice
5 for assistance with data collection and measurement
6 activities.
7 "(5) REPORT.—Each grantee shall submit an
8 annual report to the Department of Justice that—
9 "(A) identifies the grantee's progress to-
10 ward achieving its strategic performance out-
11 comes; and
12 "(B) describes other activities conducted
13 by the grantee to increase the success rates of
14 the reentry population.
15 "(k) PERFORMANCE MEASUREMENT.—
16 "(1) IN GENERAL.—The Department of Jus-
17 tice, in consultation with the States, shall—
18 "(A) identify primary and secondary
19 sources of information to support the measure-
20 ment of the performance indicators identified
21 under this section;
22 "(B) identify sources and methods of data
23 collection in support of performance measure-
24 ment required under this section;

"(C) provide to all grantees technical assistance and training on performance measures and data collection for purposes of this section; and

"(D) coordinate with the Substance Abuse and Mental Health Services Administration on strategic performance outcome measures and data collection for purposes of this section relating to substance abuse and mental health.

"(2) COORDINATION.—The Department of Justice shall coordinate with other Federal agencies to identify national sources of information to support State performance measurement.

"(l) FUTURE ELIGIBILITY.—To be eligible to receive a grant under this section for fiscal years after the first receipt of such a grant, a State shall submit to the Attorney General such information as is necessary to demonstrate that—

"(1) the State has adopted a reentry plan that reflects input from community-based and faith-based organizations;

"(2) the public has been afforded an opportunity to provide input in the development of the plan;

"(3) the State's reentry plan includes performance measures to assess the State's progress toward increasing public safety by reducing by 10 percent over the 2-year period the rate at which individuals released from prison who participate in the reentry system supported by Federal funds are recommitted to prison; and

"(4) the State will coordinate with the Department of Justice, community-based and faith-based organizations, and other experts regarding the selection and implementation of the performance measures described in subsection (k).

"(m) NATIONAL ADULT AND JUVENILE OFFENDER REENTRY RESOURCE CENTER.—

"(1) AUTHORITY.—The Attorney General may, using amounts made available to carry out this subsection, make a grant to an eligible organization to provide for the establishment of a National Adult and Juvenile Offender Reentry Resource Center.

"(2) ELIGIBLE ORGANIZATION.—An organization eligible for the grant under paragraph (1) is any national nonprofit organization approved by the Federal task force established under the Enhanced Second Chance Act of 2007 that represents, provides technical assistance and training to, and has special

1 expertise and broad, national-level experience in of-
2 fender reentry programs, training, and research.
3 "(3) USE OF FUNDS.—The organization receiv-
4 ing the grant shall establish a National Adult and
5 Juvenile Offender Reentry Resource Center to—
6 "(A) provide education, training, and tech-
7 nical assistance for States, local governments,
8 territories, Indian tribes, service providers,
9 faith-based organizations, and corrections insti-
10 tutions;
11 "(B) collect data and best practices in of-
12 fender reentry from demonstration grantees and
13 others agencies and organizations;
14 "(C) develop and disseminate evaluation
15 tools, mechanisms, and measures to better as-
16 sess and document coalition performance meas-
17 ures and outcomes;
18 "(D) disseminate knowledge to States and
19 other relevant entities about best practices, pol-
20 icy standards, and research findings;
21 "(E) develop and implement procedures to
22 assist relevant authorities in determining when
23 release is appropriate and in the use of data to
24 inform the release decision;

"(F) develop and implement procedures to identify efficiently and effectively those violators of probation or parole who should be returned to prison and those who should receive other penalties based on defined, graduated sanctions;

"(G) collaborate with the Federal task force established under the Enhanced Second Chance Act of 2007 and the Federal Resource Center for Children of Prisoners;

"(H) develop a national research agenda; and

"(I) bridge the gap between research and practice by translating knowledge from research into practical information.

"(4) HEADER.—Of amounts made available to carry out this section, not more than 4 percent shall be available to carry out this subsection.

"(n) ADMINISTRATION.—Of amounts made available to carry out this section, not more than 2 percent shall be available for administrative expenses in carrying out this section.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 2976 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w) is amended in subsection (o)(1), as redesignated by subsection (c), by striking "and

$15,000,000 for fiscal year 2003'' and all that follows through the end of the sentence and inserting ''$300,000,000 for fiscal year 2008, and $300,000,000 for fiscal year 2009''.

SEC. 3104. TASK FORCE ON FEDERAL PROGRAMS AND ACTIVITIES RELATING TO REENTRY OF OFFENDERS.

(a) TASK FORCE REQUIRED.—The Attorney General, in consultation with the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Education, the Secretary of Health and Human Services, the Secretary of Agriculture, the Secretary of Veterans Affairs, and the heads of such other elements of the Federal Government as the Attorney General considers appropriate, and in collaboration with stakeholders, service providers, community-based organizations, States, territories, Indian tribes, and local governments, shall establish an interagency task force on programs and activities relating to the reentry of offenders into the community.

(b) DUTIES.—The task force established under subsection (a) shall—

(1) identify such programs and activities that may result in overlapping or duplication of services, the scope of such overlapping or duplication, and the relationship of such overlapping and duplication to

public safety, public health, and effectiveness and efficiency;

(2) identify methods to improve collaboration and coordination of such programs and activities;

(3) identify areas of responsibility in which improved collaboration and coordination of such programs and activities would result in increased effectiveness or efficiency;

(4) develop innovative interagency or intergovernmental programs, activities, or procedures that would improve outcomes of reentering offenders and children of offenders;

(5) develop methods for increasing regular communication that would increase interagency program effectiveness;

(6) identify areas of research that can be coordinated across agencies with an emphasis on applying science-based practices to support treatment and intervention programs for reentering offenders;

(7) identify funding areas that should be coordinated across agencies and any gaps in funding; and

(8) in conjunction with the National Adult and Juvenile Offender Reentry Resource Center, identify successful programs currently operating and collect

1 best practices in offender reentry from demonstra-
2 tion grantees and other agencies and organizations,
3 determine the extent to which such programs and
4 practices can be replicated, and make information on
5 such programs and practices available to States, lo-
6 calities, community-based organizations, and others.
7 (c) REPORT.—Not later than 1 year after the date
8 of enactment of this Act, the task force established under
9 subsection (a) shall submit a report, including rec-
10 ommendations, to Congress on barriers to reentry. The
11 task force shall provide for public input in preparing the
12 report. The report shall identify Federal and other bar-
13 riers to successful reentry of offenders into the community
14 and analyze the effects of such barriers on offenders and
15 on children and other family members of offenders, includ-
16 ing barriers to—
17 (1) parental incarceration as a consideration for
18 purposes of family reunification under the Adoption
19 and Safe Families Act of 1997;
20 (2) admissions in and evictions from Federal
21 housing programs;
22 (3) child support obligations and procedures;
23 (4) Social Security benefits, veterans' benefits,
24 food stamps, and other forms of Federal public as-
25 sistance;

(5) Medicaid and Medicare procedures, requirements, regulations, and guidelines;

(6) education programs, financial assistance, and full civic participation;

(7) TANF program funding criteria and other welfare benefits;

(8) employment;

(9) laws, regulations, rules, and practices that restrict Federal employment licensure and participation in Federal contracting programs;

(10) reentry procedures, case planning, and the transition of persons from the custody of the Federal Bureau of Prisons to a Federal parole or probation program or community corrections;

(11) laws, regulations, rules, and practices that may require a parolee to return to the same county that the parolee was living in prior to his or her arrest, and the potential for changing such laws, regulations, rules, and practices so that a parolee may change his or her setting upon release, and not settle in the same location with persons who may be a negative influence; and

(12) prerelease planning procedures for prisoners to ensure that a prisoner's eligibility for Federal or State benefits (including Medicaid, Medicare,

Social Security, and veterans' benefits) upon release is established prior to release, subject to any limitations under the law, and the provision of referrals to appropriate social and health services or are linked to appropriate community-based organizations.

(d) ANNUAL REPORTS.—On an annual basis, the task force required by subsection (a) shall submit to Congress a report on the activities of the task force, including specific recommendations of the task force on matters referred to in subsection (b).

SEC. 3105. OFFENDER REENTRY RESEARCH.

(a) NATIONAL INSTITUTE OF JUSTICE.—From amounts made available to carry out this subtitle, the National Institute of Justice may conduct research on offender reentry, including—

(1) a study identifying the number and characteristics of children who have had a parent incarcerated and the likelihood of these minors becoming involved in the criminal justice system some time in their lifetime;

(2) a study identifying a mechanism to compare rates of recidivism (including rearrest, violations of parole and probation, and reincarceration) among States; and

(3) a study on the population of individuals released from custody who do not engage in recidivism and the characteristics (housing, employment, treatment, family connection) of that population.

(b) BUREAU OF JUSTICE STATISTICS.—From amounts made available to carry out this subtitle, the Bureau of Justice Statistics may conduct research on offender reentry, including—

(1) an analysis of special populations, including prisoners with mental illness or substance abuse disorders, female offenders, juvenile offenders, and the elderly, that present unique reentry challenges;

(2) studies to determine who is returning to prison or jail and which of those returning prisoners represent the greatest risk to community safety;

(3) annual reports on the profile of the population coming out of prisons, jails, and juvenile justice facilities;

(4) a national recidivism study every 3 years; and

(5) a study of parole violations and revocations.

SEC. 3106. CHILDREN OF INCARCERATED PARENTS AND FAMILIES.

(a) INTAKE PROCEDURES AND EDUCATION PROGRAMS.—

(1) PILOT PROGRAM.—The Federal Bureau of Prisons shall, using amounts made available to carry out this subsection, carry out a pilot program to—

(A) collect information regarding the dependent children of an incarcerated person as part of standard intake procedures, including the number, age, and residence of such children;

(B) review all policies, practices, and facilities to ensure that, as appropriate to the health and well-being of the child, they support the relationship between family and child;

(C) identify the training needs of staff with respect to the impact of incarceration on children, families, and communities, age-appropriate interactions, and community resources for the families of incarcerated persons; and

(D) take such steps as are necessary to encourage State correctional agencies to implement the requirements of subparagraphs (A) through (C).

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $2,500,000 for each of fiscal years 2008 and 2009.

(b) DUTIES OF SECRETARY.—The Secretary of Health and Human Services shall—

(1) review, and make available to States a report on any recommendations regarding, the role of State child protective services at the time of the arrest of a person; and

(2) by regulation, establish such services as the Secretary determines necessary, as appropriate to the health and well-being of any child involved, for the preservation of families that have been impacted by the incarceration of a family member.

SEC. 3107. ENCOURAGEMENT OF EMPLOYMENT OF FORMER PRISONERS.

The Secretary of Labor shall take such steps as are necessary to implement a program, including the Employment and Training Administration, to educate employers about existing incentives, including bonding, to the hiring of former Federal, State, or county prisoners.

SEC. 3108. FEDERAL RESOURCE CENTER FOR CHILDREN OF PRISONERS.

There are authorized to be appropriated to the Secretary of Health and Human Services for each of fiscal years 2008 and 2009, such sums as may be necessary for the continuing activities of the Federal Resource Center for Children of Prisoners, including conducting a review

of the policies and practices of State and Federal corrections agencies to support parent-child relationships, as appropriate for the health and well-being of the child.

SEC. 3109. ELIMINATION OF AGE REQUIREMENT FOR RELATIVE CAREGIVER UNDER NATIONAL FAMILY CAREGIVER SUPPORT PROGRAM.

Section 372 of the National Family Caregiver Support Act (part E of title III of the Older Americans Act of 1965; 42 U.S.C. 3030s) is amended in paragraph (3) by striking ''who is 60 years of age or older and—'' and inserting ''who—''.

SEC. 3110. CLARIFICATION OF AUTHORITY TO PLACE PRISONER IN COMMUNITY CORRECTIONS.

Section 3624(c) of title 18, United States Code, is amended to read as follows:

''(c) PRERELEASE CUSTODY.—

''(1) IN GENERAL.—The Bureau of Prisons shall, to the extent practicable, assure that a prisoner serving a term of imprisonment spends a reasonable part of the final portion of the term to be served, not to exceed 1 year, under conditions that will afford the prisoner a reasonable opportunity to adjust to and prepare for the prisoner's reentry into the community. Such conditions may include a community correctional facility.

"(2) AUTHORITY.—This subsection authorizes the Bureau of Prisons to place a prisoner in home confinement for the last 10 percent of the term to be served, not to exceed 6 months.

"(3) ASSISTANCE.—The United States Probation System shall, to the extent practicable, offer assistance to a prisoner during such prerelease custody.

"(4) NO LIMITATIONS.—Nothing in this subsection shall be construed to limit or restrict the authority of the Bureau of Prisons granted under section 3621 of this title.".

SEC. 3111. USE OF VIOLENT OFFENDER TRUTH-IN-SENTENCING GRANT FUNDING FOR DEMONSTRATION PROJECT ACTIVITIES.

Section 20102(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13702(a)) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(4) to carry out any activity referred to in subsections (b) and (c) of section 2976 of the Omni-

bus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(b)–(c)).''.

SEC. 3112. GRANTS TO STUDY PAROLE OR POST INCARCERATION SUPERVISION VIOLATIONS AND REVOCATIONS.

(a) GRANTS AUTHORIZED.—From amounts made available to carry out this section, the Attorney General may award grants to States to study, and to improve the collection of data with respect to, individuals whose parole or post-incarceration supervision is revoked and which such individuals represent the greatest risk to community safety.

(b) APPLICATION.—As a condition of receiving a grant under this section, a State shall—

(1) certify that the State has, or intends to establish, a program that collects comprehensive and reliable data with respect to individuals described in subsection (a), including data on—

(A) the number and type of parole or post-incarceration supervision violations that occur within the State;

(B) the reasons for parole or post-incarceration supervision revocation;

(C) the underlying behavior that led to the revocation; and

(D) the term of imprisonment or other penalty that is imposed for the violation; and

(2) provide the data described in paragraph (1) to the Bureau of Justice Statistics, in a form prescribed by the Bureau.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2008 and 2009.

SEC. 3113. REAUTHORIZATION OF RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS PROGRAM.

(a) IN GENERAL.—The Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701 et seq.) is amended by inserting after section 1905 the following:

"SEC. 1906. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $30,000,000 to carry out the purposes of this part for each of fiscal years 2008 through 2012.''.

(b) IMPROVEMENTS TO PROGRAM.—Section 1902 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff–1) is amended—

(1) in subsection (c)—

(A) in the subsection heading, by striking ''Eligibility for Preference With'' and inserting ''Requirement for'';

(B) by striking paragraph (1) and inserting the following:

''(1) To be eligible for funding under this part, a State shall ensure that individuals who participate in the evidence-based substance abuse treatment program established or implemented with assistance provided under this part will be provided with aftercare services.''; and

(C) by adding at the end the following:

''(4) Aftercare services required under paragraph (1) shall be funded by amounts made available under this part.'';

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

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

''(c) DEFINITION OF RESIDENTIAL SUBSTANCE ABUSE TREATMENT.—The term 'residential substance abuse treatment' means a course of evidence-based individual and group activities and treatment, lasting not less than 6 months, in residential treatment facilities set apart from the general prison population. Such treatment can include the use of pharmacotherapies, where appropriate, that may be administered for more than 6 months.''.

SEC. 3114. REAUTHORIZATION OF SUBSTANCE ABUSE TREATMENT PROGRAM UNDER TITLE 18.

Section 3621(e) of title 18, United States Code, is amended—

(1) by striking paragraph (4) and inserting the following:

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $30,000,000 to carry out this subsection for each of fiscal years 2008 through 2012."; and

(2) in paragraph (5), by striking subparagraph (A) and inserting the following:

"(A) the term 'residential substance abuse treatment' means a course of evidence-based individual and group activities and treatment, lasting not less than 6 months, in residential treatment facilities set apart from the general prison population, and such treatment can include the use of pharmacotherapies, where appropriate, that may be administered for more than 6 months;".

SEC. 3115. REMOVAL OF LIMITATION ON AMOUNT OF FUNDS AVAILABLE FOR CORRECTIONS EDUCATION PROGRAMS UNDER THE ADULT EDUCATION AND FAMILY LITERACY ACT.

(a) IN GENERAL.—Section 222(a)(1) of the Adult Education and Family Literacy Act (20 U.S.C. 9222(a)(1)) is amended by striking ", of which not more than 10 percent" and inserting "of which not less than 10 percent".

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Education shall submit to Congress a report on the use of literacy funds to correctional intuitions, as defined in section 225(d)(2) of the Adult Education and Family Literacy Act (20 U.S.C. 9224(d)(2)). The report shall specify the amount of literacy funds that are provided to each category of correctional institution in each State, and identify whether funds are being sufficiently allocated among the various types of institutions.

SEC. 3116. MENTORING GRANTS TO COMMUNITY-BASED ORGANIZATIONS.

(a) AUTHORITY TO MAKE GRANTS.—From amounts made available under this section, the Secretary of Labor shall make grants to community-based organizations for the purpose of providing mentoring and other transitional

1 services essential to reintegrating ex-offenders and incar-
2 cerated persons into society.

3 (b) USE OF FUNDS.—Grant funds awarded under
4 subsection (a) may be used for—

5 (1) mentoring adult and juvenile offenders; and

6 (2) transitional services to assist in the re-
7 integration of ex-offenders into the community.

8 (c) APPLICATION.—To be eligible to receive a grant
9 under this section, a community-based organization shall
10 submit an application to the Secretary of Labor, based
11 upon criteria developed by the Secretary of Labor in con-
12 sultation with the Attorney General and the Secretary of
13 Housing and Urban Development.

14 (d) STRATEGIC PERFORMANCE OUTCOMES.—The
15 Secretary of Labor may require each applicant to identify
16 specific performance outcomes related to the long-term
17 goal of stabilizing communities by reducing recidivism and
18 reintegrating ex-offenders and incarcerated persons into
19 society.

20 (e) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to carry out this section
22 $25,000,000 for each of fiscal years 2008 and 2009.

SEC. 3117. GROUP HOMES FOR RECOVERING SUBSTANCE ABUSERS.

Section 1925 of the Public Health Service Act (42 U.S.C. 300x–25) is amended—

(1) in subsection (a)(4), by striking ''$4,000'' and inserting ''$6,000''; and

(2) by adding at the end the following:

''(d) RECOVERY HOME OUTREACH WORKERS.—

''(1) IN GENERAL.—The Secretary shall award a grant to an eligible entity to enable such entity to establish group homes for recovering substance abusers in accordance with this section.

''(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1), an entity shall—

''(A) be a national nonprofit organization that has established at least 500 self-administered, self-supported substance abuse recovery homes; and

''(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(3) USE OF FUNDS.—An entity shall use amounts received under the grant under paragraph (1) to—

"(A) establish group homes for recovering substance abusers that conform to the requirements of subparagraphs (A) through (D) of subsection (a)(6), through activities including—

"(i) locating a suitable facility to use as the group home;

"(ii) the execution of a lease for the use of such home; and

"(iii) obtaining a charter for the operation of such home from a national nonprofit organization;

"(B) recruit recovering substance abusers to reside in the group home by working with criminal justice officials and substance abuse treatment providers, including through activities targeting individuals being released from incarceration; and

"(C) carry out other activities related to establishing a group home for recovering substance abusers.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, $3,000,000 for each of fiscal years 2008 through 2009. Amounts appropriated under

this paragraph shall be in addition to amounts otherwise appropriated to carry out this subpart.''.

SEC. 3118. IMPROVED REENTRY PROCEDURES FOR FEDERAL PRISONERS.

(a) GENERAL REENTRY PROCEDURES.—The Department of Justice shall take such steps as are necessary to modify existing procedures and policies to enhance case planning and to improve the transition of persons from the custody of the Bureau of Prisons to the community, including placement of such individuals in community corrections facilities.

(b) PROCEDURES REGARDING BENEFITS.—The Bureau of Prisons shall establish prerelease planning procedures for Federal prisoners to ensure that a prisoner's eligibility for Federal or State benefits (including Medicaid, Medicare, Social Security, and veterans' benefits) upon release is established prior to release, subject to any limitations in law. The Bureau shall also coordinate with inmates to ensure that inmates have medical appointments scheduled and have plans to secure needed and sufficient medications, particularly with regard to the treatment of mental illness. The Bureau shall provide each ex-offender released from Federal prisons information on how the reentering offender can restore voting rights, and other civil or civic rights, denied to the reentering offender based

upon their offender status in the State to which that reentering offender shall be returning. This information shall be provided to each reentering offender in writing, and in a language that the reentering offender can understand.

SEC. 3119. FAMILY UNIFICATION IN PUBLIC HOUSING.

Section 576 of the Quality Housing and Work Responsibility Act of 1988 (Public Law 105–276; 42 U.S.C. 13661) is amended—

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

"(c) AUTHORITY TO DENY ADMISSION TO CRIMINAL OFFENDERS.—

"(1) IN GENERAL.—Except as provided in subsections (a) and (b) of this section and in addition to any other authority to screen applicants, in selecting among applicants for admission to the program or to federally assisted housing, if the public housing agency or owner of such housing, as applicable, determines that an applicant or any member of the applicant's household is engaged in or was convicted of, during a reasonable time preceding the date when the applicant household would otherwise be selected for admission, any drug-related or violent criminal activity or other criminal activity which would adversely affect the health, safety, or right to

peaceful enjoyment of the premises by other residents, the owner, or public housing agency employees, the public housing agency or owner may—

"(A) deny such applicant admission to the program or to federally assisted housing; and

"(B) after the expiration of the reasonable period beginning upon such activity, require the applicant, as a condition of admission to the program or to federally assisted housing, to submit to the public housing agency or owner evidence sufficient (as the Secretary shall by regulation provide) to ensure that the individual or individuals in the applicant's household who engaged in criminal activity for which denial was made under paragraph (1) have not engaged in any criminal activity during such reasonable period.

"(2) CONSIDERATION OF REHABILITATION.—In determining whether, pursuant to paragraph (1), to deny admission to the program or federally assisted housing to any household, a public housing agency or an owner shall, prior to an initial denial of eligibility, consider the following factors:

"(A) The effect of denial on the applicant's family, particularly minor children.

"(B) Whether such household member has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable) to the extent that such use would constitute a threat to the health, safety, or well-being of other residents.

"(C) Whether such household member has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable) to the extent that such use would constitute a threat to the health, safety, or well-being of other residents.

"(D) Whether such household member is participating in a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable) to the extent that such use would constitute a threat to the health, safety, or well-being of other residents.

"(E) Other mitigating circumstances such as—

"(i) the applicant's involvement in the community;

"(ii) the applicant's enrollment in or completion of a job training program;

"(iii) the employment status of the applicant;

"(iv) any other circumstances which reflect the efforts the applicant has made toward rehabilitation; and

"(v) the availability of other housing options."; and

(2) by adding at the end the following:

"(d) CONDITIONAL ELIGIBILITY.—A public housing agency or owner of such housing may condition an applicant's or a households' eligibility for federally assisted housing on the participation of the applicant, or a member of the applicant's household, in a supervised rehabilitation program, or other appropriate social services.".

Subtitle B—Commission To Study Alternatives to Incarceration of Non-Violent Mentally Ill Offenders Act of 2007

SEC. 3201. SHORT TITLE.

This subtitle may be cited as the ''Commission to Study Alternatives to Incarceration of Non-Violent Mentally Ill Offenders Act of 2007''.

SEC. 3202. FINDINGS.

Congress finds the following:

(1) A Bureau of Justice Statistics report from September 2006, entitled ''Mental Health Problems of Prison and Jail Inmates'', found that more than 50 percent of all prison and jail inmates had a mental health problem, including 705,600 inmates in State prisons, 78,800 in Federal prisons, and 479,900 in local jails.

(2) Fifty-six percent of State prisoners, 45 percent of Federal prisoners, and 64 percent of jail inmates were found to have a mental health problem.

(3) Twenty-four percent of jail inmates and 15 percent of State prisoners ''reported symptoms that met the criteria for a psychotic disorder''.

(4) Female inmates had higher rates of mental health problems than male inmates, specifically in

State prisons, 73 percent of females and 55 percent of males reported mental health problems and in local jails, 75 percent of females and 63 percent of males reported mental health problems.

(5) Thirteen percent of State prisoners who had a mental health problem were homeless in the year before their arrest, twice the percentage of State prisoners that did not have a mental health problem who were homeless in the year before their arrest.

(6) Twenty-four percent of jail inmates who had a mental health problem reported being physically or sexually abused in the past, which is 3 times the percentage of jail inmates without a mental health problem reporting such abuse.

(7) Twenty percent of State prisoners who had a mental health problem were injured in a fight after being incarcerated, twice the percentage of State prisoners without a mental health problem who were injured in a fight after being incarcerated.

(8) The National Association of Counties unanimously adopted a resolution in 2006, calling for the creation of a national commission to study and make recommendations on the jailing of the nonviolent mentally ill in county jails and State prisons. In passing this resolution, the National Association of

Counties pointed out that ''The nation's local jails are increasingly becoming the dumping grounds for the mentally ill.''.

(9) The National Association of Counties has emphasized the importance of including on the national commission described in paragraph (8) representatives of organizations that represent governments and government agencies, including representatives from organizations such as the National Association of Cities, the National League of Cities, the United States Conference of Mayors, the Council of State Governments, the National Conference of State Legislatures, the National Governors Association, and the International City/County Management Association and a representative from the Office of Management and Budget.

(10) Other groups, including the National Sheriffs' Association, the National District Attorneys Association, the American Psychiatric Association, the National Association of Country Behavioral and Development Disability Directors, and the American Correctional Association all support the creation of the national commission described in paragraph (8).

SEC. 3203. NATIONAL COMMISSION ON INMATES WITH MENTAL ILLNESS.

(a) ESTABLISHMENT.—Not later than 3 months after the date of enactment of this Act, the Attorney General of the United States shall establish a commission to study the jailing of nonviolent offenders with mental illness and to make recommendations to all levels of government for the most appropriate way to deal with these offenders (in this subtitle referred to as the ''Commission'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Attorney General shall appoint the members of the Commission.

(2) MEMBERS.—The Commission shall include—

(A) representatives from agencies of the Federal Government with criminal justice, health, housing, employment or social service responsibilities, including—

(i) the Substance Abuse and Mental Health Services Administration;

(ii) the Department of Housing and Urban Development;

(iii) the Bureau of Justice Assistance of the Department of Justice;

(iv) the Bureau of Justice Statistics of the Department of Justice;

(v) the National Institute of Justice of the Department of Justice; and

(vi) the Department of Labor;

(B) representatives of general purpose government and national organizations representing key constituencies at the local and State level, such as—

(i) the National Governors' Association;

(ii) the National League of Cities;

(iii) the National Association of Counties;

(iv) the National Conference of State Legislatures;

(v) the Council of State Governments;

(vi) the National Sheriffs' Association;

(vii) the National District Attorneys Association;

(viii) the National Association of County Health Officials;

(ix) the National Association of County Behavioral Health Directors;

(x) the National GAINS Center;

(xi) the National Commission on Correctional Health Care;

(xii) the National Association of Drug Court Professionals;

(xiii) the National Mental Health Association;

(xiv) the National Alliance on Mental Illness;

(xv) the American Psychological Association;

(xvi) the American Psychiatric Association;

(xvii) the International Association of Chiefs of Police;

(xviii) the Police Executive Research Forum;

(xix) the American Probation and Parole Association;

(xx) the American Bar Association;

(xxi) the American Jail Association;

(xxii) the National Association of State Alcohol and Drug Abuse Directors;

(xxiii) the Judge David Bazelon Center for Mental Health Law;

(xxiv) the Partners in Crisis of America;

(xxv) the American Correctional Association; and

(xxvi) the National Institute of Corrections;

(C) members of community-based groups working with the mentally ill;

(D) representatives of victims rights groups; and

(E) representatives of other organizations or entities, as determined by the Attorney General.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) MEETINGS.—The Commission shall meet at the call of the Chairman.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRMAN AND VICE CHAIRMAN.—The Commission shall select a Chairman and Vice Chairman from among its members.

SEC. 3204. REPORTING.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit a report to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives, the Governor of each State, and any agency, association, or entity participating on the Commission regarding nonviolent offenders with mental illness. The report shall also be made available on the Internet.

(b) CONTENTS.—The report submitted under subsection (a) shall—

(1) address how the various levels of government can work together effectively on dealing appropriately with nonviolent offenders with mental illness, including recommendations, if any, regarding how the Federal Government can assist State and local governments in dealing with such offenders;

(2) identify best practices regarding nonviolent offenders with mental illness;

(3) discuss the appropriateness of housing non-violent, mentally ill offenders in jails and prisons, and identify alternatives to such housing;

(4) identify special challenges faced by mentally ill offenders while in prisons and jails, including being involved in physical altercations;

(5) describe the causes of the increase of mentally ill offenders; and

(6) discuss the role mental illness plays in recidivism.

SEC. 3205. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this subtitle.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this subtitle. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under

the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 3206. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section

3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 3207. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits its report under section 3204.

SEC. 3208. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Commission $3,000,000 for each of fiscal years 2008 and 2009 to carry out this subtitle.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

TITLE IV—PROTECTING CHILDREN

Subtitle A—Combating Child Exploitation Act of 2007

SEC. 4101. SHORT TITLE.

This subtitle may be cited as the ''Combating Child Exploitation Act of 2007''.

SEC. 4102. FINDINGS.

Congress finds the following:

(1) The Internet has facilitated the growth of a multi-billion dollar global market for images and video of children being sexually-displayed, raped, and tortured, far exceeding law enforcement's capacity to respond at the Federal, State, and local level.

(2) The explosion of child pornography trafficking is claiming very young victims. Research by the Department of Justice, the University of New Hampshire, and the National Center for Missing and Exploited Children indicates that among those arrested for possession of child pornography, 83 percent have images of children 6–12 years old, 39 percent have images of children 3–5 years old, and 19 percent have images of children under the age of 3 years old.

(3) The images and videos being trafficked typically depict sexual assaults that are both graphic and brutal. The same research indicates that 80 percent of known child pornography possessors have images of children being sexually penetrated and 21 percent have images depicting children bound, gagged, blindfolded, or ''otherwise enduring sadistic sex.'' Just 1 percent restricted their collecting to images of simple child nudity.

(4) Millions of American children and teens are at risk from sexual predators who are hunting, stalking, and luring minors online. Along with the incredible access to the world offered our children by the Internet, the Internet also offers the world access to our children.

(5) The Internet Crimes Against Children Task Force program (''ICAC Program'') of the Department of Justice has identified millions of child pornography transactions involving images and video of child sexual assault from millions of computer IP addresses worldwide.

(6) The ICAC Program has been highly successful in creating and sustaining an emerging national network of 46 Federal, State, and local task forces, which form the backbone of America's national readiness to combat child exploitation.

(7) In testimony before Congress, law enforcement experts have expressed consensus that lack of dedicated forensic analysis capacity is a severe problem at the Federal, State, and local level, severely limiting the number of predators that can be interdicted and children that can be identified and rescued.

(8) The Federal Bureau of Investigation, the Department of Immigrations and Customs Enforcement, and the United States Postal Inspection Service have each developed highly specialized and successful child exploitation investigative capabilities, yet these agencies have testified to Congress that they must triage the overwhelming number of child exploitation crimes and cannot investigate a large percentage of known crimes.

(9) Child pornography and online child enticement crimes have among the highest conviction rates of any child sexual offense, and the Department of Justice funded research indicates that the majority of child pornography offenders have committed or attempted direct sexual contact offenses against children. Investigating and prosecuting these predators is thus one of the most concrete and measurable strategies for the prevention of future child sexual abuse.

SEC. 4103. DEFINITIONS.

In this subtitle, the following definitions shall apply:

(1) CHILD EXPLOITATION.—The term ''child exploitation'' means any conduct, or an attempt or conspiracy to commit such conduct, constituting criminal sexual abuse of a minor, sexual exploitation

of a minor, abusive sexual contact of a minor, sexually explicit conduct with a minor, or any similar offense under Federal or State law.

(2) MINOR.—The term ''minor'' means any person under the age of 18 years.

(3) SEXUALLY EXPLICIT CONDUCT.—The term ''sexually explicit conduct'' has the meaning as in section 2256 of title 18, United States Code.

PART I—SPECIAL COUNSEL FOR CHILD EXPLOITATION PREVENTION AND INTERDICTION

SEC. 4111. ESTABLISHMENT OF SPECIAL COUNSEL FOR CHILD EXPLOITATION PREVENTION AND INTERDICTION.

(a) IN GENERAL.—The Attorney General shall appoint a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General.

(b) DUTIES OF THE SPECIAL COUNSEL.—The Special Counsel appointed under subsection (a) shall have the following duties:

(1) Coordinating the policies and strategies of the Department of Justice related to the prevention and investigation of child exploitation cases, including the policies and strategies of the Office of Justice Programs, the Criminal Division of the Depart-

ment of Justice, the Executive Office of United States Attorneys, the Federal Bureau of Investigation, and any other agency or bureau of the Department of Justice whose activities relate to child exploitation cases.

(2) Pursuing memorandums of understanding or other interagency agreements related to the prevention, investigation, and apprehension of individuals exploiting children, including seeking cooperation and collaboration with—

(A) the Bureau of Immigration and Customs Enforcement;

(B) the Department of State;

(C) the Department of Commerce;

(D) the Department of Education; and

(E) other Federal agencies.

(3) Directing and overseeing the ICAC Task Force Program established under section 4112.

(4) Directing and overseeing the National Internet Crimes Against Children Data Network Center established under section 4115.

(5) Directing and overseeing the ICAC grant program established under section 4116.

(6) Coordinating technical assistance to Federal, State, local, and tribal law enforcement agen-

cies in the prevention, investigation, and prosecution of child exploitation crimes.

(7) Coordinating training to Federal, State, local, and tribal law enforcement agencies in the prevention, investigation, and prosecution of child exploitation crimes.

(8) Coordinating training and technical assistance to Federal, State, local, and tribal on forensic computer examination and analysis.

(9) Directing and overseeing programs for child exploitation prevention and education, including programs related to Internet safety.

(10) Maintaining liaison with the judicial branches of the Federal and State Governments on matters relating to child exploitation.

(11) Providing information to the President, the Congress, the judiciary, State, local, and tribal governments, and the general public on matters relating to child exploitation.

(12) Serving, at the request of the Attorney General, as the representative of the Department of Justice on domestic task forces, committees, or commissions addressing policy or issues relating to child exploitation.

(13) Serving, at the request of the President, acting through the Attorney General, as the representative of the United States Government on human rights and economic justice matters related to child exploitation in international fora, including the United Nations.

(14) Providing technical assistance, coordination, and support to—

(A) other components of the Department of Justice, in efforts to develop policy and to enforce Federal laws relating to child exploitation cases, including the litigation of civil and criminal actions relating to enforcing such laws;

(B) other Federal, State, local, and tribal agencies, in efforts to develop policy, provide technical assistance, and improve coordination among agencies carrying out efforts to eliminate child exploitation; and

(C) grantees, in efforts to combat child exploitation and to provide support and assistance to victims of such exploitation.

SEC. 4112. ESTABLISHMENT OF ICAC TASK FORCE PROGRAM.

(a) ESTABLISHMENT.—There is established within the Office of Justice Programs in the Department of Jus-

tice, under the general authority of the Attorney General, an Internet Crimes Against Children Task Force (hereinafter in this part referred to as the ''ICAC Task Force''), which shall consist of a national program of State and local law enforcement task forces dedicated to developing effective responses to online enticement of children by sexual predators, child exploitation, and child obscenity and pornography cases.

(b) NATIONAL PROGRAM.—The national ICAC Task Force program required under subsection (a) shall consist of at least 1 ICAC task force in each State.

SEC. 4113. PURPOSE OF ICAC TASK FORCES.

The ICAC Task Force, and each State or local ICAC task force that is part of the national program of task forces shall be dedicated towards—

(1) increasing the investigative capabilities of State and local law enforcement officers in the detection, investigation, and apprehension of Internet crimes against children offenses or offenders, including technology-facilitated child exploitation offenses;

(2) conducting proactive and reactive Internet crimes against children investigations;

(3) providing training and technical assistance to ICAC Task Forces and other Federal, State, and local law enforcement agencies in the areas of inves-

tigations, forensics, prosecution, community outreach, and capacity-building, using recognized experts to assist in the development and delivery of training programs;

(4) increasing the number of Internet crimes against children offenses being prosecuted in both Federal and State courts;

(5) creating a multiagency task force response to Internet crimes against children offenses within each State;

(6) enhancing nationwide responses to Internet crimes against children offenses, including assisting other ICAC task forces, as well as other Federal, State, and local agencies with Internet crimes against children investigations and prosecutions;

(7) developing and delivering Internet crimes against children public awareness and prevention programs; and

(8) participating in such other activities, both proactive and reactive, that will enhance investigations and prosecutions of Internet crimes against children.

SEC. 4114. DUTIES AND FUNCTIONS OF TASK FORCES.

Each State or local ICAC task force that is part of the national program of task forces shall—

(1) consist of State and local investigators, prosecutors, forensic specialists, and education specialists who are dedicated full-time to address the goals of such task force;

(2) work consistently towards achieving the purposes described in section 4113;

(3) engage in proactive investigations, forensic examinations, and effective prosecutions of Internet crimes against children;

(4) provide forensic, preventive, and investigative assistance to parents, educators, prosecutors, law enforcement, and others concerned with Internet crimes against children;

(5) develop multijurisdictional, multiagency responses and partnerships to Internet crimes against children offenses through ongoing informational, administrative, and technological support to other State and local law enforcement agencies, as a means for such agencies to acquire the necessary knowledge, personnel, and specialized equipment to investigate and prosecute such offenses;

(6) fully participate in any nationally coordinated investigation, as requested by the Attorney General;

(7) establish investigative and prosecution standards, consistent with established norms, to which that task force shall comply;

(8) investigate, and seek prosecution on, tips related to Internet crimes against children, including tips from other law enforcement agencies, ICAC task forces, the National Center for Missing and Exploited Children, and other Federal, State, and local agencies;

(9) develop procedures for handling seized evidence;

(10) maintain such reports and records as are required under this part; and

(11) seek to comply with national standards regarding the investigation and prosecution of Internet crimes against children, as set forth by the Attorney General, to the extent such standards are consistent with the law of the State where the task force is located.

SEC. 4115. NATIONAL ICAC DATA NETWORK CENTER.

(a) IN GENERAL.—The Attorney General shall establish a National Internet Crimes Against Children Data Network Center.

(b) PURPOSE OF CENTER.—The National Internet Crimes Against Children Data Network Center established under subsection (a) shall be dedicated to assisting—

(1) the ICAC Task Force Program established under this part; and

(2) Federal, State, local, and tribal agencies investigating and prosecuting child exploitation.

(c) MANDATORY REQUIREMENTS FOR CENTER.—The National Internet Crimes Against Children Data Network Center established under subsection (a) shall develop and maintain an integrated technology and training program that provides—

(1) a secure, online information-sharing and case management system for use by ICAC Task Forces, Federal law enforcement agencies, and other State and local law enforcement agencies;

(2) a secure, online system for resolving case conflicts, for use by ICAC Task Forces, Federal law enforcement agencies, and other State and local law enforcement agencies;

(3) a secure intelligence data storage and analysis system for use by ICAC Task Forces, Federal law enforcement agencies, and other State and local law enforcement agencies;

(4) guidelines for the use of such Data Network by Federal, State, and local law enforcement agencies; and

(5) training and technical assistance on the use of such Data Network by Federal, State, and local law enforcement agencies.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of the fiscal years 2008 through 2015, $2,000,000 to carry out the provisions of this section, including for—

(1) the establishment of the National Internet Crimes Against Children Data Network Center; and

(2) the costs of operating and maintaining such Center.

SEC. 4116. ICAC GRANT PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Attorney General is authorized to award grants to State and local ICAC task forces to assist in carrying out the duties and functions described under section 4114.

(2) FORMULA.—

(A) ATTORNEY GENERAL TO DEVELOP.—At least 75 percent of the total funds appropriated for grants under paragraph (1) shall be awarded or otherwise distributed pursuant to a

1 funding formula established by the Attorney
2 General.
3 (B) BASELINE AMOUNT.—Any formula es-
4 tablished by the Attorney General under sub-
5 paragraph (A), shall—
6 (i) ensure that each State or local
7 ICAC task force shall, at a minimum, re-
8 ceive an amount equal to 1 percent of the
9 total funds appropriated for grants under
10 paragraph (1); and
11 (ii) take into consideration the fol-
12 lowing factors:
13 (I) The population of each State,
14 as determined by the most recent de-
15 cennial census performed by the Bu-
16 reau of the Census.
17 (II) The number of investigative
18 leads generated by the integrated
19 technology system of each ICAC Task
20 Force.
21 (III) The number of Internet
22 crimes against children criminal cases
23 referred by a task force for Federal,
24 State, or local prosecution.

(IV) The number of successful prosecutions of child exploitation cases by a task force.

(V) Such other criteria as the Attorney General determines demonstrates the level of need for additional resources by a task force.

(C) REMAINING FUNDS.—

(i) IN GENERAL.—The funds remaining for grants under this section after allocation of the baseline amounts under subparagraph (B) shall be distributed to State and local ICAC task forces based upon need, as set forth by criteria established by the Attorney General. Such criteria shall include:

(I) The population of each State, as determined by the most recent decennial census performed by the Bureau of the Census.

(II) The number of investigative leads generated by the integrated technology system of each ICAC Task Force.

(III) The number of Internet crimes against children criminal cases referred by a task force for Federal, State, or local prosecution.

(IV) The number of successful prosecutions of child exploitation cases by a task force.

(V) Such other criteria as the Attorney General determines demonstrates the level of need for additional resources by a task force.

(ii) MATCHING REQUIREMENT.—To be eligible to receive any remaining grant funds under this subparagraph, a State or local ICAC task force shall contribute matching non-Federal funds in an amount equal to not less than 25 percent of the total amount of the grant.

(b) APPLICATION.—

(1) IN GENERAL.—Each State or local ICAC task force seeking a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this part.

(c) ALLOWABLE USES.—Grants awarded under this section may be used to—

(1) hire personnel, investigators, prosecutors, education specialists, and forensic specialists;

(2) establish and support forensic laboratories utilized in Internet crimes against children investigations;

(3) support investigations and prosecutions of Internet crimes against children;

(4) conduct and assist with education programs to help children and parents protect themselves from Internet predators;

(5) conduct and attend training sessions related to successful investigations and prosecutions of Internet crimes against children; and

(6) fund any other activities directly related to preventing, investigating, or prosecuting Internet crimes against children.

(d) REPORTING REQUIREMENTS.—

(1) ICAC REPORTS.—To measure the results of the activities funded by grants under this section, and to assist the Attorney General in complying with the Government Performance and Results Act (Public Law 103–62; 107 Stat. 285), each State or local ICAC task force receiving a grant under this section shall, on an annual basis, submit a report to the Attorney General that sets forth the following:

(A) Staffing levels of the task force, including the number of investigators, prosecutors, education specialists, and forensic specialists dedicated to investigating and prosecuting Internet crimes against children.

(B) Investigation and prosecution performance measures of the task force, including—

(i) the number of Internet crimes against children related arrests;

(ii) the number of prosecutions for Internet crimes against children, including—

(I) whether the prosecution resulted in a conviction for such crime; and

(II) the sentence and the statutory maximum for such crime under State law.

(C) The number of referrals made by the task force to the United States Attorneys office, including whether the referral was accepted by the United States Attorney.

(D) The number of investigative technical assistance sessions that the task force provided to non-member law enforcement agencies.

(E) The number of computer forensic examinations that the task force completed.

(F) The number of law enforcement agencies participating in Internet crimes against children program standards established by the task force.

(2) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit a report to Congress on—

(A) the progress of the development of the ICAC Task Forces established under this part; and

(B) the number of Federal and State investigations, prosecutions, and convictions in the prior 12-month period related to child exploitation.

SEC. 4117. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this part—

(1) $60,000,000 for fiscal year 2008;

(2) $75,000,000 for fiscal year 2009;

(3) $75,000,000 for fiscal year 2010;

(4) $75,000,000 for fiscal year 2011;

(5) $75,000,000 for fiscal year 2012;

(6) $75,000,000 for fiscal year 2013;

(7) $100,000,000 for fiscal year 2014; and

(8) $100,000,000 for fiscal year 2015.

(b) AVAILABILITY.—Funds appropriated under subsection (a) shall remain available until expended.

PART II—ADDITIONAL MEASURES TO COMBAT CHILD EXPLOITATION

SEC. 4121. ADDITIONAL REGIONAL COMPUTER FORENSIC LABS.

(a) ADDITIONAL RESOURCES.—The Attorney shall establish additional computer forensic capacity to address the current backlog for computer forensics, including for child exploitation investigations. The Attorney General may utilize funds under this title to establish new regional computer forensic laboratories within the Regional Computer Forensic Laboratories Program operated by the Federal Bureau of Investigation or may increase capacity at existing laboratories.

(b) NEW COMPUTER FORENSIC LABS.—If the Attorney General determines that new regional computer forensic laboratories are needed under subsection (a) to address existing backlogs, such new laboratories shall be established pursuant to subsection (d).

(c) PURPOSE OF NEW RESOURCES.—The additional forensic capacity established by the resources provided under this section shall prioritize its activities to assist Federal agencies, State and local Internet Crimes Against Children task forces, and other Federal, State, and local law enforcement agencies in preventing, investigating, and prosecuting Internet crimes against children.

(d) PURPOSE OF NEW ADDITIONAL CAPACITY.—The location of any new regional computer forensic laboratories under this section shall be determined by the Attorney General, in consultation with the Director of the Federal Bureau of Investigation, the Regional Computer Forensic Laboratory National Steering Committee, and other relevant stakeholders.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, and every year thereafter, the Attorney General shall submit a report to the Congress on how the funds appropriated under this section were utilized.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal years 2008 through 2015, $7,000,000 to carry out the provisions of this section.

SEC. 4122. ENHANCED AUTHORITY TO INVESTIGATE INTERNET CRIMES AGAINST CHILDREN.

Section 2516(2) of title 18, United States Code, is amended by inserting ''or crimes against children, including child exploitation, child obscenity, or other crimes dangerous to the life, limb, and well-being of minor children,'' after ''other dangerous drugs,''.

SEC. 4123. ADDITIONAL FIELD AGENTS FOR THE FBI.

(a) IN GENERAL.—There are authorized to be appropriated to the Attorney General $20,000,000, for each of the fiscal years 2008 through 2009, and $25,000,000 for each of fiscal years 2010 through 2015, to fund the hiring of full-time Federal Bureau of Investigation field agents and associated analysts and support staff in addition to the number of such employees serving in those capacities on the date of enactment of this Act.

(b) SOLE PURPOSE.—The sole purpose of the additional staff required to be hired under subsection (a) is to work on child exploitation cases as part of the Federal Bureau of Investigation's Innocent Images National Initiative.

SEC. 4124. IMMIGRATIONS AND CUSTOMS ENFORCEMENT ENHANCEMENT.

(a) ADDITIONAL AGENTS.—There are authorized to be appropriated to the Secretary of Homeland Security $15,000,000, for each of the fiscal years 2008 through 2015, to fund the hiring of full-time agents and associated analysts and support staff within the Bureau of Immigration and Customs Enforcement in addition to the number of such employees serving in those capacities on the date of enactment of this Act.

(b) SOLE PURPOSE.—The sole purpose of the additional staff required to be hired under subsection (a) is to work on child exploitation and child obscenity cases.

SEC. 4125. COMBATING TRAFFICKING VIA THE UNITED STATES POSTAL SERVICE.

(a) IN GENERAL.—There are authorized to be appropriated to the Postmaster General $5,000,000, for each of the fiscal years 2008 through 2015, to fund the hiring of full-time agents and associated analysts and support staff in addition to the number of such employees serving in those capacities on the date of enactment of this Act.

(b) SOLE PURPOSE.—The sole purpose of the additional staff required to be hired under subsection (a) is to work on child exploitation and child obscenity cases.

SEC. 4126. ACCOUNTABILITY PROVISIONS FOR CHILD EXPLOITATION PREVENTION AND INTERDICTION.

The Attorney General, in consultation with the Secretary of Homeland Security and the Postmaster General, shall report to the Committees on the Judiciary of the Senate and House of Representatives and any other relevant committee of jurisdiction, on an annual basis, on the resources (agents, forensic labs, prosecutors, etc.) being utilized by such agencies to investigate and prosecute child exploitation and child obscenity cases, includ-

ing the resources established under this title, the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248; 120 Stat. 587), and any other law related to combating child exploitation and child obscenity.

SEC. 4127. TRUTH IN SENTENCING REPORT.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and report to Congress on the efforts to combat child exploitation at the Federal, State, and local level, including an examination of the average sentences for child sex offenders and the length of time served for each individual child sex offender.

Subtitle B—Violence Against Children Act of 2007

SEC. 4201. SHORT TITLE.

This subtitle may be cited as the ''Violence Against Children Act of 2007''.

SEC. 4202. FINDINGS.

Congress makes the following findings:

(1) According to data from the National Incident-Based Reporting System, people under the age of 18 make up approximately 26 percent of violent crime victims reported to police, including 70 percent of all reported sexual assaults. Of the victims

under the age of 18, approximately 37 percent were under the age of 12.

(2) According to data from the Bureau of Justice Statistics, people between the ages of 12 and 17 are over 2 times more likely to be victims of violent crime than adults.

(3) According to data from the Bureau of Justice Statistics, only 29 percent of violent crimes against people between ages 12 and 17 are actually reported to police.

(4) According to data from the Department of Health and Human Services, an estimated 152,600 children were victims of physical abuse in 2004, of which approximately 422 were fatalities.

(5) Child abuse has long-lasting negative effects upon children and families, including delayed development, depression, substance abuse, and increased likelihood of experiencing or perpetrating domestic violence as an adult.

(6) Local law enforcement agencies are in need of additional resources to protect and serve the needs of children and families.

(7) Legal representation, including training requirements for attorneys, guardians ad litem (GAL), and court appointed special advocates (CASA), and

caseload restrictions, for children in dependency court varies substantially by State and jurisdiction.

(8) With an estimated 30,000 gangs operating within the United States, gang violence and drug trafficking remain serious problems throughout the country, causing injury and death to innocent victims, often children.

(9)(A) On November 13, 2005, a gang-related dispute broke out in San Bernardino, California, and gunfire sprayed an apartment building, killing 11-year-old Mynisha Crenshaw and seriously wounding her 14-year-old sister as they ate Sunday dinner with their family.

(B) This tragic shooting symbolizes the struggle that so many communities across the United States, like San Bernardino, face in combating gang violence, and serves as a reminder of the nationwide problem of protecting children from senseless violence.

(10) According to the National Drug Threat Assessment, criminal street gangs are responsible for the distribution of much of the cocaine, methamphetamine, heroin, and other illegal drugs throughout the United States.

(11) Coordination of Federal resources is needed to reduce gang violence through proven and proactive prevention and intervention programs, including programs that focus on keeping at-risk youth in school and out of the criminal justice system.

PART I—ENHANCED FEDERAL ROLE IN CRIMES AGAINST CHILDREN

SEC. 4211. ENHANCED PENALTIES.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by inserting at the end the following:

"§ 2260A. Violence against children

''(a) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subsection (b), by force or threat of force intentionally causes or attempts to cause serious bodily injury to any person under 18 years of age shall be imprisoned for any term of years or for life, and fined in accordance with this title, if—

''(1) death results from the offense; or

''(2) the offense includes aggravated assault or attempted aggravated assault, aggravated battery or attempted aggravated battery, robbery or attempted robbery, or an attempt to kill.

1 "(b) CIRCUMSTANCES.—For purposes of subsection
2 (a), the circumstances described in this subsection are
3 that—
4 "(1) in the course of the conducts described in
5 subsection (a), the minor or the defendant traveled
6 in or was transported in interstate or foreign com-
7 merce;
8 "(2) the conduct described in subsection (a) is
9 done within the special maritime and territorial ju-
10 risdiction of the United States; or
11 "(3) in the course of the conduct described in
12 subsection (a) the defendant used a channel, facility,
13 or instrumentality of interstate or foreign commerce.
14 "(c) SERIOUS BODILY INJURY.—In this section—
15 "(1) the term 'serious bodily injury' means in-
16 jury involving extreme physical pain or the pro-
17 tracted impairment of a function of a bodily mem-
18 ber, organ, or mental faculty, or requiring medical
19 intervention such as surgery, hospitalization, or
20 physical rehabilitation; and
21 "(2) serious bodily injury is deemed to have oc-
22 curred if the offense involves conduct constituting
23 criminal sexual abuse under section 2241 or 2242 of
24 this title.

"(d) PENALTIES.—An offense under this section shall not preempt any offense or penalty under relevant State law.".

(b) AMENDMENT TO CHAPTER ANALYSIS.—The chapter analysis for chapter 110 of title 18, United States Code, is amended by inserting at the end the following:

"2260A. Violence against children.".

(c) ENHANCED PENALTIES FOR EXISTING CRIMES WHEN COMMITTED AGAINST CHILDREN.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this part and its purposes, the United States Sentencing Commission shall review and amend its guidelines and its policy statements to provide enhanced penalties when the victim of a Federal crime is under the age of 18.

(d) GAO REVIEW OF STATE LAWS.—Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) review the statutory penalties for crimes against children under State laws and the sentencing practices of the States with respect to those crimes, including whether a State provides enhanced penalties when the victim of the crime is a child; and

(2) report the findings of the review to Congress.

SEC. 4212. ENHANCED ASSISTANCE FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) IN GENERAL.—At the request of a State, Indian tribal government, or unit of local government, the Attorney General shall provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(1) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(2) constitutes a felony under the laws of the State or Indian tribe; and

(3) is committed against a person under 18 years of age.

(b) PRIORITY.—If the Attorney General determines that there are insufficient resources to fulfill requests made pursuant to subsection (a), the Attorney General shall give priority to requests for assistance to—

(1) crimes committed by, or believed to be committed by, offenders who have committed crimes in more than 1 State; and

(2) rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(c) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Every 180 days following the date of enactment of this Act, the Attorney General shall submit to Congress a report on applications for Federal assistance under this subtitle, and Federal assistance provided under this subtitle.

(2) CONTENTS.—Each report under paragraph (1) shall include—

(A) a listing of all applications for Federal assistance under this subtitle during the previous 180 days;

(B) a description of each application submitted during the previous 180 days, whether approved, denied, or pending, including the name of the requesting party and the nature of the request for assistance;

(C) reasons for approval or denial of each application, and the persons involved in the review and decision-making process for each application; and

(D) if Federal assistance was provided, a description of the assistance provided, including the date on which the assistance was provided.

PART II—GRANT PROGRAMS

SEC. 4221. FEDERAL ASSISTANCE TO STATE AND LOCAL LAW ENFORCEMENT.

(a) IN GENERAL.—The Attorney General shall award grants to assist States, Indian tribal governments, and units of local government to develop and strengthen effective law enforcement and prosecution of crimes against children.

(b) PURPOSES.—Grants provided under this section shall provide personnel, training, technical assistance, data collection, and other equipment for the more widespread apprehension, prosecution, and adjudication of persons committing crimes against children, and specifically, for the purposes of—

(1) training law enforcement officers, prosecutors, judges, and other court personnel to more effectively identify and respond to crimes against children;

(2) developing, training, or expanding units of law enforcement officers, prosecutors, or courts specifically targeting crimes against children;

(3) developing and implementing more effective police and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to crimes against children;

(4) developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts for the purpose of identifying and tracking arrests, prosecutions, and convictions for crimes against children;

(5) encouraging, developing, and strengthening programs, procedures, and policies that enhance cross-collaboration and cross-communication between law enforcement and child services agencies regarding the care, treatment, and services for child victims;

(6) developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with crimes against children; and

(7) developing, training, or expanding units of law enforcement officers, prosecutors, or courts to investigate and prosecute Internet crimes against children, including increased development and training in the use of forensic methods.

(c) APPLICATION.—

(1) IN GENERAL.—Each State, Indian tribal government, or unit of local government that desires a grant under this section shall submit an applica-

tion to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(2) REQUIREMENTS.—A State, Indian tribal government, or unit of local government applying for a grant under this section shall—

(A) describe—

(i) the purposes for which the grant is needed;

(ii) the intended use of the grant funds; and

(iii) the expected results from the use of grant funds;

(B) demonstrate that, in developing a plan to implement the grant, the State, Indian tribal government, or unit of local government has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of crimes against children; and

(C) certify that—

(i) any Federal funds received under this section will be used to supplement, not supplant, non-Federal funds that would

otherwise be available for activities funded under this section; and

(ii) the State, the Indian tribal government, or the State in which the unit of local government is located is in compliance with sections 4231 and 4232.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of the fiscal years 2008 through 2010.

SEC. 4222. EDUCATION, PREVENTION, AND VICTIMS' ASSISTANCE GRANTS.

(a) IN GENERAL.—The Attorney General shall award grants to assist States, Indian tribal governments, units of local government, universities, and nongovernmental organizations to provide education, prevention, intervention, and victims' assistance services regarding crimes against children.

(b) PURPOSES.—Grants provided under this section shall be used to provide education, prevention, and intervention services to prevent crimes against children and to provide assistance to children, and the families of children, who are victims of crime, including—

(1) educational seminars;

(2) the operation of hotlines;

(3) training programs for professionals;

(4) the preparation of informational material for education and public awareness;

(5) multidisciplinary training curricula at accredited schools of law and undergraduate institutions in order to provide a broad and comprehensive foundation for improved intervention and representation of abused and neglected children;

(6) intervention services to prevent crimes against children;

(7) other efforts to increase awareness of the facts about, or to help prevent, crimes against children, including efforts to increase awareness in underserved racial, ethnic, and language minority communities;

(8) emergency medical treatment for victims;

(9) counseling to victims of crimes against children and their families; and

(10) increasing the supply of mental health professionals specializing in the mental health of victims of crimes against children.

(c) APPLICATION.—

(1) IN GENERAL.—Each State, Indian tribal government, unit of local government, or nongovernmental organization that desires a grant under this

section shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(2) REQUIREMENTS.—A State, Indian tribal government, unit of local government, or nongovernmental organization applying for a grant under this section shall—

(A) describe—

(i) the purposes for which the grant is needed;

(ii) the intended use of the grant funds; and

(iii) the expected results from the use of grant funds;

(B) demonstrate that, in developing a plan to implement the grant—

(i) in the case of a State, Indian tribal government, or unit of local government, that the State, Indian tribal government, or unit of local government has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of crimes against children; and

(ii) in the case of a nongovernmental organization, that the nongovernmental organization has experience in providing education, prevention, or intervention services regarding crimes against children or has experience in providing services to victims of crimes against children; and

(C) certify that—

(i) any Federal funds received under this section will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this section, provided that the Attorney General may waive such requirement for nongovernmental organizations in extraordinary circumstances; and

(ii) the State, the Indian tribal government, the State in which the unit of local government is located, or the State in which the nongovernmental organization will operate the activities funded under this section is located, is in compliance with section 4233.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section

$50,000,000 for each of the fiscal years 2008 through 2010.

PART III—NATIONWIDE PROGRAMS

SEC. 4231. IMPROVED STATISTICAL GATHERING.

Each State receiving grants pursuant to part II shall use, or shall be in the process of testing or developing protocols to use, the National Incident-Based Reporting System.

SEC. 4232. NATIONAL SAFE HAVEN.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, each State receiving grants pursuant to part II shall have in effect a statute that—

(1) permits a parent to leave a newborn baby with a medically trained employee of a hospital emergency room anonymously without any criminal or other penalty;

(2) includes a mechanism to encourage and permit a hospital employee in the receiving hospital to collect information about the medical history of the family subject to the approval of the parent;

(3) requires law enforcement entities in the State, immediately after relinquishment of a child under paragraph (1), to search State and Federal missing person databases to ensure that the child has not been reported missing; and

(4) includes a plan for publicizing the State's Safe Haven law.

(b) EXCEPTION.—Notwithstanding subsection (a)(1), a State statute in effect pursuant to this section may deny a parent the ability to leave a newborn baby anonymously without any criminal or other penalty if the newborn baby shows signs of abuse or appears to have been intentionally harmed.

SEC. 4233. IMPROVED CHILD PROTECTION SERVICES PROGRAMS.

Not later than 180 days after the date of enactment of this Act, each State receiving an allotment for child welfare services under subpart 1 of part B of title IV of the Social Security Act (42 U.S.C. 620 et seq.) shall submit to the Secretary of Health and Human Services a report detailing the State's program funded under that subpart, including the process for maintaining records and verifying the well-being of the children under the State's care.

SEC. 4234. MODEL TRAINING AND CASELOAD STANDARDS.

(a) DEVELOPMENT.—

(1) MODEL CURRICULUM AND TRAINING STANDARDS.—The Secretary of Health and Human Services, in conjunction with the Attorney General, shall develop model standards for curriculum and

training for individuals who are guardians ad litem, court appointed special advocates, or attorneys ad litem, in child abuse and neglect cases (as defined in section 111 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106g)). The Secretary of Health and Human Services shall design the standards to improve the quality of representation by, and uniformity of practices of, such individuals, throughout the United States.

(2) CASELOAD STANDARDS.—The Secretary of Health and Human Services, after consulting with the Attorney General, shall develop caseload standards for the individuals described in paragraph (1).

(b) DISSEMINATION.—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall disseminate the standards developed under paragraphs (1) and (2) of subsection (a) to State child welfare agencies receiving assistance under subpart 1 of part B of title IV of the Social Security Act (42 U.S.C. 620 et seq.).

PART IV—MYNISHA'S LAW

SEC. 4241. SHORT TITLE.

This part may be cited as ''Mynisha's Law''.

SEC. 4242. FEDERAL COORDINATION AND ASSISTANCE IN PREVENTING GANG VIOLENCE.

The Attorney General shall establish an interagency task force to provide Federal assistance and coordination in preventing gang violence.

SEC. 4243. DESIGNATION AS A HIGH INTENSITY INTERSTATE GANG AREA.

(a) IN GENERAL.—A unit of local government, city, county, tribal government, or a group of counties (whether located in 1 or more States) may submit an application to the Attorney General for designation as a high intensity interstate gang area.

(b) CRITERIA.—

(1) IN GENERAL.—The Attorney General shall establish criteria for reviewing applications submitted under subsection (a).

(2) CONSIDERATIONS.—In establishing criteria under subsection (a) and evaluating an application for designation as a high intensity interstate gang area, the Attorney General shall consider—

(A) the current and predicted levels of gang crime activity in the area;

(B) the extent to which violent crime in the area appears to be related to criminal gang activity;

(C) the extent to which the area is already engaged in local or regional collaboration regarding, and coordination of, gang prevention activities;

(D) the extent to which an increase in the allocation of Federal resources would enhance local response to the gang crime or gang prevention activities in the area; and

(E) such other criteria as the Attorney General determines to be appropriate.

SEC. 4244. PURPOSE OF THE TASK FORCE.

(a) IN GENERAL.—In order to coordinate Federal assistance to high intensity interstate gang areas, the Attorney General shall establish an Interagency Gang Prevention Task Force (in this part referred to as the ''Task Force''), consisting of a representative from—

(1) the Department of Justice;

(2) the Department of Education;

(3) the Department of Labor;

(4) the Department of Health and Human Services; and

(5) the Department of Housing and Urban Development.

(b) COORDINATION.—For each high intensity interstate gang area designated by the Attorney General under section 4243, the Task Force shall—

(1) coordinate the activities of the Federal Government to create a comprehensive gang prevention response, focusing on early childhood intervention, at-risk youth intervention, literacy, employment, and community policing; and

(2) coordinate its efforts with local and regional gang prevention efforts.

(c) PROGRAMS.—The Task Force shall prioritize the needs of high intensity interstate gang areas for funding under—

(1) the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

(2) the Even Start programs under subpart 3 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6381 et seq.);

(3) the Healthy Start Initiative under section 330H of the Public Health Services Act (42 U.S.C. 254c–8);

(4) the Head Start Act (42 U.S.C. 9831 et seq.);

(5) the 21st Century Community Learning Centers program under part B of title IV of the Ele-

mentary and Secondary Education Act of 1965 (20 U.S.C. 7171 et seq.);

(6) the Job Corps program under subtitle C of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2881 et seq.);

(7) the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.);

(8) the Gang Resistance Education and Training projects under subtitle X of title III of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13921);

(9) any program administered by the Office of Community Oriented Policing Services;

(10) the Juvenile Accountability Block Grant program under part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee et seq.);

(11) the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.); and

(12) any other program that the Task Force determines to be appropriate.

(d) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than February 1 of each year, the Task Force shall submit to Congress and the Attorney General a report on the funding needs and programmatic outcomes for each area designated as a high intensity interstate gang area.

(2) CONTENTS.—Each report under paragraph (1) shall include—

(A) an evidence-based analysis of the best practices and outcomes among the areas designated as high intensity interstate gang areas; and

(B) an analysis of the adequacy of Federal funding to meet the needs of each area designated as a high intensity interstate gang area and, if the Task Force identifies any programmatic shortfalls in addressing gang prevention, a request for new funding or reprogramming of existing funds to meet such shortfalls.

SEC. 4245. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to meet any needs identified in any report submitted under section 4244(d)(1).

PART V—SCHOOL SAFETY ENHANCEMENTS

SEC. 4251. GRANT PROGRAM FOR SCHOOL SECURITY.

Section 2701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797a) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting ''surveillance,'' after ''detectors,'';

(B) by striking paragraph (2) and inserting the following:

''(2) The establishment of hotlines or tiplines for the reporting of potentially dangerous students and situations.'';

(C) by redesignating paragraph (5) as paragraph (6); and

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

''(5) Capital improvements to make school facilities more secure.'';

(2) by striking subsection (d)(1) and inserting the following:

''(1) Notwithstanding section 1701(g), the Federal share of the costs of a program provided by a grant under subsection (a) shall be 80 percent of the total of such costs. The non-Federal share of such costs shall be 20 percent of such costs.''; and

(3) by adding at the end the following:

"(g) INTERAGENCY TASK FORCE.—Not later than 60 days after the date of enactment of this subsection, the Director and the Secretary of Education, or the designee of the Secretary, shall establish an interagency task force to develop and promulgate a set of advisory school safety guidelines. The advisory school safety guidelines shall be published in the Federal Register by not later than June 1, 2008.".

SEC. 4252. APPLICATIONS.

Section 2702(a)(2) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797b(a)(2)) is amended to read as follows:

"(2) be accompanied by a report, signed by the chief education officer and the attorney general or other chief legal officer of the State, unit of local government, or Indian tribe, demonstrating that each proposed use of the grant funds will be—

"(A) an effective means for improving the safety of 1 or more schools;

"(B) consistent with a comprehensive approach to preventing school violence; and

"(C) individualized to the needs of each school at which those improvements are to be made.".

SEC. 4253. AUTHORIZATION OF APPROPRIATIONS.

Section 2705 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797e) is amended by striking ''$30,000,000'' and inserting ''$50,000,000''.

TITLE V—DRUG CONTROL, PREVENTION AND TREATMENT

Subtitle A—Drug Sentencing Reform and Cocaine Kingpin Trafficking Act of 2007

SEC. 5101. SHORT TITLE.

This subtitle may be cited as the ''Drug Sentencing Reform and Cocaine Kingpin Trafficking Act of 2007''.

SEC. 5102. COCAINE SENTENCING DISPARITY ELIMINATION.

(a) CSA.—Section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) is amended—

(1) in subparagraph (A)(iii), by striking ''50 grams'' and inserting ''5 kilograms''; and

(2) in subparagraph (B)(iii), by striking ''5 grams'' and inserting ''500 grams.''

(b) IMPORT AND EXPORT ACT.—Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(1) in paragraph (1)(C), by striking ''50 grams'' and inserting ''5 kilograms''; and

(2) in paragraph (2)(C), by striking ''5 grams'' and inserting ''500 grams''.

SEC. 5103. ELIMINATION OF MANDATORY MINIMUM FOR SIMPLE POSSESSION.

Section 404(a) of the Controlled Substances Act (21 U.S.C. 844(a)) is amended by striking the sentence beginning ''Notwithstanding the preceding sentence,''.

SEC. 5104. INCREASED EMPHASIS ON CERTAIN AGGRAVATING AND MITIGATING FACTORS.

Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and, if appropriate, amend the sentencing guidelines to ensure that the penalties for an offense involving trafficking of a controlled substance—

(1) provide tiered enhancements for the involvement of a dangerous weapon or violence, including, if appropriate—

(A) an enhancement for the use or brandishment of a dangerous weapon;

(B) an enhancement for the use, or threatened use, of violence; and

(C) any other enhancement the Commission considers necessary;

(2) adequately take into account the culpability of the defendant and the role of the defendant in the offense, including consideration of whether enhancements should be added, either to the existing enhancements for aggravating role or otherwise, that

take into account aggravating factors associated with the offense, including—

(A) whether the defendant committed the offense as part of a pattern of criminal conduct engaged in as a livelihood;

(B) whether the defendant is an organizer or leader of drug trafficking activities involving 5 or more persons;

(C) whether the defendant maintained an establishment for the manufacture or distribution of the controlled substance;

(D) whether the defendant distributed a controlled substance to an individual under the age of 21 years of age or to a pregnant woman;

(E) whether the defendant involved an individual under the age of 18 years or a pregnant woman in the offense;

(F) whether the defendant manufactured or distributed the controlled substance in a location described in section 409(a) or section 419(a) of the Controlled Substances Act (21 U.S.C. 849(a) or 860(a));

(G) whether the defendant bribed, or attempted to bribe, a Federal, State, or local law

enforcement officer in connection with the offense;

(H) whether the defendant was involved in importation into the United States of a controlled substance;

(I) whether bodily injury or death occurred in connection with the offense;

(J) whether the defendant committed the offense after previously being convicted of a felony controlled substances offense; and

(K) any other factor the Commission considers necessary; and

(3) adequately take into account mitigating factors associated with the offense, including—

(A) whether the defendant had minimum knowledge of the illegal enterprise;

(B) whether the defendant received little or no compensation in connection with the offense;

(C) whether the defendant acted on impulse, fear, friendship, or affection when the defendant was otherwise unlikely to commit such an offense; and

(D) whether any maximum base offense level should be established for a defendant who qualifies for a mitigating role adjustment.

SEC. 5105. OFFENDER DRUG TREATMENT INCENTIVE GRANTS.

(a) GRANT PROGRAM AUTHORIZED.—The Attorney General shall carry out a grant program under which the Attorney General may make grants to States, units of local government, territories, and Indian tribes in an amount described in subsection (c) to improve the provision of drug treatment to offenders in prisons, jails, and juvenile facilities.

(b) REQUIREMENTS FOR APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a grant under subsection (a) for a fiscal year, an entity described in that subsection shall, in addition to any other requirements specified by the Attorney General, submit to the Attorney General an application that demonstrates that, with respect to offenders in prisons, jails, and juvenile facilities who require drug treatment and who are in the custody of the jurisdiction involved, during the previous fiscal year that entity provided drug treatment meeting the standards established by the Single State Authority for Substance Abuse (as that term is defined in section 5106) for the relevant State to a number of such offenders that is 2 times the number of such offenders to whom that entity provided drug treat-

ment during the fiscal year that is 2 years before the fiscal year for which that entity seeks a grant.

(2) OTHER REQUIREMENTS.—An application under this section shall be submitted in such form and manner and at such time as specified by the Attorney General.

(c) ALLOCATION OF GRANT AMOUNTS BASED ON DRUG TREATMENT PERCENT DEMONSTRATED.—The Attorney General shall allocate amounts under this section for a fiscal year based on the percent of offenders described in subsection (b)(1) to whom an entity provided drug treatment in the previous fiscal year, as demonstrated by that entity in its application under that subsection.

(d) USES OF GRANTS.—A grant awarded to an entity under subsection (a) shall be used—

(1) for continuing and improving drug treatment programs provided at prisons, jails, and juvenile facilities of that entity; and

(2) to strengthen rehabilitation efforts for offenders by providing addiction recovery support services, such as job training and placement, education, peer support, mentoring, and other similar services.

(e) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than

the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of such grant.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 to carry out this section for each of fiscal years 2008 and 2009.

SEC. 5106. GRANTS FOR DEMONSTRATION PROGRAMS TO REDUCE DRUG USE SUBSTANCE ABUSERS.

(a) AWARDS REQUIRED.—The Attorney General may make competitive grants to eligible partnerships, in accordance with this section, for the purpose of establishing demonstration programs to reduce the use of alcohol and other drugs by supervised substance abusers during the period in which each such substance abuser is in prison, jail, or a juvenile facility, and until the completion of parole or court supervision of such abuser.

(b) USE OF GRANT FUNDS.—A grant made under subsection (a) to an eligible partnership for a demonstration program, shall be used—

(1) to support the efforts of the agencies, organizations, and researchers included in the eligible partnership, with respect to the program for which a grant is awarded under this section;

(2) to develop and implement a program for supervised substance abusers during the period described in subsection (a), which shall include—

(A) alcohol and drug abuse assessments that—

(i) are provided by a State-approved program;

(ii) provide adequate incentives for completion of a comprehensive alcohol or drug abuse treatment program, including through the use of graduated sanctions; and

(B) coordinated and continuous delivery of drug treatment and case management services during such period; and

(3) to provide addiction recovery support services (such as job training and placement, peer support, mentoring, education, and other related services) to strengthen rehabilitation efforts for substance abusers.

(c) APPLICATION.—To be eligible for a grant under subsection (a) for a demonstration program, an eligible partnership shall submit to the Attorney General an application that—

(1) identifies the role, and certifies the involvement, of each agency, organization, or researcher involved in such partnership, with respect to the program;

(2) includes a plan for using judicial or other criminal or juvenile justice authority to supervise the substance abusers who would participate in a demonstration program under this section, including for—

(A) administering drug tests for such abusers on a regular basis; and

(B) swiftly and certainly imposing an established set of graduated sanctions for noncompliance with conditions for reentry into the community relating to drug abstinence (whether imposed as a pre-trial, probation, or parole condition, or otherwise);

(3) includes a plan to provide supervised substance abusers with coordinated and continuous services that are based on evidence-based strategies and that assist such abusers by providing such abusers with—

(A) drug treatment while in prison, jail, or a juvenile facility;

(B) continued treatment during the period in which each such substance abuser is in prison, jail, or a juvenile facility, and until the completion of parole or court supervision of such abuser;

(C) addiction recovery support services;

(D) employment training and placement;

(E) family-based therapies;

(F) structured post-release housing and transitional housing, including housing for recovering substance abusers; and

(G) other services coordinated by appropriate case management services;

(4) includes a plan for coordinating the data infrastructures among the entities included in the eligible partnership and between such entities and the providers of services under the demonstration program involved (including providers of technical assistance) to assist in monitoring and measuring the effectiveness of demonstration programs under this section; and

(5) includes a plan to monitor and measure the number of substance abusers—

(A) located in each community involved; and

(B) who improve the status of their employment, housing, health, and family life.

(d) REPORTS TO CONGRESS.—

(1) INTERIM REPORT.—Not later than September 30, 2008, the Attorney General shall submit to Congress a report that identifies the best practices relating to the comprehensive and coordinated treatment of substance abusers, including the best practices identified through the activities funded under this section.

(2) FINAL REPORT.—Not later than September 30, 2009, the Attorney General shall submit to Congress a report on the demonstration programs funded under this section, including on the matters specified in paragraph (1).

(e) DEFINITIONS.—In this section:

(1) ELIGIBLE PARTNERSHIP.—The term ''eligible partnership'' means a partnership that includes—

(A) the applicable Single State Authority for Substance Abuse;

(B) the State, local, territorial, or tribal criminal or juvenile justice authority involved;

(C) a researcher who has experience in evidence-based studies that measure the effective-

ness of treating long-term substance abusers during the period in which such abusers are under the supervision of the criminal or juvenile justice system involved;

(D) community-based organizations that provide drug treatment, related recovery services, job training and placement, educational services, housing assistance, mentoring, or medical services; and

(E) Federal agencies (such as the Drug Enforcement Agency, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and the office of a United States attorney).

(2) SUBSTANCE ABUSER.—The term ''substance abuser'' means an individual who—

(A) is in a prison, jail, or juvenile facility;

(B) has abused illegal drugs or alcohol for a number of years; and

(C) is scheduled to be released from prison, jail, or a juvenile facility during the 24-month period beginning on the date the relevant application is submitted under subsection (c).

(3) SINGLE STATE AUTHORITY FOR SUBSTANCE ABUSE.—The term ''Single State Authority for Sub-

stance Abuse'' means an entity designated by the Governor or chief executive officer of a State as the single State administrative authority responsible for the planning, development, implementation, monitoring, regulation, and evaluation of substance abuse services in that State.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 and 2009.

SEC. 5107. EMERGENCY AUTHORITY FOR UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—The United States Sentencing Commission, in its discretion, may—

(1) promulgate amendments pursuant to the directives in this subtitle in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182), as though the authority under that Act had not expired; and

(2) pursuant to the emergency authority provided in paragraph (1), make such conforming amendments to the Sentencing Guidelines as the Commission determines necessary to achieve consistency with other guideline provisions and applicable law.

(b) PROMULGATION.—The Commission shall promulgate any amendments under subsection (a) promptly so that the amendments take effect on the same date as the amendments made by this subtitle.

SEC. 5108. INCREASED PENALTIES FOR MAJOR DRUG TRAFFICKERS.

(a) INCREASED PENALTIES FOR MANUFACTURE, DISTRIBUTION, DISPENSATION, OR POSSESSION WITH INTENT TO MANUFACTURE, DISTRIBUTE, OR DISPENSE.—Section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended—

(1) in subparagraph (A), by striking ''$4,000,000'', ''$10,000,000'', ''$8,000,000'', and ''$20,000,000'' and inserting ''$10,000,000'', ''$50,000,000'', ''$20,000,000'', and ''$75,000,000'', respectively; and

(2) in subparagraph (B), by striking ''$2,000,000'', ''$5,000,000'', ''$4,000,000'', and ''$10,000,000'' and inserting ''$5,000,000'', ''$25,000,000'', ''$8,000,000'', and ''$50,000,000'', respectively.

(b) INCREASED PENALTIES FOR IMPORTATION AND EXPORTATION.—Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(1) in paragraph (1), by striking ''$4,000,000'', ''$10,000,000'', ''$8,000,000'', and ''$20,000,000'' and inserting ''$10,000,000'', ''$50,000,000'', ''$20,000,000'', and ''$75,000,000'', respectively, and

(2) in paragraph (2), by striking ''$2,000,000'', ''$5,000,000'', ''$4,000,000'', and ''$10,000,000'' and inserting ''$5,000,000'', ''$25,000,000'', ''$8,000,000'', and ''$50,000,000'', respectively.

SEC. 5109. AUTHORIZATION OF APPROPRIATIONS AND REQUIRED REPORT.

(a) AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF JUSTICE.—There is authorized to be appropriated to the Department of Justice not more than $36,000,000 for each of the fiscal years 2008 and 2009 for the prosecution of high-level drug offenses, of which—

(1) $15,000,000 is for salaries and expenses of the Drug Enforcement Administration;

(2) $15,000,000 is for salaries and expenses for the Offices of United States Attorneys;

(3) $4,000,000 each year is for salaries and expenses for the Criminal Division; and

(4) $2,000,000 is for salaries and expenses for the Office of the Attorney General for the management of such prosecutions.

(b) AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF TREASURY.—There is authorized to be appropriated to the Department of the Treasury for salaries and expenses of the Financial Crime Enforcement Network (FINCEN) not more than $10,000,000 for each of fiscal years 2008 and 2009 in support of the prosecution of high-level drug offenses.

(c) AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF HOMELAND SECURITY.—There is authorized to be appropriated for the Department of Homeland Security not more than $10,000,000 for each of fiscal years 2008 and 2009 for salaries and expenses in support of the prosecution of high-level drug offenses.

(d) ADDITIONAL FUNDS.—Amounts authorized to be appropriated under this section shall be in addition to amounts otherwise available for, or in support of, the prosecution of high-level drug offenses.

(e) REPORT OF COMPTROLLER GENERAL.—Not later than 180 days after the end of each of fiscal years 2008 and 2009, the Comptroller General shall submit to the Committees on the Judiciary and the Committees on Appropriations of the Senate and House of Representatives a report containing information on the actual uses made of the funds appropriated pursuant to the authorization of this section.

SEC. 5110. EFFECTIVE DATE.

The amendments made by this subtitle shall apply to any offense committed on or after 180 days after the date of enactment of this Act. There shall be no retroactive application of any portion of this subtitle.

Subtitle B—Dextromethorphan Abuse Reduction Act of 2007

SEC. 5201. SHORT TITLE.

This subtitle may be cited as the ''Dextromethorphan Abuse Reduction Act of 2007''.

SEC. 5202. FINDINGS.

Congress finds the following:

(1) When used properly, cough medicines that contain dextromethorphan have a long history of being safe and effective. But abuse of dextromethorphan at high doses can produce hallucinations, rapid heart beat, high blood pressure, loss of consciousness, and seizures. The dangers multiply when dextromethorphan is abused with alcohol, prescription drugs, or narcotics.

(2) Dextromethorphan is inexpensive, legal, and readily accessible, which has contributed to the increased abuse of that drug, particularly among teenagers.

(3) Increasing numbers of teens and others are abusing dextromethorphan by ingesting it in exces-

sive quantities. Prolonged use at high doses can lead to psychological dependence on the drug. Abuse of dextromethorphan can also cause impaired judgment, which can lead to injury or death.

(4) Dextromethorphan abuse increased by a factor of 10 during the period of 1999 through 2004, with an increase by a factor of 15 among children aged 9 to 17 years.

(5) An estimated 2,400,000 teenagers (1 in 10) abused over-the-counter cough medicines in 2005. Children ages 9 to 17 years are the fastest growing group of dextromethorphan abusers.

(6) The Food and Drug Administration has called the abuse of dextromethorphan a ''serious issue'' and a ''disturbing new trend'' that can cause ''death as well as other serious adverse events such as brain damage, seizure, loss of consciousness, and irregular heartbeat.''.

(7) In recognition of the problem, several retailers have voluntarily implemented age restrictions on purchases of cough and cold medicines containing dextromethorphan.

(8) Prevention is a key component of addressing the rise in the abuse of legal medications. Education campaigns teaching teens and parents about

the dangers of these drugs are an important part of this effort.

SEC. 5203. DEXTROMETHORPHAN.

(a) DEFINITIONS.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended by adding at the end the following:

''(50) The term 'finished dosage form', relating to dextromethorphan, means dextromethorphan that—

''(A) is—

''(i) in a tablet, capsule, solution, liquid, or other form intended for retail sale, and that generally contains inactive ingredients; and

''(ii) approved under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) as a nonprescription drug (as that term is defined in section 760 of that Act (21 U.S.C. 379aa)); or

''(B) has been combined with other active or inactive ingredients during the process of manufacturing a tablet, capsule, solution, liquid, or other form described in subparagraph (A).

''(51) The term 'unfinished', relating to dextromethorphan, means any concentration or amount of dextromethorphan that is not in finished dosage form.''.

(b) UNFINISHED DEXTROMETHORPHAN.—Schedule V of section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended by adding at the end the following:

"(6) Unfinished dextromethorphan.".

(c) SALES OF DEXTROMETHORPHAN IN FINISHED DOSAGE FORM.—

(1) IN GENERAL.—Part D of title II of the Controlled Substances Act (21 U.S.C. 841 et seq.), as amended by this Act, is amended by adding at the end the following:

"SEC. 425. CIVIL PENALTIES FOR CERTAIN DEXTROMETHORPHAN SALES.

"(a) IN GENERAL.—

"(1) SALE.—

"(A) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any person to knowingly sell, cause another to sell, or conspire to sell a product containing dextromethorphan to an individual under the age of 18 years, including any such sale using the Internet.

"(B) FAILURE TO CHECK IDENTIFICATION.—If a person fails to request identification from an individual under the age of 18

years and sells a product containing dextromethorphan to that individual, that person shall be deemed to have known that the individual was under the age of 18 years.

"(C) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to an alleged violation of subparagraph (A) that the person selling a product containing dextromethorphan examined the purchaser's identification card and, based on that examination, that person reasonably concluded that the identification was valid and indicated that the purchaser was not less than 18 years of age.

"(2) EXCEPTION.—This section shall not apply to any sale made pursuant to a validly issued prescription.

"(b) FINES.—

"(1) IN GENERAL.—The Attorney General may impose a civil penalty on a person for violating subsection (a)(1)(A), including a violation of that subsection committed by an employee or agent of such person.

"(2) MAXIMUM AMOUNT.—A civil penalty imposed under paragraph (1) shall be—

"(A) not more than $1,000 for the first violation of subsection (a)(1)(A) by a person;

"(B) not more than $2,000 for the second violation of subsection (a)(1)(A) by a person; and

"(C) not more than $5,000 for the third violation, or a subsequent violation, of subsection (a)(1)(A) by a person.

"(3) NUMBER OF VIOLATIONS.—If a person makes sales of dextromethorphan at more than 1 location, for purposes of determining the number of violations by that person under this subsection each individual location operated by that person shall be considered a separate person.

"(c) DEFINITION OF IDENTIFICATION CARD.—In this section, the term 'identification card' means an identification card that—

"(1) includes a photograph and the date of birth of the individual;

"(2) is issued by a State or the Federal Government; and

"(3) is considered acceptable for purposes of sections 274a.2(b)(1)(v)(A) and 274a.2(b)(1)(v)(B)(1) of title 8, Code of Federal

Regulations (as in effect on or after the date of the enactment of this section).''.

(2) REGULATIONS.—

(A) INTERNET SALES.—Not later than 180 days after the date of enactment of this Act, the Attorney General of the United States shall promulgate regulations for Internet sales of products containing dextromethorphan to ensure compliance with section 425 of the Controlled Substances Act, as added by this Act.

(B) CIVIL PENALTIES.—

(i) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General of the United States shall promulgate regulations to carry out section 425 of the Controlled Substances Act, as added by this Act.

(ii) CONTENTS.—The regulations promulgated under clause (i) shall—

(I) provide for a range of fines for a retailer, based on whether the retailer or an employee or agent of that retailer has committed prior violations of section 425(a) of the Con-

trolled Substances Act, as added by this Act; and

(II) require consideration of whether a fine to be imposed on a retailer should be reduced or eliminated based on—

(aa) the establishment and administration of an effective employee training program by a retailer relating to this subtitle and the amendments made by this subtitle; or

(bb) other actions taken by a retailer to ensure compliance with this subtitle and the amendments made by this subtitle.

(C) DEFINITION OF RETAILER.—In this paragraph, the term ''retailer'' means a grocery store, general merchandise store, drug store, convenience store, or other entity or person whose activities as a distributor relating to products containing dextromethorphan are limited almost exclusively to sales for personal use, both in number of sales and volume of sales, ei-

ther directly to walk-in customers or in face-to-face transactions by direct sales.

(3) SENSE OF THE SENATE.—It is the sense of the Senate that—

(A) manufacturers of products containing dextromethorphan should contain language on packages cautioning consumers about the dangers of dextromethorphan misuse; and

(B) retailers selling products containing dextromethorphan should impose appropriate safeguards to protect against the theft of such products.

(d) PREVENTION FUNDING.—

(1) THE PARTNERSHIP FOR A DRUG-FREE AMERICA.—

(A) IN GENERAL.—The Director of National Drug Control Policy shall make a directed grant to the Partnership for a Drug-Free America to provide education to individuals under the age of 18 years and parents regarding preventing the abuse of prescription and nonprescription drugs (including dextromethorphan).

(B) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts au-

thorized to be appropriated, there are authorized to be appropriated $4,000,000 for each of fiscal years 2008 through 2010 to carry out this paragraph.

(2) COMMUNITY ANTI-DRUG COALITION OF AMERICA.—

(A) IN GENERAL.—The Director of National Drug Control Policy shall make a directed grant to the Community Anti-Drug Coalition of America to provide education, training, and technical assistance to community coalitions regarding preventing the abuse of prescription and nonprescription drugs (including dextromethorphan).

(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $4,000,000 for each of fiscal years 2008 through 2010 to carry out this paragraph.

(3) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this subsection shall be used to supplement, not supplant, Federal and non-Federal funds available for carrying out the activities described in this subsection.

(e) SUPPLEMENTAL GRANTS FOR COMMUNITIES WITH MAJOR PRESCRIPTION AND NONPRESCRIPTION DRUG ISSUES.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''Administrator'' means the Administrator of the Substance Abuse and Mental Health Services Administration;

(B) the term ''drug'' has the meaning given that term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321);

(C) the term ''eligible entity'' means an organization that—

(i) on or before the date of submitting an application for a grant under this subsection, receives a grant under the Drug-Free Communities Act of 1997 (21 U.S.C. 1521 et seq.); and

(ii) has documented, using local data, rates of prescription or nonprescription drug abuse above national averages, as determined by the Administrator (including appropriate consideration of the Monitoring the Future Survey by the University of Michigan), for comparable time periods;

(D) the term ''nonprescription drug'' has the meaning given that term in section 760 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379aa); and

(E) the term ''prescription drug'' means a drug described in section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(1)).

(2) AUTHORIZATION OF PROGRAM.—The Administrator, in consultation with the Director of the Office of National Drug Control Policy, may make enhancement grants to eligible entities to implement comprehensive community-wide strategies that address abuse of prescription and nonprescription drugs.

(3) APPLICATION.—

(A) IN GENERAL.—An eligible entity desiring an enhancement grant under this subsection shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may require.

(B) CRITERIA.—As part of an application for a grant under this subsection, the Administrator shall require an eligible entity to submit

a detailed, comprehensive, multisector plan for addressing abuse of prescription and non-prescription drugs.

(4) USES OF FUNDS.—An eligible entity that receives a grant under this subsection shall use the grant funds for implementing a comprehensive, community-wide strategy that addresses abuse of prescription and nonprescription drugs issues in that community, in accordance with the plan submitted under paragraph (3)(B).

(5) GRANT TERMS.—A grant under this subsection—

(A) shall be made for a period of not more than 4 years; and

(B) shall not be in an amount of more than $50,000 per year.

(6) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this subsection shall be used to supplement, not supplant, Federal and non-Federal funds available for carrying out the activities described in this subsection.

(7) EVALUATION.—A grant under this subsection shall be subject to the same evaluation requirements and procedures as the evaluation requirements and procedures imposed on the recipient

of a grant under the Drug-Free Communities Act of 1997 (21 U.S.C. 1521 et seq.).

(8) ADMINISTRATIVE EXPENSES.—Not more than 6 percent of a grant under this subsection may be expended for administrative expenses.

(9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $4,000,000 for each of fiscal years 2008 through 2010 to carry out this subsection.

(f) DATA COLLECTION.—It is the Sense of the Senate that Federal agencies and grantees that collect data on drug use trends should ensure that the survey instruments used by such agencies and grantees include questions to ascertain changes in the trend of abuse of prescription and nonprescription drugs.

(g) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 201(g) of the Controlled Substances Act (21 U.S.C. 811(g)) is amended—

(A) by striking paragraph (2); and

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

(2) TABLE OF CONTENTS.—The table of contents for the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91–513; 84

Stat. 1236) is amended by inserting after the item relating to section 424, as added by this Act, the following:

"Sec. 425. Dextromethorphan sales.".

Subtitle C—Recognizing Addiction as a Disease Act of 2007

SEC. 5301. SHORT TITLE.

This subtitle may be cited as the "Recognizing Addiction as a Disease Act of 2007".

SEC. 5302. FINDINGS.

Congress makes the following findings:

(1) Addiction is a chronic, relapsing brain disease that is characterized by compulsive drug seeking and use, despite harmful consequences. It is considered a brain disease because drugs change the brain's structure and manner in which it functions. These brain changes can be long lasting, and can lead to the harmful behaviors seen in people who abuse drugs. The disease of addiction affects both brain and behavior, and scientists have identified many of the biological and environmental factors that contribute to the development and progression of the disease.

(2) The pejorative term "abuse" used in connection with diseases of addiction has the adverse effect of increasing social stigma and personal shame,

both of which are so often barriers to an individual's decision to seek treatment.

SEC. 5303. NAME CHANGE.

(a) PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act is amended—

(1) in section 208(g) (42 U.S.C. 210(g)), by striking ''National Institute on Alcohol Abuse and Alcoholism'' and inserting ''National Institute on Alcohol Disorders and Health'';

(2) in section 401(b) (42 U.S.C. 281(b))—

(A) in paragraph (12), by striking ''National Institute on Alcohol Abuse and Alcoholism'' and inserting ''National Institute on Alcohol Disorders and Health''; and

(B) in paragraph (13), by striking ''National Institute on Drug Abuse'' and inserting ''National Institute on Diseases of Addiction'';

(3) in subpart 14 of part C of title IV (42 U.S.C. 285n et seq.)—

(A) in the subpart heading by striking ''Alcohol Abuse and Alcoholism'' and inserting ''Alcohol Disorders and Health'';

(B) in section 464H (42 U.S.C. 285n)—

(i) in subsection (a), by striking ''National Institute on Alcohol Abuse and Alco-

1 holism'' and inserting ''National Institute
2 on Alcohol Disorders and Health''; and
3 (ii) in subsection (b)—
4 (I) in paragraph (3), by striking
5 ''Alcohol Abuse and Alcoholism'' and
6 inserting ''Alcohol Disorders and
7 Health'';
8 (II) in paragraph (5), by striking
9 ''National Institute of Drug Abuse''
10 and inserting ''National Institute on
11 Diseases of Addiction''; and
12 (III) in paragraph (10), by strik-
13 ing ''Alcohol Abuse and Alcoholism''
14 and inserting ''Alcohol Disorders and
15 Health''; and
16 (C) in section 464P (42 U.S.C. 285o–4)—
17 (i) in subsection (a)(7), by striking
18 ''National Institute on Alcohol Abuse and
19 Alcoholism'' and inserting ''National Insti-
20 tute on Alcohol Disorders and Health'';
21 and
22 (ii) in subsection (b)(3), by striking
23 ''Council on Drug Abuse'' and inserting
24 ''Council on Diseases of Addiction''; and

(4) in subpart 15 of part C of title IV (42 U.S.C. 285o et seq.)—

(A) in the subpart heading by striking ''Drug Abuse'' and inserting ''Diseases of Addiction''; and

(B) in section 464L(a) (42 U.S.C. 285o(a)), by striking ''National Institute on Drug Abuse'' and inserting ''National Institute on Diseases of Addiction'';

(5) in section 501 (42 U.S.C. 290aa)—

(A) by striking ''National Institute on Alcohol Abuse and Alcoholism'' each place that such appears and inserting ''National Institute on Alcohol Disorders and Health''; and

(B) by striking ''National Institute on Drug Abuse'' each place that such appears and inserting ''National Institute on Diseases of Addiction'';

(6) in section 507 (42 U.S.C. 290bb)—

(A) by striking ''National Institute on Alcohol Abuse and Alcoholism'' each place that such appears and inserting ''National Institute on Alcohol Disorders and Health''; and

(B) by striking ''National Institute on Drug Abuse'' each place that such appears and

inserting ''National Institute on Diseases of Addiction'';

(7) in section 513 (42 U.S.C. 290bb–6), by striking ''NATIONAL INSTITUTE ON DRUG ABUSE'' in the section heading and inserting ''NATIONAL INSTITUTE ON DISEASES OF ADDICTION'';

(8) in section 530 (42 U.S.C. 290cc–30)—

(A) by striking ''National Institute of Alcohol Abuse and Alcoholism'' and inserting ''National Institute on Alcohol Disorders and Health''; and

(B) by striking ''National Institute on Drug Abuse'' and inserting ''National Institute on Diseases of Addiction''; and

(9) in section 1918(a)(8)(B) (42 U.S.C. 300x–7(a)(8)(B)), by striking ''National Institute on Drug Abuse'' each place that such appears and inserting ''National Institute on Diseases of Addiction''.

(b) OTHER ACTS.—

(1) TITLE 5, UNITED STATES CODE.—Section 7361(a) of title 5, United States Code, is amended by striking ''National Institute on Drug Abuse'' and inserting ''National Institute on Diseases of Addiction''.

(2) COMPREHENSIVE SMOKING EDUCATION ACT.—Section 3(b)(1)(A) of the Comprehensive Smoking Education Act (15 U.S.C. 1341(b)(1)(A)) is amended by striking ''National Institute on Drug Abuse'' and inserting ''National Institute on Diseases of Addiction''.

(3) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Section 4124(a)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7134 (a)(2)) is amended—

(A) in subparagraph (C), by striking ''National Institute on Drug Abuse'' and inserting ''National Institute on Diseases of Addiction''; and

(B) in subparagraph (D), by striking ''National Institute on Alcoholism and Alcohol Abuse'' and inserting ''National Institute on Alcohol Disorders and Health''.

(4) CONTROLLED SUBSTANCES ACT.—Section 303(g)(2)(H) of the Controlled Substances Act (21 U.S.C. 823(g)(2)(H)) is amended by striking ''National Institute on Drug Abuse'' each place that such appears and inserting ''National Institute on Diseases of Addiction''.

(5) DRUG ABUSE, PREVENTION, TREATMENT, AND REHABILITATION ACT.—The Drug Abuse, Prevention, Treatment, and Rehabilitation Act is amended—

(A) in section 410(1) (21 U.S.C. 1177(a)), by striking ''National Institute on Drug Abuse'' and inserting ''National Institute on Diseases of Addiction''; and

(B) in section 412(a) (21 U.S.C. 1179(A)), by striking ''National Institute on Drug Abuse'' and inserting ''National Institute on Diseases of Addiction''.

(c) REFERENCE.—Any reference in any law, regulation, order, document, paper, or other record of the United States to the ''National Institute on Drug Abuse'', the ''National Institute on Alcohol Abuse and Alcoholism'', the ''National Advisory Council on Alcohol Abuse and Alcoholism'', and the ''National Advisory Council on Drug Abuse'' shall be deemed to be a reference to the ''National Institute on Diseases of Addiction'', the ''National Institute on Alcohol Disorders and Health'', the ''National Advisory Council on Alcohol Disorders and Health'', and the ''National Advisory Council on Diseases of Addiction'', respectively.

(d) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to alter the mission of the National Institute on Alcohol Abuse and Alcoholism (renamed the National Institute on Alcohol Disorders and Health) or the National Institute on Drug Abuse (as renamed the National Institute on Diseases of Addiction) or have any substantive effect on the duties or responsibilities of such Institutes.

Subtitle D—Children of Addicted Parents of 2007

SEC. 5401. SHORT TITLE.

This subtitle may be cited as the ''Children of Addicted Parents Act of 2007''.

SEC. 5402. FINDINGS.

Congress find the following:

(1) Children of addicted parents are at highest risk for early alcohol and drug use and addiction, for being victims of abuse and neglect, for developing early mental health problems, for developmental damage from the chronic emotional stress of living in addicted families, for joining gangs, and for entering the juvenile justice system. One in 4 children under the age of 18 lives in a family with alcohol abuse or alcohol addiction. Millions more live with a parent who is addicted to drugs.

(2) Early age-appropriate preventive interventions for these children, such as targeted educational support programs that could be offered in schools, social service agencies, addiction treatment programs, community and faith-based youth service organizations, and in early childhood programs, can support these young people in developing resilience, making healthy choices, and preventing them from entering the juvenile justice system or developing alcohol or drug use problems.

(3) Low-cost and targeted prevention services in the community systems where children are most readily found provide the possibility of reducing the high-cost services required once a young person enters the juvenile justice system.

SEC. 5403. DEFINITIONS.

In this subtitle:

(1) CARETAKER.—The term ''caretaker'', with respect to a child of an alcohol or drug addicted parent, means any individual acting in a parental role regarding the child (including any birth parent, foster parent, adoptive parent, relative of such a child, or other individual acting in such a role).

(2) CHILDREN OF ADDICTED PARENTS.—The term ''children of addicted parents'' means—

(A) children who have lived or are living in a household with an addicted individual acting in a parental role for the children, including but not limited to children of incarcerated parents, children of divorced parents, and children in foster care; and

(B) children who have been prenatally exposed to alcohol or other drugs.

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

(4) PUBLIC OR NONPROFIT PRIVATE ENTITIES.—The term ''public or nonprofit private entities'' includes community-based organizations, local public health departments, community action organizations, faith organizations, local school systems, child welfare agencies, family resource and support programs, Indian organizations, including urban In-

dian agencies, and national nonprofit organizations working with these local entities.

SEC. 5404. GRANT PROGRAM.

(a) IN GENERAL.—The Attorney General, acting through the Director of the Office of Juvenile Justice Programs, shall make grants to public and nonprofit private entities, for the purpose of carrying out programs—

(1) to provide developmentally and age-appropriate educational support group services to children of addicted parents, including services similar to those used in student assistance programs and addiction treatment programs for the children of clients in treatment in various community-based settings, such as youth service agencies, schools, family social services agencies, Head Start programs, after-school programs, juvenile, and family drug court programs, early childhood development programs, and addiction treatment programs; and

(2) to train educational support group facilitators and program implementers who will initiate, provide, and sustain support group program services to children of addicted parents under this section.

(b) SERVICES FOR CHILDREN OF ADDICTED PARENTS.—The Attorney General may make a grant under

this section only if the applicant involved agrees to make available (directly or through agreements with other entities) to children of addicted parents each of the following services:

(1) Developmentally and age-appropriate educational support groups that focus on the needs of children of addicted parents, promote resilience, and include drug and alcohol early intervention and prevention services.

(2) Aggressive outreach to children living in families with an alcohol or drug addicted parent, other caretaker, or addicted sibling.

(3) Parenting education services and parent support groups may be offered under this grant for caretakers of any child enrolled in a support group program funded under this grant and which include child abuse and neglect prevention techniques.

(c) TRANSPORTATION SERVICES.—If a demonstrated need exists and where appropriate, transportation services may be offered for children participating in a support group program supported by a grant under this section.

(d) SERVICES.—Services under a program supported by a grant under this section shall be provided by a—

(1) social worker, student assistance professional, school counselor, family counselor, or similar professional;

(2) a trained worker from the community who is supervised by a professional; or

(3) a professional or entity that provides assurances that the professional or entity is licensed or certified by the State if required and is complying with applicable licensure or certification requirements.

SEC. 5405. TRAINING FOR PROVIDERS.

(a) FINDING.—Congress finds that facilitator training is critical to the effective implementation of educational support group programs for children of addicted parents.

(b) GRANT.—The Attorney General may make a grant under this section for the training of the authorized service providers in section 5404.

(c) PURPOSE.—The purpose of training under this section shall be—

(1) to assist professionals and community prevention workers in recognizing children who have alcohol and drug abuse problems in their families; and

(2) to enhance the skills of the authorized service providers in section 5404 in providing supportive

preventive interventions and educational support groups for such children.

(d) ELIGIBLE ENTITIES.—The Attorney General shall award the training grant under this section to an eligible national nonprofit entity with demonstrated expertise in the impact of addiction on children, a history of providing effective training for the establishment and sustainability of educational support programs for children of addicted parents in schools, treatment programs, youth organizations, and faith organizations, and with broad linkages with community-based alcohol and drug prevention programs.

SEC. 5406. AUTHORIZATION OF APPROPRIATIONS.

For the purposes of carrying out this subtitle, there are authorized to be appropriated—

(1) for the grant program under section 5404, $10,000,000 for fiscal year 2008, $11,000,000 for fiscal year 2009, $12,000,000 for fiscal year 2010, $13,000,000 for fiscal year 2011, and $14,000,000 for fiscal year 2012; and

(2) for the training of providers under section 5405, $500,000 for fiscal year 2008, $550,000 for fiscal year 2009, $600,000 for fiscal year 2010, $650,000 for fiscal year 2011, and $700,000 for fiscal year 2012.

Subtitle E—Online Pharmacy Bill

SEC. 5501. SHORT TITLE.

This subtitle may be cited as the ''Ryan Haight Online Pharmacy Consumer Protection Act of 2007''.

SEC. 5502. REQUIREMENT OF A VALID PRESCRIPTION FOR CONTROLLED SUBSTANCES DISPENSED BY MEANS OF THE INTERNET.

Section 309 of the Controlled Substances Act (21 U.S.C. 829) is amended by adding at the end the following new subsection:

''(e) CONTROLLED SUBSTANCES DISPENSED BY MEANS OF THE INTERNET.—

''(1) No controlled substance may be delivered, distributed, or dispensed by means of the Internet without a valid prescription.

''(2) As used in this subsection:

''(A) The term 'valid prescription' means a prescription that is issued for a legitimate medical purpose in the usual course of professional practice by—

''(i) a practitioner who has conducted at least one in-person medical evaluation of the patient; or

''(ii) a covering practitioner.

"(B)(i) The term 'in-person medical evaluation' means a medical evaluation that is conducted with the patient in the physical presence of the practitioner, without regard to whether portions of the evaluation are conducted by other health professionals.

"(ii) Nothing in clause (i) shall be construed to imply that one in-person medical evaluation demonstrates that a prescription has been issued for a legitimate medical purpose within the usual course of professional practice.

"(C) The term 'covering practitioner' means, with respect to a patient, a practitioner who conducts a medical evaluation (other than an in-person medical evaluation) at the request of a practitioner who—

"(i) has conducted at least one in-person medical evaluation of the patient during the 24-month period ending on the date of that medical evaluation; and

"(ii) is temporarily unavailable to conduct the evaluation of the patient.

"(3) Nothing in this subsection shall apply to—

"(A) the delivery, distribution, or dispensing of a controlled substance by a practi-

1 tioner engaged in the practice of telemedicine
2 if—
3 "(i) the telemedicine is being con-
4 ducted while the patient is being treated
5 by, and physically located in, a hospital or
6 clinic registered under section 303(f), and
7 the practitioner conducting the practice of
8 telemedicine is registered under section
9 303(f) in the State in which the patient is
10 located and is acting in the usual course of
11 professional practice and in accordance
12 with applicable State law;
13 "(ii) the telemedicine is being con-
14 ducted while the patient is being treated
15 by, and in the physical presence of, a prac-
16 titioner registered under section 303(f)
17 who is acting in the usual course of profes-
18 sional practice, and the practitioner con-
19 ducting the practice of telemedicine is reg-
20 istered under section 303(f) in the State in
21 which the patient is located and is acting
22 in the usual course of professional practice
23 and in accordance with applicable State
24 law; or

"(iii) the telemedicine is being conducted under any other circumstances that the Attorney General and the Secretary have jointly, by regulation, determined to be consistent with effective controls against diversion and otherwise consistent with the public health and safety; or

"(B) the dispensing or selling of a controlled substance pursuant to practices as determined by the Attorney General by regulation, which shall be consistent with effective controls against diversion.".

SEC. 5503. AMENDMENTS TO THE CONTROLLED SUBSTANCES ACT RELATING TO THE DELIVERY OF CONTROLLED SUBSTANCES BY MEANS OF THE INTERNET.

(a) IN GENERAL.—Section 102 of the Controlled Substances Act (21 U.S.C. 802), as amended by this Act, is amended by adding at the end the following:

"(52) The term 'Internet' means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected worldwide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any prede-

cessor or successor protocol to such protocol, to communicate information of all kinds by wire or radio.

"(53) The term 'deliver, distribute, or dispense by means of the Internet' refers, respectively, to any delivery, distribution, or dispensing of a controlled substance that is caused or facilitated by means of the Internet.

"(54) The term 'online pharmacy'—

"(A) means a person, entity, or Internet site, whether in the United States or abroad, that knowingly or intentionally delivers, distributes, or dispenses, or offers or attempts to deliver, distribute, or dispense, a controlled substance by means of the Internet; and

"(B) does not include—

"(i) manufacturers or distributors registered under subsection (a), (b), (c), or (d) of section 303 who do not dispense controlled substances to an unregistered individual or entity;

"(ii) nonpharmacy practitioners who are registered under section 303(f) and whose activities are authorized by that registration;

"(iii) mere advertisements that do not attempt to facilitate an actual transaction involving a controlled substance; or

"(iv) a person, entity, or Internet site which is not in the United States and does not facilitate the delivery, distribution, or dispensing of a controlled substance by means of the Internet to any person in the United States.

"(55) The term 'homepage' means the opening or main page or screen of the website of an online pharmacy that is viewable on the Internet.

"(56) The term 'practice of telemedicine' means the practice of medicine in accordance with applicable Federal and State laws by a practitioner (other than a pharmacist) who is at a location remote from the patient and is communicating with the patient, or health care professional who is treating the patient, using a telecommunications system referred to in section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)).".

(b) REGISTRATION REQUIREMENTS.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following new subsection:

1 "(i) DISPENSER OF CONTROLLED SUBSTANCES BY
2 MEANS OF THE INTERNET.—(1) An online pharmacy
3 shall obtain a registration specifically authorizing such ac-
4 tivity, in accordance with regulations promulgated by the
5 Attorney General. In determining whether to grant an ap-
6 plication for such registration, the Attorney General shall
7 apply the factors set forth in subsection (f).
8 "(2) Registration under this subsection shall be in
9 addition to, and not in lieu of, registration under sub-
10 section (f).
11 "(3) This subsection does not apply to pharmacies
12 that merely advertise by means of the Internet but do not
13 attempt to facilitate an actual transaction involving a con-
14 trolled substance by means of the Internet.".
15 (c) REPORTING REQUIREMENTS.—Section 307(d) of
16 the Controlled Substances Act (21 U.S.C. 827(d)) is
17 amended by—
18 (1) designating the text as paragraph (1); and
19 (2) inserting after paragraph (1), as so des-
20 ignated by this Act, the following new paragraph:
21 "(2) A pharmacy registered under section 303(i) shall
22 report to the Attorney General the controlled substances
23 dispensed under such registration, in such manner and ac-
24 companied by such information as the Attorney General
25 by regulation shall require.".

(d) ONLINE PRESCRIPTION REQUIREMENTS.—The Controlled Substances Act is amended by inserting after section 310 (21 U.S.C. 830) the following:

"ONLINE PHARMACY LICENSING AND DISCLOSURE REQUIREMENTS

"SEC. 311. (a) IN GENERAL.—An online pharmacy shall display in a visible and clear manner on its homepage a statement that it complies with the requirements of this section with respect to the delivery or sale or offer for sale of controlled substances and shall at all times display on the homepage of its Internet site a declaration of compliance in accordance with this section.

"(b) LICENSURE.—Each online pharmacy shall comply with the requirements of State law concerning the licensure of pharmacies in each State from which it, and in each State to which it, delivers, distributes, or dispenses or offers to deliver, distribute, or dispense controlled substances by means of the Internet.

"(c) COMPLIANCE.—No online pharmacy or practitioner shall deliver, distribute, or dispense by means of the Internet a controlled substance without a valid prescription (as defined in section 309(e)) and each online pharmacy shall comply with all applicable requirements of Federal and State law.

"(d) INTERNET PHARMACY SITE DISCLOSURE INFORMATION.—Each online pharmacy site shall post in a

1 visible and clear manner on the homepage of its Internet
2 site or on a page directly linked from its homepage the
3 following:

4 "(1) The name of the owner, street address of
5 the online pharmacy's principal place of business,
6 telephone number, and email address.

7 "(2) A list of the States in which the online
8 pharmacy, and any pharmacy which dispenses, deliv-
9 ers, or distributes a controlled substance on behalf
10 of the online pharmacy, is licensed to dispense con-
11 trolled substances or prescription drugs and any ap-
12 plicable license number.

13 "(3) For each pharmacy identified on its license
14 in each State in which it is licensed to engage in the
15 practice of pharmacy and for each pharmacy which
16 dispenses or ships controlled substances on behalf of
17 the online pharmacy:

18 "(A) The name of the pharmacy.

19 "(B) The street address of the pharmacy.

20 "(C) The name, professional degree, and
21 licensure of the pharmacist-in-charge.

22 "(D) The telephone number at which the
23 pharmacist-in-charge can be contacted.

24 "(E) A certification that each pharmacy
25 which dispenses or ships controlled substances

on behalf of the online pharmacy is registered under this part to deliver, distribute, or dispense by means of the Internet controlled substances.

"(4) The name, address, professional degree, and licensure of practitioners who provide medical consultations through the website for the purpose of providing prescriptions.

"(5) A telephone number or numbers at which the practitioners described in paragraph (4) may be contacted.

"(6) The following statement, unless revised by the Attorney General by regulation: 'This online pharmacy will only dispense a controlled substance to a person who has a valid prescription issued for a legitimate medical purpose based upon a medical relationship with a prescribing practitioner, which includes at least one prior in-person medical evaluation. This online pharmacy complies with section 309(e) of the Controlled Substances Act (21 U.S.C. 829(e)).'.

"(e) NOTIFICATION.—(1) Thirty days prior to offering a controlled substance for sale, delivery, distribution, or dispensing, the online pharmacy shall notify the Attorney General, in the form and manner as the Attorney Gen-

eral shall determine, and the State boards of pharmacy in any States in which the online pharmacy offers to sell, deliver, distribute, or dispense controlled substances.

"(2) The notification required under paragraph (1) shall include—

"(A) the information required to be posted on the online pharmacy's Internet site under subsection (d) and shall notify the Attorney General and the applicable State boards of pharmacy, under penalty of perjury, that the information disclosed on its Internet site under to subsection (d) is true and accurate;

"(B) the online pharmacy's Internet site address and a certification that the online pharmacy shall notify the Attorney General of any change in the address at least 30 days in advance; and

"(C) the Drug Enforcement Administration registration numbers of any pharmacies and practitioners referred to in subsection (d), as applicable.

"(3) An online pharmacy that is already operational as of the effective date of this section, shall notify the Attorney General and applicable State boards of pharmacy in accordance with this subsection not later than 30 days after the effective date of this section.

1 ''(f) DECLARATION OF COMPLIANCE.—On and after
2 the date on which it makes the notification under sub-
3 section (e), each online pharmacy shall display on the
4 homepage of its Internet site, in such form as the Attorney
5 General shall by regulation require, a declaration that it
6 has made such notification to the Attorney General.
7 ''(g) REPORTS.—Any statement, declaration, notifi-
8 cation, or disclosure required under this section shall be
9 considered a report required to be kept under this part.''.
10 (e) OFFENSES INVOLVING CONTROLLED SUB-
11 STANCES IN SCHEDULES III, IV, AND V.—Section 401(b)
12 of the Controlled Substances Act (21 U.S.C. 841(b)) is
13 amended—
14 (1) in paragraph (1)—
15 (A) in subparagraph (C), by striking ''1
16 gram of'' before ''flunitrazepam'';
17 (B) in subparagraph (D), by striking ''or
18 in the case of any controlled substance in
19 schedule III (other than gamma hydroxybutyric
20 acid), or 30 milligrams of flunitrazepam''; and
21 (C) by adding at the end the following:
22 ''(E)(i) In the case of any controlled substance
23 in schedule III, such person shall be sentenced to a
24 term of imprisonment of not more than 10 years
25 and if death or serious bodily injury results from the

use of such substance shall be sentenced to a term of imprisonment of not more than 20 years, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, or $500,000 if the defendant is an individual or $2,500,000 if the defendant is other than an individual, or both.

''(ii) If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not more than 20 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not more than 30 years, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18, or $1,000,000 if the defendant is an individual or $5,000,000 if the defendant is other than an individual, or both.

''(iii) Any sentence imposing a term of imprisonment under this subparagraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least 2 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised

release of at least 4 years in addition to such term of imprisonment'';

(2) in paragraph (2) by—

(A) striking ''3 years'' and inserting ''5 years'';

(B) striking ''6 years'' and inserting ''10 years'';

(C) striking ''after one or more prior convictions'' and all that follows through ''have become final,'' and inserting ''after a prior conviction for a felony drug offense has become final,''; and

(3) in paragraph (3) by—

(A) striking ''2 years'' and inserting ''6 years'';

(B) striking ''after one or more convictions'' and all that follows through ''have become final,'' and inserting ''after a prior conviction for a felony drug offense has become final,''; and

(C) adding at the end the following ''Any sentence imposing a term of imprisonment under this paragraph may, if there was a prior conviction, impose a term of supervised release

of not more than 1 year, in addition to such term of imprisonment.''

(f) OFFENSES INVOLVING DISPENSING OF CONTROLLED SUBSTANCES BY MEANS OF THE INTERNET.—Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended by adding at the end the following:

''(h) OFFENSES INVOLVING DISPENSING OF CONTROLLED SUBSTANCES BY MEANS OF THE INTERNET.—(1) Except as authorized by this title, it shall be unlawful for any person to knowingly or intentionally cause or facilitate the delivery, distribution, or dispensing by means of the Internet of a controlled substance.

''(2) Examples of activities that violate paragraph (1) include, but are not limited to, knowingly or intentionally—

''(A) delivering, distributing, or dispensing a controlled substance by means of the Internet by a pharmacy not registered under section 303(i);

''(B) writing a prescription for a controlled substance for the purpose of delivery, distribution, or dispensation by means of the Internet in violation of subsection 309(e);

''(C) serving as an agent, intermediary, or other entity that causes the Internet to be used to bring together a buyer and seller to engage in the dis-

pensing of a controlled substance in a manner not authorized by sections 303(i) or 309(e); and

"(D) making a material false, fictitious, or fraudulent statement or representation in the submission to the Attorney General under section 311.

"(3)(A) This subsection does not apply to—

"(i) the delivery, distribution, or dispensation of controlled substances by nonpractitioners to the extent authorized by their registration under this title;

"(ii) the placement on the Internet of material that merely advocates the use of a controlled substance or includes pricing information without attempting to propose or facilitate an actual transaction involving a controlled substance; or

"(iii) except as provided in subparagraph (B), any activity that is limited to—

"(I) the provision of a telecommunications service, or of an Internet access service or Internet information location tool (as those terms are defined in section 231 of the Communications Act of 1934 (47 U.S.C. 231)); or

"(II) the transmission, storage, retrieval, hosting, formatting, or translation (or any combination thereof) of a communication, without selection or alteration of the content of the

communication, except that deletion of a particular communication or material made by another person in a manner consistent with section 230(c) of the Communications Act of 1934 (47 U.S.C. 230(c)) shall not constitute such selection or alteration of the content of the communication.

''(B) The exceptions under subclauses (I) and (II) of subparagraph (A)(iii) shall not apply to a person acting in concert with a person who violates subsection (g)(1).

''(4) Any person who knowingly or intentionally violates this subsection shall be sentenced in accordance with subsection (b) of this section.''.

(g) PUBLICATION.—Section 403(c) of the Controlled Substances Act (21 U.S.C. 843(c)) is amended by—

(1) designating the text as paragraph (1); and

(2) adding at the end the following:

''(2)(A) Except as authorized by this title, it shall be unlawful for any person by means of the Internet, to knowingly advertise the sale or distribution of, or to offer to sell, distribute, or dispense, a controlled substance.

''(B) Examples of activities that violate subparagraph (A) include, but are not limited to, knowingly or intentionally causing the placement on the Internet of an advertisement that refers to or directs prospective buyers to

1 Internet sellers of controlled substances who are not reg-
2 istered under section 303(i).
3 "(C) Subparagraph (A) does not apply to material
4 that either—
5 "(i) merely advertises the distribution of con-
6 trolled substances by nonpractitioners to the extent
7 authorized by their registration under this title; or
8 "(ii) merely advocates the use of a controlled
9 substance or includes pricing information without at-
10 tempting to facilitate an actual transaction involving
11 a controlled substance.".
12 (h) INJUNCTIVE RELIEF.—Section 512 of the Con-
13 trolled Substances Act (21 U.S.C. 882) is amended by
14 adding to the end of the section the following new sub-
15 section:
16 "(c) STATE CAUSE OF ACTION PERTAINING TO ON-
17 LINE PHARMACIES.—(1) In any case in which the State
18 has reason to believe that an interest of the residents of
19 that State has been or is being threatened or adversely
20 affected by the action of a person, entity, or Internet site
21 that violates the provisions of section 303(i), 309(e), or
22 311, the State may bring a civil action on behalf of such
23 residents in a district court of the United States with ap-
24 propriate jurisdiction—

"(A) to enjoin the conduct which violates this section;

"(B) to enforce compliance with this section;

"(C) to obtain damages, restitution, or other compensation, including civil penalties under section 402(b); and

"(D) to obtain such other legal or equitable relief as the court may find appropriate.

"(2)(A) Prior to filing a complaint under paragraph (1), the State shall serve a copy of the complaint upon the Attorney General and upon the United States Attorney for the judicial district in which the complaint is to be filed. In any case where such prior service is not feasible, the State shall serve the complaint on the Attorney General and the appropriate United States Attorney on the same day that the State's complaint is filed in Federal district court of the United States. Such proceedings shall be independent of, and not in lieu of, criminal prosecutions or any other proceedings under this title or any other laws of the United States.

"(B)(i) Not later than 120 days after the later of the date on which a State's complaint is served on the Attorney General and the appropriate United States Attorney, or the date on which the complaint is filed, the United

States shall have the right to intervene as a party in any action filed by a State under paragraph (1).

"(ii) After the 120-day period described in clause (i) has elapsed, the United States may, for good cause shown, intervene as a party in an action filed by a State under paragraph (1).

"(iii) Notice and an opportunity to be heard with respect to intervention shall be afforded the State that filed the original complaint in any action in which the United States files a complaint in intervention under clause (i) or a motion to intervene under clause (ii).

"(iv) The United States may file a petition for appeal of a judicial determination in any action filed by a State under this section.

"(C) Service of a State's complaint on the United States as required in this paragraph shall be made in accord with the requirements of Federal Rule of Civil Procedure 4(i)(1).

"(3) For purposes of bringing any civil action under paragraph (1), nothing in this Act shall prevent an attorney general of a State from exercising the powers conferred on the attorney general of a State by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses of or the production of documentary or other evidence.

"(4) Any civil action brought under paragraph (1) in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code. Process in such action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

"(5) No private right of action is created under this subsection.".

(i) FORFEITURE OF FACILITATING PROPERTY IN DRUG CASES.—Section 511(a)(4) of the Controlled Substances Act (21 U.S.C. 881(a)(4)) is amended to read as follows:

"(4) Any property, real or personal, tangible or intangible, used or intended to be used to commit, or to facilitate the commission, of a violation of this title or title III, and any property traceable thereto.".

(j) IMPORT AND EXPORT ACT.—Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(1) in paragraph (4) by—

(A) striking "or any quantity of a controlled substance in schedule III, IV, or V, (ex-

cept a violation involving flunitrazepam and except a violation involving gamma hydroxybutyric acid)'';

(B) inserting '', or'' before ''less than one kilogram of hashish oil''; and

(C) striking ''imprisoned'' and all that follows through the end of the paragraph and inserting ''sentenced in accordance with section 401(b)(1)(D) of this title (21 U.S.C. 841(b)(1)(E)).'';

(2) by adding at the end the following:

''(5) In the case of a violation of subsection (a) of this section involving a controlled substance in schedule III, such person shall be sentenced in accordance with section 401(b)(1)(E).

''(6) In the case of a violation of subsection (a) of this section involving a controlled substance in schedule IV (except a violation involving flunitrazepam), such person shall be sentenced in accordance with section 401(b)(2).

''(7) In the case of a violation of subsection (a) of this section involving a controlled substance in schedule V, such person shall be sentenced in accordance with section 401(b)(3).''; and

(3) in paragraph (3), by striking ", nor shall a person so sentenced be eligible for parole during the term of such a sentence" in the final sentence.

(k) EFFECTIVE DATE.—The amendments made by this subtitle shall become effective 60 days after the date of enactment of this Act.

(l) GUIDELINES AND REGULATIONS.—

(1) IN GENERAL.—The Attorney General may promulgate and enforce any rules, regulations, and procedures which may be necessary and appropriate for the efficient execution of functions under this subtitle, including any interim rules necessary for the immediate implementation of this subtitle, on its effective date.

(2) SENTENCING GUIDELINES.—The United States Sentencing Commission, in determining whether to amend, or establish new, guidelines or policy statements, to conform the Federal sentencing guidelines and policy statements to this subtitle and the amendments made by this subtitle—

(A) shall consult with the Department of Justice, experts, and other affected parties concerning which penalties for scheduled substances amended by this subtitle should be re-

flected in the Federal sentencing guidelines; and

(B) should not construe any change in the maximum penalty for a violation involving a controlled substance in a particular schedule as being the sole reason to amend a, or establish a new, guideline or policy statement.

(m) ANNUAL REPORT.—Not later than 180 days after the date of enactment of this Act, and annually for 2 years after the initial report, the Drug Enforcement Administration, in consultation with the Department of State, shall submit to Congress a report describing—

(1) the foreign supply chains and sources of controlled substances offered for sale without a valid prescription on the Internet;

(2) the efforts and strategy of the Drug Enforcement Administration to decrease the foreign supply chain and sources of controlled substances offered for sale without a valid prescription on the Internet; and

(3) the efforts of the Drug Enforcement Administration to work with domestic and multinational pharmaceutical companies and others to build international cooperation and a commitment to fight on a global scale the problem of distribution of

controlled substances over the Internet without a valid prescription.

Subtitle F—Local Drug Crisis Enhancement Grants Act

SEC. 5601. SHORT TITLE.

This subtitle may be cited as the "Local Drug Crisis Enhancement Grants Act".

SEC. 5602. GRANTS.

Section 1032 of the Drug-Free Communities Act of 1997 (21 U.S.C. 1532) is amended by adding at the end the following:

"(c) COALITION ENHANCEMENT GRANTS FOR COMMUNITIES WITH MAJOR LOCAL DRUG ISSUES.—

"(1) AUTHORIZATION OF PROGRAM.—The Administrator of the Substance Abuse and Mental Health Services Administration, in consultation with the Director of the Office of National Drug Control Policy, shall award enhancement grants to eligible coalitions to implement comprehensive community-wide strategies that address a local drug crisis.

"(2) APPLICATION.—A coalition desiring an enhancement grant under this subsection shall submit an application to the Administrator at such time, and in such manner, and accompanied by such information as the Administrator may require.

"(3) CRITERIA.—A coalition meets the criteria specified in this subsection if the coalition—

"(A) has demonstrated, with local data from sources such as school surveys, police reports, emergency room admissions, or coroner's reports, that a specific drug has become a local crisis; and

"(B) submits to the Administrator a detailed, comprehensive multisector plan for addressing the specific local drug crisis.

"(4) USES OF FUNDS.—Each eligible entity that receives a grant under this subsection shall use the grant funds for implementing comprehensive, community-wide strategies that address their local drug crises in accordance with the detailed plan submitted to the Administrator.

"(5) LIMIT.—Grants under this subsection shall not exceed $50,000 per year and may not exceed a total of 4 years.

"(6) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this subsection shall be used to supplement, not supplant, Federal and non-Federal funds available for carrying out the activities described in this subsection.

"(7) EVALUATION.—Grants under this subsection shall be subject to the same evaluation requirements and procedures as the evaluation requirements and procedures imposed on recipients of drug free community grants.

"(8) ADMINISTRATIVE EXPENSES.—Not more than 6 percent of a grant under this subsection may be expended for administrative expenses.

"(9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $5,000,000 for each of the fiscal years 2008 through 2011. This subsection is subject to the availability of appropriations.".

Subtitle G—Extraterritorial Controlled Substance Trafficking Venue Clarification Act of 2007

SEC. 5701. SHORT TITLE.

This subtitle may be cited as the "Extraterritorial Controlled Substance Trafficking Venue Clarification Act of 2007".

SEC. 5702. FINDINGS.

Congress finds the following:

(1) Individuals continue to commit acts outside the United States for the purpose of smuggling controlled substances into the United States.

(2) In order to deter, reduce, and punish illegal acts outside the United States designed and intended to smuggle controlled substances into the United States, it is important that United States district courts have a clear basis for the exercise of venue over such crimes.

(3) Establishing venue criteria for determining the choice of venue when trying foreign offenders will facilitate the charging and prosecution of such offenders and allow for trial of such offenders in the districts which are most adversely impacted by the unlawful activity.

SEC. 5703. ADDITIONAL BASIS OF VENUE FOR EXTRATERRITORIAL TRAFFICKING IN CONTROLLED SUBSTANCES.

Section 1009(c) of the Controlled Substances Import and Export Act (21 U.S.C. 959(c)) is amended by inserting after ''enters the United States,'' the following: ''in the district in which the offender is first inspected and admitted to the United States,''.

SEC. 5704. EFFECTIVE DATE.

The amendments made by this subtitle shall apply with respect to any offense committed on or after the date of enactment of this Act and to any prosecution in which

the indictment or other charging instrument is filed on or after the date of enactment of this Act.

Subtitle H—Methamphetamine Production Prevention Act of 2007

SEC. 5801. SHORT TITLE.

This subtitle may be cited as the ''Methamphetamine Production Prevention Act of 2007''.

SEC. 5802. FINDINGS.

Congress finds that—

(1) the manufacture, distribution, and use of methamphetamine have inflicted damages on individuals, families, communities, businesses, the economy, and the environment throughout the United States;

(2) methamphetamine is unique among illicit drugs in that the harms relating to methamphetamine stem not only from its distribution and use, but also from the manufacture of the drug by ''cooks'' in clandestine labs throughout the United States;

(3) Federal and State restrictions limiting the sale of legal drug products that contain methamphetamine precursors have reduced the number and size of domestic methamphetamine labs;

(4) domestic methamphetamine cooks have managed to circumvent restrictions on the sale of

methamphetamine precursors by ''smurfing'', or purchasing impermissibly large cumulative amounts of precursor products by traveling from retailer to retailer and buying permissible quantities at each retailer;

(5) although Federal and State laws require retailers of methamphetamine precursor products to keep written or electronic logbooks recording sales of precursor products, retailers are not always required to transmit this logbook information to appropriate law enforcement and regulatory agencies, except upon request;

(6) when retailers' logbook information regarding sales of methamphetamine precursor products is kept in a database in an electronic format and transmitted between retailers and appropriate law enforcement and regulatory agencies, such information can be used to further reduce the number of domestic methamphetamine labs by preventing the sale of methamphetamine precursors in excess of legal limits, and by identifying and prosecuting ''smurfs'' and others involved in methamphetamine manufacturing;

(7) States and local governments are already beginning to develop such electronic logbook data-

base systems, but they are hindered by a lack of resources;

(8) efforts by States and local governments to develop such electronic logbook database systems may also be hindered by logbook recordkeeping requirements contained in section 310(e) of the Controlled Substances Act (21 U.S.C. 830(e)) that are tailored to written logbooks and not to electronic logbooks; and

(9) providing resources to States and localities and making technical corrections to the Combat Methamphetamine Epidemic Act of 2005 will allow more rapid and widespread development of such electronic logbook systems, thereby reducing the domestic manufacture of methamphetamine and its associated harms.

SEC. 5803. DEFINITIONS.

In this subtitle—

(1) the term ''local'' means a county, city, town, township, parish, village, or other general purpose political subdivision of a State;

(2) the term ''methamphetamine precursor electronic logbook system'' means a system by which a regulated seller electronically records and transmits to an electronic database accessible to appropriate

law enforcement and regulatory agencies information regarding the sale of a scheduled listed chemical product that is required to be maintained under section 310(e) of the Controlled Substances Act (21 U.S.C. 830(e)) (as amended by this Act), State law governing the distribution of a scheduled listed chemical product, or any other Federal, State, or local law;

(3) the terms ''regulated seller'' and ''scheduled listed chemical product'' have the meanings given such terms in section 102 of the Controlled Substances Act (21 U.S.C. 802); and

(4) the term ''State''—

(A) means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States; and

(B) includes an ''Indian tribe'', as that term is defined in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

SEC. 5804. AUTHORIZATION FOR EFFECTIVE METHAMPHETAMINE PRECURSOR ELECTRONIC LOGBOOK SYSTEMS.

Section 310(e)(1) of the Controlled Substances Act (21 U.S.C. 830(e)(1)) is amended—

(1) in subparagraph (A)(iii), by striking ''a written or electronic list'' and inserting ''a written list or an electronic list that complies with subparagraph (H)''; and

(2) adding at the end the following:

''(H) ELECTRONIC LOGBOOKS.—

''(i) IN GENERAL.—A logbook maintained in electronic form shall include, for each sale to which the requirement of subparagraph (A)(iii) applies, the name of any product sold, the quantity of that product sold, the name and address of each purchaser, the date and time of the sale, and any other information required by State or local law.

''(ii) SELLERS.—In complying with the requirements of clause (i), a regulated seller may—

''(I) ask a prospective purchaser for the name and address, and enter such information into the electronic

logbook, and if the seller enters the name and address of the prospective purchaser into the electronic logbook, the seller shall determine that the name entered into the electronic logbook corresponds to the name provided on the identification presented by the purchaser under subparagraph (A)(iv)(I)(aa); and

"(II) use a software program that automatically and accurately records the date and time of each sale.

"(iii) PURCHASERS.—A prospective purchaser in a sale to which the requirement of subparagraph (A)(iii) applies that is being documented in an electronic logbook shall provide a signature in at least one of the following ways:

"(I) Signing a device presented by the seller that captures signatures in an electronic format.

"(II) Signing a bound paper book.

"(III) Signing a printed document that corresponds to the electronically-captured logbook information for such purchaser.

"(iv) ELECTRONIC SIGNATURES.—

"(I) DEVICE.—Any device used under clause (iii)(I) shall—

"(aa) preserve each signature in a manner that clearly links that signature to the other electronically-captured logbook information relating to the prospective purchaser providing that signature; and

"(bb) display information that complies with subparagraph (A)(v).

"(II) DOCUMENT RETENTION.—A regulated seller that uses a device under clause (iii)(I) to capture signatures shall maintain each such signature for not less than 2 years after the date on which that signature is captured.

"(v) PAPER BOOKS.—

"(I) IN GENERAL.—Any bound paper book used under clause (iii)(II) shall—

"(aa) ensure that the signature of the prospective purchaser is adjacent to a unique identifier number or a printed sticker that clearly links that signature to the electronically-captured logbook information relating to that prospective purchaser; and

"(bb) display information that complies with subparagraph (A)(v).

"(II) DOCUMENT RETENTION.—A regulated seller that uses bound paper books under clause (iii)(II) shall maintain any entry in such books for not less than 2 years after the date on which that entry is made.

"(vi) PRINTED DOCUMENTS.—

"(I) IN GENERAL.—Any printed document used under clause (iii)(III) shall—

"(aa) be printed by the seller at the time of the sale that document relates to;

"(bb) display information that complies with subparagraph (A)(v);

"(cc) for the relevant sale, list the name of each product sold, the quantity sold, the name and address of the purchaser, and the date and time of the sale;

"(dd) contain a clearly identified signature line for a purchaser to sign; and

"(ee) include a notice that the signer has read the printed information and agrees that it is accurate.

"(II) DOCUMENT RETENTION.—

"(aa) IN GENERAL.—A regulated seller that uses printed documents under clause (iii)(III) shall maintain each such document for not less than 2 years

after the date on which that document is signed.

"(bb) SECURE STORAGE.—Each signed document shall be inserted into a binder or other secure means of document storage immediately after the purchaser signs the document.".

SEC. 5805. GRANTS FOR METHAMPHETAMINE PRECURSOR ELECTRONIC LOGBOOK SYSTEMS.

(a) ESTABLISHMENT.—The Attorney General of the United States, through the Office of Justice Programs of the Department of Justice, may make grants, in accordance with such regulations as the Attorney General may prescribe, to State and local governments to plan, develop, implement, or enhance methamphetamine precursor electronic logbook systems.

(b) USE OF FUNDS.—

(1) IN GENERAL.—A grant under this section may be used to enable a methamphetamine precursor electronic logbook system to—

(A) indicate to a regulated seller, upon the entry of information regarding a prospective purchaser into the methamphetamine precursor electronic logbook system, whether that pro-

spective purchaser has been determined by appropriate law enforcement or regulatory agencies to be eligible, ineligible, or potentially ineligible to purchase a scheduled listed chemical product under Federal, State, or local law; and

(B) provide contact information for a prospective purchaser to use if the prospective purchaser wishes to question a determination by appropriate law enforcement or regulatory agencies that the prospective purchaser is ineligible or potentially ineligible to purchase a scheduled listed chemical product.

(2) ACCESS TO INFORMATION.—Any methamphetamine precursor electronic logbook system planned, developed, implemented, or enhanced with a grant under this section shall prohibit accessing, using, or sharing information entered into that system for any purpose other than to—

(A) ensure compliance with this subtitle, section 310(e) of the Controlled Substances Act (21 U.S.C. 830(e)) (as amended by this Act), State law governing the distribution of any scheduled listed chemical product, or other applicable Federal, State, or local law; or

(B) facilitate a product recall to protect public safety.

(c) GRANT REQUIREMENTS.—

(1) MAXIMUM AMOUNT.—The Attorney General shall not award a grant under this section in an amount that exceeds $300,000.

(2) DURATION.—The period of a grant made under this section shall not exceed 3 years.

(3) MATCHING REQUIREMENT.—Not less than 25 percent of the cost of a project for which a grant is made under this section shall be provided by non-Federal sources.

(4) PREFERENCE FOR GRANTS.—In awarding grants under this section, the Attorney General shall give priority to any grant application involving a proposed or ongoing methamphetamine precursor electronic logbook system that is—

(A) statewide in scope;

(B) capable of real-time capture and transmission of logbook information to appropriate law enforcement and regulatory agencies;

(C) designed in a manner that will facilitate the exchange of logbook information between appropriate law enforcement and regu-

latory agencies across jurisdictional boundaries, including State boundaries; and

(D) developed and operated, to the extent feasible, in consultation and ongoing coordination with the Drug Enforcement Administration, the Office of Justice Programs, the Office of National Drug Control Policy, the nonprofit corporation described in section 1105 of the Office of National Drug Control Policy Reauthorization Act of 2006 (21 U.S.C. 1701 note), other Federal, State, and local law enforcement and regulatory agencies, as appropriate, and regulated sellers.

(5) ANNUAL REPORT.—

(A) IN GENERAL.—Not later than December 31 of each calendar year in which funds from a grant received under this section are expended, the Attorney General shall submit a report to Congress containing—

(i) a summary of the activities carried out with grant funds during that year;

(ii) an assessment of the effectiveness of the activities described in clause (i) on the planning, development, implementation

or enhancement of methamphetamine precursor electronic logbook systems;

(iii) an assessment of the effect of the activities described in clause (i) on curtailing the manufacturing of methamphetamine in the United States and the harms associated with such manufacturing; and

(iv) a strategic plan for the year following the year of that report.

(B) ADDITIONAL INFORMATION.—The Attorney General may require the recipient of a grant under this section to provide information relevant to preparing any report under subparagraph (A) in a report that grant recipient is required to submit to the Office of Justice Programs of the Department of Justice.

SEC. 5806. STUDY.

(a) IN GENERAL.—Not later than 1 year after the date on which grant funds under section 5805 are first distributed, the Comptroller General of the United States shall conduct a study and submit to Congress a report regarding the effectiveness of methamphetamine precursor electronic logbook systems that receive funding under that section.

(b) CONTENTS.—The report submitted under subsection (a) shall include—

(1) a summary of the activities carried out with grant funds during the previous year;

(2) an assessment of the effectiveness of the activities described in paragraph (1) on the planning, development, implementation or enhancement of methamphetamine precursor electronic logbook systems in the United States;

(3) an assessment of the extent to which proposed or operational methamphetamine precursor electronic logbook systems in the United States, including those that receive funding under section 5805, are—

(A) statewide in scope;

(B) capable of real-time capture and transmission of logbook information to appropriate law enforcement and regulatory agencies;

(C) designed in a manner that will facilitate the exchange of logbook information between appropriate law enforcement and regulatory agencies across jurisdictional boundaries, including State boundaries; and

(D) developed and operated, to the extent feasible, upon consultation with and in ongoing

coordination with the Drug Enforcement Administration, the Office of Justice Programs, the Office of National Drug Control Policy, the nonprofit corporation described in section 1105 of the Office of National Drug Control Policy Reauthorization Act of 2006 (21 U.S.C. 1701 note), other Federal, State, and local law enforcement and regulatory agencies, as appropriate, and regulated sellers;

(4) an assessment of the effect of methamphetamine precursor electronic logbook systems, including those that receive funding under this subtitle, on curtailing the manufacturing of methamphetamine in the United States and reducing its associated harms;

(5) recommendations for further curtailing the domestic manufacturing of methamphetamine and reducing its associated harms; and

(6) such other information as the Comptroller General determines appropriate.

SEC. 5807. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle—

(1) $3,000,000 for fiscal year 2008; and

(2) such sums as may be necessary for each fiscal year thereafter.

Subtitle I—PACT Act

SEC. 5901. SHORT TITLE.

This subtitle may be cited as the ''Police and Communities Together Act'' or the ''PACT Act''.

SEC. 5902. PURPOSE.

The purpose of this subtitle is to create a Police and Communities Together program within the Department of Justice—

(1) to serve as a rapid response network to address existing and emerging local and national drug threats;

(2) based on the structure of the Partnership for Drug-Free America's Meth360 program to reduce methamphetamine abuse; and

(3) that will—

(A) be led by trained law enforcement professionals, partnering with local prevention and treatment organizations; and

(B) focus on prevention, education, and community mobilization about specific drug threats in a certain locality.

SEC. 5903. AUTHORIZATION OF PROGRAM.

The Attorney General shall establish a ''Police and Communities Together Program'' which shall include the following elements:

(1) Research-based prevention presentations that will—

(A) be delivered jointly by law enforcement, prevention, and treatment professionals;

(B) address 5 major topics as follows:

(i) The effects of substance abuse on individuals.

(ii) The effects of substance abuse on communities.

(iii) Families and prevention.

(iv) Intervention and treatment with content specific to the substance being abused.

(v) Community mobilization;

(C) allow local presenters to tailor the program to their community's specific drug prevention needs; and

(D) be adapted for various audiences such as parents, students, and the medical community.

(2) Training for presenters that provides the law enforcement, prevention, and treatment pre-

1 senters with the fundamental education and skills
2 they need to effectively deliver drug education pres-
3 entations.

4 **SEC. 5904. USE OF FUNDS.**

5 To carry out activities under this subtitle, the Attor-
6 ney General shall make a directed grant to the Partner-
7 ship for a Drug-Free America, which shall be responsible
8 for—

9 (1) developing the research-based prevention
10 presentations used in the PACT program;

11 (2) coordinating groups of law enforcement,
12 treatment, and prevention professionals to serve as
13 local presenters; and

14 (3) training local presenters about—

15 (A) the specific existing and emerging drug
16 threats; and

17 (B) the most effective means to deliver the
18 presentations.

19 **SEC. 5905. AUTHORIZATION OF APPROPRIATIONS.**

20 There are authorized to be appropriated to carry out
21 this subtitle $5,000,000 for each of the fiscal years 2008
22 through 2012.

TITLE VI—PREVENTING ILLEGAL TRAFFICKING OF FIREARMS

Subtitle A—Firearms Background Check Enhancement Act of 2007

SEC. 6101. SHORT TITLE.

This subtitle may be cited as the ''Firearms Background Check Enhancement Act of 2007''.

SEC. 6102. FINDINGS.

Congress finds that—

(1) more than 4,400 traditional gun shows are held annually across the United States, attracting thousands of attendees per show and hundreds of Federal firearms licensees and nonlicensed firearms sellers;

(2) traditional gun shows, as well as flea markets and other organized events, at which a large number of firearms are offered for sale by Federal firearms licensees and nonlicensed firearms sellers form a significant part of the national firearms market;

(3) firearms and ammunition that are exhibited or offered for sale or exchange at gun shows, flea markets, and other organized events move easily in and substantially affect interstate commerce;

(4) in addition, before a firearm is exhibited or offered for sale or exchange at a gun show, flea market, or other organized event, the gun, its component parts, ammunition, and the raw materials from which it is manufactured have moved in interstate commerce;

(5) gun shows, flea markets, and other organized events at which firearms are exhibited or offered for sale or exchange provide a convenient and centralized commercial location at which firearms may be bought and sold anonymously, often without background checks and without records that enable gun tracing;

(6) since the enactment of the Brady Handgun Violence Prevention Act (Public Law 103-159; 107 Stat. 1536) in 1993, nearly 70,000,000 background checks have been performed by Federal firearm licensees denying guns to 1,360,000 illegal buyers;

(7) at gun shows, flea markets, and other organized events at which guns are exhibited or offered for sale or exchange, criminals, terrorists, and other prohibited persons have obtained guns without background checks and frequently use guns that cannot be traced to later committed crimes;

(8) many persons who buy and sell firearms at gun shows, flea markets, and other organized events cross State lines to attend these events and engage in the interstate transportation of firearms obtained at these events;

(9) gun violence is a pervasive, national problem that is exacerbated by the free availability of guns at gun shows, flea markets, and other organized events;

(10) firearms associated with gun shows have been transferred illegally to residents of another State by Federal firearms licensees and nonlicensed firearms sellers, and have been involved in subsequent crimes including drug offenses, crimes of violence, property crimes, and illegal possession of firearms by felons and other prohibited persons; and

(11) Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to ensure, by enactment of this Act, that criminals and other prohibited persons do not obtain firearms at gun shows, flea markets, and other organized events.

SEC. 6103. EXTENSION OF BRADY BACKGROUND CHECKS TO GUN SHOWS.

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

"(36) GUN SHOW.—The term 'gun show' means any event—

"(A) at which not fewer than 50 firearms are offered or exhibited for sale, transfer, or exchange, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce; and

"(B) at which—

"(i) not fewer than 20 percent of the exhibitors are firearm exhibitors; or

"(ii) there are not fewer than 10 firearm exhibitors.

"(37) GUN SHOW PROMOTER.—The term 'gun show promoter' means any person who organizes, plans, promotes, or operates a gun show.

"(38) GUN SHOW VENDOR.—The term 'gun show vendor' means any person who exhibits, sells, offers for sale, transfers, or exchanges 1 or more firearms at a gun show, regardless of whether the person arranges with the gun show promoter for a

fixed location from which to exhibit, sell, offer for sale, transfer, or exchange 1 or more firearms.''.

(b) REGULATION OF FIREARMS TRANSFERS AT GUN SHOWS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"§ 932. Regulation of firearms transfers at gun shows

''(a) REGISTRATION OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

''(1) registers with the Attorney General in accordance with regulations promulgated by the Attorney General; and

''(2) pays a registration fee, in an amount determined by the Attorney General.

''(b) RESPONSIBILITIES OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

''(1) has notified the Attorney General not later than 15 days before the event of the date, time, duration, and location of the event;

''(2) before commencement of the gun show, verifies the identity of each gun show vendor participating in the gun show by examining a valid identi-

fication document (as that term is defined in section 1028(d)) of the vendor containing a photograph of the vendor;

"(3) before commencement of the gun show, requires each gun show vendor to sign—

"(A) a ledger with identifying information concerning the vendor; and

"(B) a notice advising the vendor of the obligations of the vendor under this chapter;

"(4) notifies each person who attends the gun show of the requirements of this chapter, in accordance with such regulations as the Attorney General shall prescribe; and

"(5) maintains a copy of the records described in paragraphs (2) and (3) at the permanent place of business of the gun show promoter for such period of time and in such form as the Attorney General shall require by regulation.

"(c) RESPONSIBILITIES OF TRANSFERORS OTHER THAN LICENSEES.—

"(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to transfer a firearm to another person who is not licensed under this chapter, unless the

firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

"(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

"(A) shall not transfer the firearm to the transferee until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

"(B) notwithstanding subparagraph (A), shall not transfer the firearm to the transferee if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

"(3) ABSENCE OF RECORDKEEPING REQUIREMENTS.—Nothing in this section shall permit or authorize the Attorney General to impose recordkeeping requirements on any nonlicensed vendor.

"(d) RESPONSIBILITIES OF TRANSFEREES OTHER THAN LICENSEES.—

"(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to receive a firearm from another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

"(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

"(A) shall not receive the firearm from the transferor until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

"(B) notwithstanding subparagraph (A), shall not receive the firearm from the transferor if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

"(e) RESPONSIBILITIES OF LICENSEES.—A licensed importer, licensed manufacturer, or licensed dealer who

agrees to assist a person who is not licensed under this chapter in carrying out the responsibilities of that person under subsection (c) or (d) with respect to the transfer of a firearm shall—

"(1) enter such information about the firearm as the Attorney General may require by regulation into a separate bound record;

"(2) record the transfer on a form specified by the Attorney General;

"(3) comply with section 922(t) as if transferring the firearm from the inventory of the licensed importer, licensed manufacturer, or licensed dealer to the designated transferee (although a licensed importer, licensed manufacturer, or licensed dealer complying with this subsection shall not be required to comply again with the requirements of section 922(t) in delivering the firearm to the nonlicensed transferor), and notify the nonlicensed transferor and the nonlicensed transferee—

"(A) of such compliance; and

"(B) if the transfer is subject to the requirements of section 922(t)(1), of any receipt by the licensed importer, licensed manufacturer, or licensed dealer of a notification from the national instant criminal background check sys-

tem that the transfer would violate section 922 or would violate State law;

"(4) not later than 10 days after the date on which the transfer occurs, submit to the Attorney General a report of the transfer, which report—

"(A) shall be on a form specified by the Attorney General by regulation; and

"(B) shall not include the name of or other identifying information relating to any person involved in the transfer who is not licensed under this chapter;

"(5) if the licensed importer, licensed manufacturer, or licensed dealer assists a person other than a licensee in transferring, at 1 time or during any 5 consecutive business days, 2 or more pistols or revolvers, or any combination of pistols and revolvers totaling 2 or more, to the same nonlicensed person, in addition to the reports required under paragraph (4), prepare a report of the multiple transfers, which report shall be—

"(A) prepared on a form specified by the Attorney General; and

"(B) not later than the close of business on the date on which the transfer occurs, forwarded to—

"(i) the office specified on the form described in subparagraph (A); and

"(ii) the appropriate State law enforcement agency of the jurisdiction in which the transfer occurs; and

"(6) retain a record of the transfer as part of the permanent business records of the licensed importer, licensed manufacturer, or licensed dealer.

"(f) RECORDS OF LICENSEE TRANSFERS.—If any part of a firearm transaction takes place at a gun show, each licensed importer, licensed manufacturer, or licensed dealer who transfers 1 or more firearms to a person who is not licensed under this chapter shall, not later than 10 days after the date on which the transfer occurs, submit to the Attorney General a report of the transfer, which report—

"(1) shall be in a form specified by the Attorney General by regulation;

"(2) shall not include the name of or other identifying information relating to the transferee; and

"(3) shall not duplicate information provided in any report required under subsection (e)(4).

"(g) FIREARM TRANSACTION DEFINED.—In this section, the term 'firearm transaction'—

1 "(1) includes the offer for sale, sale, transfer,
2 or exchange of a firearm; and
3 "(2) does not include the mere exhibition of a
4 firearm.".
5 (2) PENALTIES.—Section 924(a) of title 18,
6 United States Code, is amended by adding at the
7 end the following:
8 "(7)(A) Whoever knowingly violates section 932(a)
9 shall be fined under this title, imprisoned not more than
10 5 years, or both.
11 "(B) Whoever knowingly violates subsection (b) or (c)
12 of section 932, shall be—
13 "(i) fined under this title, imprisoned not more
14 than 2 years, or both; and
15 "(ii) in the case of a second or subsequent con-
16 viction, fined under this title, imprisoned not more
17 than 5 years, or both.
18 "(C) Whoever willfully violates section 932(d), shall
19 be—
20 "(i) fined under this title, imprisoned not more
21 than 2 years, or both; and
22 "(ii) in the case of a second or subsequent con-
23 viction, fined under this title, imprisoned not more
24 than 5 years, or both.

"(D) Whoever knowingly violates subsection (e) or (f) of section 932 shall be fined under this title, imprisoned not more than 5 years, or both.

"(E) In addition to any other penalties imposed under this paragraph, the Attorney General may, with respect to any person who knowingly violates any provision of section 932—

"(i) if the person is registered under section 932(a), after notice and opportunity for a hearing, suspend for not more than 6 months or revoke the registration of that person under section 932(a); and

"(ii) impose a civil fine in an amount equal to not more than $10,000.".

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 44 of title 18, United States Code, is amended—

(A) in the table of sections, by adding at the end the following:

"932. Regulation of firearms transfers at gun shows.";

and

(B) in the first sentence of section 923(j), by striking "a gun show or event" and inserting "an event"; and

(c) INSPECTION AUTHORITY.—Section 923(g)(1) is amended by adding at the end the following:

"(E) Notwithstanding subparagraph (B), the Attorney General may enter during business hours the place of business of any gun show promoter and any place where a gun show is held for the purposes of examining the records required by sections 923 and 932 and the inventory of licensees conducting business at the gun show. Such entry and examination shall be conducted for the purposes of determining compliance with this chapter by gun show promoters and licensees conducting business at the gun show and shall not require a showing of reasonable cause or a warrant.".

(d) INCREASED PENALTIES FOR SERIOUS RECORDKEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3) of title 18, United States Code, is amended to read as follows:

"(3)(A) Except as provided in subparagraph (B), any licensed dealer, licensed importer, licensed manufacturer, or licensed collector who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both.

"(B) If the violation described in subparagraph (A) is in relation to an offense—

"(i) under paragraph (1) or (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

"(ii) under subsection (a)(6) or (d) of section 922, such person shall be fined under this title, imprisoned not more than 10 years, or both.".

(e) INCREASED PENALTIES FOR VIOLATIONS OF CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

(1) PENALTIES.—Section 924(a) of title 18, United States Code, as amended by this Act, is amended—

(A) in paragraph (5), by striking "subsection (s) or (t) of section 922" and inserting "section 922(s)"; and

(B) by adding at the end the following:

"(8) Whoever knowingly violates section 922(t) shall be fined under this title, imprisoned not more than 5 years, or both.".

(2) ELIMINATION OF CERTAIN ELEMENTS OF OFFENSE.—Section 922(t)(5) of title 18, United States Code, is amended by striking "and, at the time" and all that follows through "State law".

(f) GUN OWNER PRIVACY AND PREVENTION OF FRAUD AND ABUSE OF SYSTEM INFORMATION.—Section 922(t)(2)(C) of title 18, United States Code, is amended

by inserting before the period at the end the following: ", as soon as possible, consistent with the responsibility of the Attorney General under section 103(h) of the Brady Handgun Violence Prevention Act to ensure the privacy and security of the system and to prevent system fraud and abuse, but in no event later than 90 days after the date on which the licensee first contacts the system with respect to the transfer".

(g) EFFECTIVE DATE.—This subtitle and the amendments made by this subtitle shall take effect 180 days after the date of enactment of this Act.

Subtitle B—Assault Weapons Ban Renewal Act of 2007

SEC. 6201. SHORT TITLE.

This subtitle may be cited as the "Assault Weapons Ban Renewal Act of 2007".

SEC. 6202. RESTRICTION ON MANUFACTURE, TRANSFER, AND POSSESSION OF CERTAIN SEMIAUTOMATIC ASSAULT WEAPONS.

(a) RESTRICTION.—Section 922 of title 18, United States Code, is amended by inserting after subsection (u) the following:

"(v)(1) Except as provided in paragraphs (2) through (5) it shall be unlawful for a person to manufacture, transfer, or possess a semiautomatic assault weapon.

"(2) Paragraph (1) shall not apply to the possession or transfer of any semiautomatic assault weapon otherwise lawfully possessed under Federal law on the date of the enactment of the Assault Weapons Ban Renewal Act of 2007.

"(3) Paragraph (1) shall not apply to—

"(A) any of the firearms, or replicas or duplicates of the firearms, specified in Appendix A to this section, as such firearms were manufactured on October 1, 1993;

"(B) any firearm that—

"(i) is manually operated by bolt, pump, lever, or slide action;

"(ii) has been rendered permanently inoperable; or

"(iii) is an antique firearm;

"(C) any semiautomatic rifle that cannot accept a detachable magazine that holds more than 5 rounds of ammunition; or

"(D) any semiautomatic shotgun that cannot hold more than 5 rounds of ammunition in a fixed or detachable magazine.

"(4) The fact that a firearm is not listed in Appendix A shall not be construed to mean that paragraph (1) applies to such firearm.

"(5) Paragraph (1) shall not apply to—

"(A) the manufacture for, transfer to, or possession by the United States or a department or agency of the United States or a State or a department, agency, or political subdivision of a State, or a transfer to or possession by a law enforcement officer employed by such an entity for purposes of law enforcement (whether on or off duty);

"(B) the transfer to a licensee under title I of the Atomic Energy Act of 1954 for purposes of establishing and maintaining an on-site physical protection system and security organization required by Federal law, or possession by an employee or contractor of such licensee on-site for such purposes or off-site for purposes of licensee-authorized training or transportation of nuclear materials;

"(C) the possession, by an individual who is retired from service with a law enforcement agency and is not otherwise prohibited from receiving a firearm, of a semiautomatic assault weapon transferred to the individual by the agency upon such retirement; or

"(D) the manufacture, transfer, or possession of a semiautomatic assault weapon by a licensed manufacturer or licensed importer for the purposes

of testing or experimentation authorized by the Attorney General.''.

(b) DEFINITION OF SEMIAUTOMATIC ASSAULT WEAPON.—Section 921(a) of title 18, United States Code, is amended by inserting after paragraph (29) the following:

''(30) The term 'semiautomatic assault weapon' means the following:

''(A) Any of the firearms, or copies or duplicates of the firearms in any caliber, known as—

''(i) Norinco, Mitchell, and Poly Technologies Avtomat Kalashnikovs (all models);

''(ii) Action Arms Israeli Military Industries UZI and Galil;

''(iii) Beretta Ar70 (SC–70);

''(iv) Colt AR–15;

''(v) Fabrique National FN/FAL, FN/LAR, and FNC;

''(vi) SWD M–10, M–11, M–11/9, and M–12;

''(vii) Steyr AUG;

''(viii) INTRATEC TEC–9, TEC–DC9 and TEC–22; or

"(ix) revolving cylinder shotguns, such as (or similar to) the Street Sweeper and Striker 12.

"(B)(i) A semiautomatic rifle that has an ability to accept a detachable magazine and has at least 2 of the features described in clause (ii).

"(ii) The features described in this clause are—

"(I) a folding or telescoping stock;

"(II) a pistol grip that protrudes conspicuously beneath the action of the weapon;

"(III) a bayonet mount;

"(IV) a flash suppressor or threaded barrel designed to accommodate a flash suppressor; and

"(V) a grenade launcher.

"(C)(i) A semiautomatic pistol that has an ability to accept a detachable magazine and has at least 2 of the features described in clause (ii).

"(ii) The features described in this clause are—

"(I) an ammunition magazine that attaches to the pistol outside of the pistol grip;

"(II) a threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer;

"(III) a shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the nontrigger hand without being burned;

"(IV) a manufactured weight of 50 ounces or more when the pistol is unloaded; and

"(V) a semiautomatic version of an automatic firearm.

"(D)(i) A semiautomatic shotgun that has at least 2 of the features described in clause (ii).

"(ii) The features described in this clause are—

"(I) a folding or telescoping stock;

"(II) a pistol grip that protrudes conspicuously beneath the action of the weapon;

"(III) a fixed magazine capacity in excess of 5 rounds; and

"(IV) an ability to accept a detachable magazine.".

(c) PENALTIES.—

(1) VIOLATION OF SECTION 922(v).—Section 924(a)(1)(B) of title 18, United States Code, is amended by striking "or (q) of section 922" and inserting "(r), or (v) of section 922".

(2) USE OR POSSESSION DURING CRIME OF VIOLENCE OR DRUG TRAFFICKING CRIME.—Section 924(c)(1)(B)(i) of title 18, United States Code, is amended by inserting "or semiautomatic assault weapon," after "short-barreled shotgun,".

(d) IDENTIFICATION MARKINGS FOR SEMIAUTOMATIC ASSAULT WEAPONS.—Section 923(i) of title 18, United States Code, is amended by adding at the end the following: "The serial number of any semiautomatic assault weapon manufactured after the date of the enactment of the Assault Weapons Ban Renewal Act of 2007 shall clearly show the date on which the weapon was manufactured.".

SEC. 6203. BAN OF LARGE CAPACITY AMMUNITION FEEDING DEVICES.

(a) PROHIBITION.—Section 922 of title 18, United States Code, is amended by inserting after subsection (u), as added by this Act, the following:

''(w)(1) Except as provided in paragraph (2), it shall be unlawful for a person to transfer or possess a large capacity ammunition feeding device.

''(2)(A) Paragraph (1) shall not apply to the possession or transfer of any large capacity ammunition feeding device otherwise lawfully possessed on or before the date of the enactment of the Assault Weapons Ban Renewal Act of 2007.

''(B) Paragraph (1) shall not apply to—

''(i) the manufacture for, transfer to, or possession by the United States or a department or agency of the United States or a State or a department, agency, or political subdivision of a State, or a transfer to or possession by a law enforcement officer employed by such an entity for purposes of law enforcement (whether on or off duty);

''(ii) the transfer to a licensee under title I of the Atomic Energy Act of 1954 for purposes of establishing and maintaining an on-site physical protection system and security organization required by Federal law, or possession by an employee or con-

tractor of such licensee on-site for such purposes or off-site for purposes of licensee-authorized training or transportation of nuclear materials;

''(iii) the possession, by an individual who is retired from service with a law enforcement agency and is not otherwise prohibited from receiving ammunition, of a large capacity ammunition feeding device transferred to the individual by the agency upon such retirement; or

''(iv) the manufacture, transfer, or possession of any large capacity ammunition feeding device by a licensed manufacturer or licensed importer for the purposes of testing or experimentation authorized by the Attorney General.

''(3) If a person charged with violating paragraph (1) asserts that paragraph (1) does not apply to such person because of subparagraph (A) or (B) of paragraph (2), the Government shall have the burden of proof to show that such paragraph (1) applies to such person. The lack of a serial number as described in section 923(i) of this title shall establish a presumption that the large capacity ammunition feeding device is not subject to the prohibition of possession in paragraph (1).''.

(b) DEFINITION OF LARGE CAPACITY AMMUNITION FEEDING DEVICE.—Section 921(a) of title 18, United

States Code, as amended by section 110102(b), is amended by inserting after paragraph (30), as added by this Act, the following:

"(31) The term 'large capacity ammunition feeding device'—

"(A) means a magazine, belt, drum, feed strip, or similar device manufactured after the date of enactment of the Assault Weapons Ban Renewal Act of 2007 that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition; and

"(B) does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.".

(c) PENALTY.—Section 924(a)(1)(B) of title 18, United States Code, as amended by this Act, is amended by striking "or (v)" and inserting "(v), or (w)".

(d) IDENTIFICATION MARKINGS FOR LARGE CAPACITY AMMUNITION FEEDING DEVICES.—Section 923(i) of title 18, United States Code, as amended by this Act, is amended by adding at the end the following: "A large capacity ammunition feeding device manufactured after the date of enactment of the Assault Weapons Ban Renewal Act of 2007 shall be identified by a serial number that

clearly shows that the device was manufactured or imported after the effective date of this subsection, and such other identification as the Attorney General may by regulation prescribe.''.

SEC. 6204. STUDY BY ATTORNEY GENERAL.

(a) STUDY.—The Attorney General shall investigate and study the effect of this subtitle and the amendments made by this subtitle, and in particular shall determine their impact, if any, on violent and drug trafficking crime. The study shall be conducted over the 18-month period beginning 12 months after the date of enactment of this Act.

(b) REPORT.—Not later than 30 months after the date of enactment of this Act, the Attorney General shall submit to Congress a report setting forth in detail the findings and determinations made in the study under subsection (a).

SEC. 6205. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle—

(1) shall take effect on the date of enactment of this Act; and

(2) are repealed effective as of the date that is 10 years after that date of enactment.

SEC. 6206. APPENDIX A TO SECTION 922 OF TITLE 18.

Section 922 of title 18, United States Code, is amended by adding at the end the following appendix:

APPENDIX A.

''CENTERFIRE RIFLES—AUTOLOADERS.—Browning BAR Mark II Safari Semi-Auto Rifle

Browning BAR Mark II Safari Magnum Rifle

''Browning High-Power Rifle

''Heckler & Koch Model 300 Rifle

''Iver Johnson M–1 Carbine

''Iver Johnson 50th Anniversary M–1 Carbine

''Marlin Model 9 Camp Carbine

''Marlin Model 45 Carbine

''Remington Nylon 66 Auto-Loading Rifle

''Remington Model 7400 Auto Rifle

''Remington Model 7400 Rifle

''Remington Model 7400 Special Purpose Auto Rifle

''Ruger Mini–14 Autoloading Rifle (w/o folding stock)

''Ruger Mini Thirty Rifle

Browning Model 81 BLR Lever-Action Rifle

''Browning Model 81 Long Action BLR

''Browning Model 1886 Lever-Action Carbine

''Browning Model 1886 High Grade Carbine

''Cimarron 1860 Henry Replica

''Cimarron 1866 Winchester Replicas

1 ‘‘Cimarron 1873 Short Rifle
2 ‘‘Cimarron 1873 Sporting Rifle
3 ‘‘Cimarron 1873 30″ Express Rifle
4 ‘‘Dixie Engraved 1873 Rifle
5 ‘‘E.M.F. 1866 Yellowboy Lever Actions
6 ‘‘E.M.F. 1860 Henry Rifle
7 ‘‘E.M.F. Model 73 Lever-Action Rifle
8 ‘‘Marlin Model 336CS Lever-Action Carbine
9 ‘‘Marlin Model 30AS Lever-Action Carbine
10 ‘‘Marlin Model 444SS Lever-Action Sporter
11 ‘‘Marlin Model 1894S Lever-Action Carbine
12 ‘‘Marlin Model 1894CS Carbine
13 ‘‘Marlin Model 1894CL Classic
14 ‘‘Marlin Model 1895SS Lever-Action Rifle
15 ‘‘Mitchell 1858 Henry Replica
16 ‘‘Mitchell 1866 Winchester Replica
17 ‘‘Mitchell 1873 Winchester Replica
18 ‘‘Navy Arms Military Henry Rifle
19 ‘‘Navy Arms Henry Trapper
20 ‘‘Navy Arms Iron Frame Henry
21 ‘‘Navy Arms Henry Carbine
22 ‘‘Navy Arms 1866 Yellowboy Rifle
23 ‘‘Navy Arms 1873 Winchester-Style Rifle
24 ‘‘Navy Arms 1873 Sporting Rifle
25 ‘‘Remington 7600 Slide Action

1 ‘‘Remington Model 7600 Special Purpose Slide Ac-
2 tion
3 ‘‘Rossi M92 SRC Saddle-Ring Carbine
4 ‘‘Rossi M92 SRS Short Carbine
5 ‘‘Savage 99C Lever-Action Rifle
6 ‘‘Uberti Henry Rifle
7 ‘‘Uberti 1866 Sporting Rifle
8 ‘‘Uberti 1873 Sporting Rifle
9 ‘‘Winchester Model 94 Side Eject Lever-Action Rifle
10 ‘‘Winchester Model 94 Trapper Side Eject
11 ‘‘Winchester Model 94 Big Bore Side Eject
12 ‘‘Winchester Model 94 Ranger Side Eject Lever-Ac-
13 tion Rifle
14 ‘‘Winchester Model 94 Wrangler Side Eject
15 Alpine Bolt-Action Rifle
16 ‘‘A–Square Caesar Bolt-Action Rifle
17 ‘‘A–Square Hannibal Bolt-Action Rifle
18 ‘‘Anschutz 1700D Classic Rifles
19 ‘‘Anschutz 1700D Custom Rifles
20 ‘‘Anschutz 1700D Bavarian Bolt-Action Rifle
21 ‘‘Anschutz 1733D Mannlicher Rifle
22 ‘‘Barret Model 90 Bolt-Action Rifle
23 ‘‘Beeman/HW 60J Bolt-Action Rifle
24 ‘‘Blaser R84 Bolt-Action Rifle
25 ‘‘BRNO 537 Sporter Bolt-Action Rifle

1 ‘‘BRNO ZKB 527 Fox Bolt-Action Rifle
2 ‘‘BRNO ZKK 600, 601, 602 Bolt-Action Rifles
3 ‘‘Browning A–Bolt Rifle
4 ‘‘Browning A–Bolt Stainless Stalker
5 ‘‘Browning A–Bolt Left Hand
6 ‘‘Browning A–Bolt Short Action
7 ‘‘Browning Euro-Bolt Rifle
8 ‘‘Browning A–Bolt Gold Medallion
9 ‘‘Browning A–Bolt Micro Medallion
10 ‘‘Century Centurion 14 Sporter
11 ‘‘Century Enfield Sporter #4
12 ‘‘Century Swedish Sporter #38
13 ‘‘Century Mauser 98 Sporter
14 ‘‘Cooper Model 38 Centerfire Sporter
15 ‘‘Dakota 22 Sporter Bolt-Action Rifle
16 ‘‘Dakota 76 Classic Bolt-Action Rifle
17 ‘‘Dakota 76 Short Action Rifles
18 ‘‘Dakota 76 Safari Bolt-Action Rifle
19 ‘‘Dakota 416 Rigby African
20 ‘‘E.A.A./Sabatti Rover 870 Bolt-Action Rifle
21 ‘‘Auguste Francotte Bolt-Action Rifles
22 ‘‘Carl Gustaf 2000 Bolt-Action Rifle
23 ‘‘Heym Magnum Express Series Rifle
24 ‘‘Howa Lightning Bolt-Action Rifle
25 ‘‘Howa Realtree Camo Rifle

1 ‘‘Interarms Mark X Viscount Bolt-Action Rifle
2 ‘‘Interarms Mini-Mark X Rifle
3 ‘‘Interarms Mark X Whitworth Bolt-Action Rifle
4 ‘‘Interarms Whitworth Express Rifle
5 ‘‘Iver Johnson Model 5100A1 Long-Range Rifle
6 ‘‘KDF K15 American Bolt-Action Rifle
7 ‘‘Krico Model 600 Bolt-Action Rifle
8 ‘‘Krico Model 700 Bolt-Action Rifles
9 ‘‘Mauser Model 66 Bolt-Action Rifle
10 ‘‘Mauser Model 99 Bolt-Action Rifle
11 ‘‘McMillan Signature Classic Sporter
12 ‘‘McMillan Signature Super Varminter
13 ‘‘McMillan Signature Alaskan
14 ‘‘McMillan Signature Titanium Mountain Rifle
15 ‘‘McMillan Classic Stainless Sporter
16 ‘‘McMillan Talon Safari Rifle
17 ‘‘McMillan Talon Sporter Rifle
18 ‘‘Midland 1500S Survivor Rifle
19 ‘‘Navy Arms TU–33/40 Carbine
20 ‘‘Parker-Hale Model 81 Classic Rifle
21 ‘‘Parker-Hale Model 81 Classic African Rifle
22 ‘‘Parker-Hale Model 1000 Rifle
23 ‘‘Parker-Hale Model 1100M African Magnum
24 ‘‘Parker-Hale Model 1100 Lightweight Rifle
25 ‘‘Parker-Hale Model 1200 Super Rifle

1 ‘‘Parker-Hale Model 1200 Super Clip Rifle
2 ‘‘Parker-Hale Model 1300C Scout Rifle
3 ‘‘Parker-Hale Model 2100 Midland Rifle
4 ‘‘Parker-Hale Model 2700 Lightweight Rifle
5 ‘‘Parker-Hale Model 2800 Midland Rifle
6 ‘‘Remington Model Seven Bolt-Action Rifle
7 ‘‘Remington Model Seven Youth Rifle
8 ‘‘Remington Model Seven Custom KS
9 ‘‘Remington Model Seven Custom MS Rifle
10 ‘‘Remington 700 ADL Bolt-Action Rifle
11 ‘‘Remington 700 BDL Bolt-Action Rifle
12 ‘‘Remington 700 BDL Varmint Special
13 ‘‘Remington 700 BDL European Bolt-Action Rifle
14 ‘‘Remington 700 Varmint Synthetic Rifle
15 ‘‘Remington 700 BDL SS Rifle
16 ‘‘Remington 700 Stainless Synthetic Rifle
17 ‘‘Remington 700 MTRSS Rifle
18 ‘‘Remington 700 BDL Left Hand
19 ‘‘Remington 700 Camo Synthetic Rifle
20 ‘‘Remington 700 Safari
21 ‘‘Remington 700 Mountain Rifle
22 ‘‘Remington 700 Custom KS Mountain Rifle
23 ‘‘Remington 700 Classic Rifle
24 ‘‘Ruger M77 Mark II Rifle
25 ‘‘Ruger M77 Mark II Magnum Rifle

1 ''Ruger M77RL Ultra Light

2 ''Ruger M77 Mark II All-Weather Stainless Rifle

3 ''Ruger M77 RSI International Carbine

4 ''Ruger M77 Mark II Express Rifle

5 ''Ruger M77VT Target Rifle

6 ''Sako Hunter Rifle

7 ''Sako FiberClass Sporter

8 ''Sako Safari Grade Bolt Action

9 ''Sako Hunter Left-Hand Rifle

10 ''Sako Classic Bolt Action

11 ''Sako Hunter LS Rifle

12 ''Sako Deluxe Lightweight

13 ''Sako Super Deluxe Sporter

14 ''Sako Mannlicher-Style Carbine

15 ''Sako Varmint Heavy Barrel

16 ''Sako TRG–S Bolt-Action Rifle

17 ''Sauer 90 Bolt-Action Rifle

18 ''Savage 110G Bolt-Action Rifle

19 ''Savage 110CY Youth/Ladies Rifle

20 ''Savage 110WLE One of One Thousand Limited

21 Edition Rifle

22 ''Savage 110GXP3 Bolt-Action Rifle

23 ''Savage 110F Bolt-Action Rifle

24 ''Savage 110FXP3 Bolt-Action Rifle

25 ''Savage 110GV Varmint Rifle

1 ''Savage 112FV Varmint Rifle
2 ''Savage Model 112FVS Varmint Rifle
3 ''Savage Model 112BV Heavy Barrel Varmint Rifle
4 ''Savage 116FSS Bolt-Action Rifle
5 ''Savage Model 116FSK Kodiak Rifle
6 ''Savage 110FP Police Rifle
7 ''Steyr-Mannlicher Sporter Models SL, L, M, S, S/
8 T
9 ''Steyr-Mannlicher Luxus Model L, M, S
10 ''Steyr-Mannlicher Model M Professional Rifle
11 ''Tikka Bolt-Action Rifle
12 ''Tikka Premium Grade Rifles
13 ''Tikka Varmint/Continental Rifle
14 ''Tikka Whitetail/Battue Rifle
15 ''Ultra Light Arms Model 20 Rifle
16 ''Ultra Light Arms Model 28, Model 40 Rifles
17 ''Voere VEC 91 Lightning Bolt-Action Rifle
18 ''Voere Model 2165 Bolt-Action Rifle
19 ''Voere Model 2155, 2150 Bolt-Action Rifles
20 ''Weatherby Mark V Deluxe Bolt-Action Rifle
21 ''Weatherby Lasermark V Rifle
22 ''Weatherby Mark V Crown Custom Rifles
23 ''Weatherby Mark V Sporter Rifle
24 ''Weatherby Mark V Safari Grade Custom Rifles
25 ''Weatherby Weathermark Rifle

1 ''Weatherby Weathermark Alaskan Rifle
2 ''Weatherby Classicmark No. 1 Rifle
3 ''Weatherby Weatherguard Alaskan Rifle
4 ''Weatherby Vanguard VGX Deluxe Rifle
5 ''Weatherby Vanguard Classic Rifle
6 ''Weatherby Vanguard Classic No. 1 Rifle
7 ''Weatherby Vanguard Weatherguard Rifle
8 ''Wichita Classic Rifle
9 ''Wichita Varmint Rifle
10 ''Winchester Model 70 Sporter
11 ''Winchester Model 70 Sporter WinTuff
12 ''Winchester Model 70 SM Sporter
13 ''Winchester Model 70 Stainless Rifle
14 ''Winchester Model 70 Varmint
15 ''Winchester Model 70 Synthetic Heavy Varmint
16 Rifle
17 ''Winchester Model 70 DBM Rifle
18 ''Winchester Model 70 DBM–S Rifle
19 ''Winchester Model 70 Featherweight
20 ''Winchester Model 70 Featherweight WinTuff
21 ''Winchester Model 70 Featherweight Classic
22 ''Winchester Model 70 Lightweight Rifle
23 ''Winchester Ranger Rifle
24 ''Winchester Model 70 Super Express Magnum
25 ''Winchester Model 70 Super Grade

1 ''Winchester Model 70 Custom Sharpshooter
2 ''Winchester Model 70 Custom Sporting Sharp-
3 shooter Rifle
4 Armsport 1866 Sharps Rifle, Carbine
5 ''Brown Model One Single Shot Rifle
6 ''Browning Model 1885 Single Shot Rifle
7 ''Dakota Single Shot Rifle
8 ''Desert Industries G–90 Single Shot Rifle
9 ''Harrington & Richardson Ultra Varmint Rifle
10 ''Model 1885 High Wall Rifle
11 ''Navy Arms Rolling Block Buffalo Rifle
12 ''Navy Arms #2 Creedmoor Rifle
13 ''Navy Arms Sharps Cavalry Carbine
14 ''Navy Arms Sharps Plains Rifle
15 ''New England Firearms Handi-Rifle
16 ''Red Willow Armory Ballard No. 5 Pacific
17 ''Red Willow Armory Ballard No. 1.5 Hunting Rifle
18 ''Red Willow Armory Ballard No. 8 Union Hill Rifle
19 ''Red Willow Armory Ballard No. 4.5 Target Rifle
20 ''Remington-Style Rolling Block Carbine
21 ''Ruger No. 1B Single Shot
22 ''Ruger No. 1A Light Sporter
23 ''Ruger No. 1H Tropical Rifle
24 ''Ruger No. 1S Medium Sporter
25 ''Ruger No. 1 RSI International

1 ''Ruger No. 1V Special Varminter
2 ''C.Sharps Arms New Model 1874 Old Reliable
3 ''C.Sharps Arms New Model 1875 Rifle
4 ''C.Sharps Arms 1875 Classic Sharps
5 ''C.Sharps Arms New Model 1875 Target & Long
6 Range
7 ''Shiloh Sharps 1874 Long Range Express
8 ''Shiloh Sharps 1874 Montana Roughrider
9 ''Shiloh Sharps 1874 Military Carbine
10 ''Shiloh Sharps 1874 Business Rifle
11 ''Shiloh Sharps 1874 Military Rifle
12 ''Sharps 1874 Old Reliable
13 ''Thompson/Center Contender Carbine
14 ''Thompson/Center Stainless Contender Carbine
15 ''Thompson/Center Contender Carbine Survival Sys-
16 tem
17 ''Thompson/Center Contender Carbine Youth Model
18 ''Thompson/Center TCR '87 Single Shot Rifle
19 ''Uberti Rolling Block Baby Carbine
20 Beretta Express SSO O/U Double Rifles
21 ''Beretta Model 455 SxS Express Rifle
22 ''Chapuis RGExpress Double Rifle
23 ''Auguste Francotte Sidelock Double Rifles
24 ''Auguste Francotte Boxlock Double Rifle
25 ''Heym Model 55B O/U Double Rifle

1 ''Heym Model 55FW O/U Combo Gun
2 ''Heym Model 88b Side-by-Side Double Rifle
3 ''Kodiak Mk. IV Double Rifle
4 ''Kreighoff Teck O/U Combination Gun
5 ''Kreighoff Trumpf Drilling
6 ''Merkel Over/Under Combination Guns
7 ''Merkel Drillings
8 ''Merkel Model 160 Side-by-Side Double Rifles
9 ''Merkel Over/Under Double Rifles
10 ''Savage 24F O/U Combination Gun
11 ''Savage 24F-12T Turkey Gun
12 ''Springfield Inc. M6 Scout Rifle/Shotgun
13 ''Tikka Model 412s Combination Gun
14 ''Tikka Model 412S Double Fire
15 ''A. Zoli Rifle-Shotgun O/U Combo
16 AMT Lightning 25/22 Rifle
17 ''AMT Lightning Small-Game Hunting Rifle II
18 ''AMT Magnum Hunter Auto Rifle
19 ''Anschutz 525 Deluxe Auto
20 ''Armscor Model 20P Auto Rifle
21 ''Browning Auto–22 Rifle
22 ''Browning Auto–22 Grade VI
23 ''Krico Model 260 Auto Rifle
24 ''Lakefield Arms Model 64B Auto Rifle
25 ''Marlin Model 60 Self-Loading Rifle

1 ''Marlin Model 60ss Self-Loading Rifle
2 ''Marlin Model 70 HC Auto
3 ''Marlin Model 990l Self-Loading Rifle
4 ''Marlin Model 70P Papoose
5 ''Marlin Model 922 Magnum Self-Loading Rifle
6 ''Marlin Model 995 Self-Loading Rifle
7 ''Norinco Model 22 ATD Rifle
8 ''Remington Model 522 Viper Autoloading Rifle
9 ''Remington 552BDL Speedmaster Rifle
10 ''Ruger 10/22 Autoloading Carbine (w/o folding
11 stock)
12 ''Survival Arms AR–7 Explorer Rifle
13 ''Texas Remington Revolving Carbine
14 ''Voere Model 2115 Auto Rifle
15 Browning BL–22 Lever-Action Rifle
16 ''Marlin 39TDS Carbine
17 ''Marlin Model 39AS Golden Lever-Action Rifle
18 ''Remington 572BDL Fieldmaster Pump Rifle
19 ''Norinco EM–321 Pump Rifle
20 ''Rossi Model 62 SA Pump Rifle
21 ''Rossi Model 62 SAC Carbine
22 ''Winchester Model 9422 Lever-Action Rifle
23 ''Winchester Model 9422 Magnum Lever-Action Rifle
24 Anschutz Achiever Bolt-Action Rifle
25 ''Anschutz 1416D/1516D Classic Rifles

1 ‘‘Anschutz 1418D/1518D Mannlicher Rifles
2 ‘‘Anschutz 1700D Classic Rifles
3 ‘‘Anschutz 1700D Custom Rifles
4 ‘‘Anschutz 1700 FWT Bolt-Action Rifle
5 ‘‘Anschutz 1700D Graphite Custom Rifle
6 ‘‘Anschutz 1700D Bavarian Bolt-Action Rifle
7 ‘‘Armscor Model 14P Bolt-Action Rifle
8 ‘‘Armscor Model 1500 Rifle
9 ‘‘BRNO ZKM–452 Deluxe Bolt-Action Rifle
10 ‘‘BRNO ZKM–452 Deluxe
11 ‘‘Beeman/HW 60–J–ST Bolt-Action Rifle
12 ‘‘Browning A–Bolt 22 Bolt-Action Rifle
13 ‘‘Browning A–Bolt Gold Medallion
14 ‘‘Cabanas Phaser Rifle
15 ‘‘Cabanas Master Bolt-Action Rifle
16 ‘‘Cabanas Espronceda IV Bolt-Action Rifle
17 ‘‘Cabanas Leyre Bolt-Action Rifle
18 ‘‘Chipmunk Single Shot Rifle
19 ‘‘Cooper Arms Model 36S Sporter Rifle
20 ‘‘Dakota 22 Sporter Bolt-Action Rifle
21 ‘‘Krico Model 300 Bolt-Action Rifles
22 ‘‘Lakefield Arms Mark II Bolt-Action Rifle
23 ‘‘Lakefield Arms Mark I Bolt-Action Rifle
24 ‘‘Magtech Model MT–22C Bolt-Action Rifle
25 ‘‘Marlin Model 880 Bolt-Action Rifle

1 ‘‘Marlin Model 881 Bolt-Action Rifle
2 ‘‘Marlin Model 882 Bolt-Action Rifle
3 ‘‘Marlin Model 883 Bolt-Action Rifle
4 ‘‘Marlin Model 883SS Bolt-Action Rifle
5 ‘‘Marlin Model 25MN Bolt-Action Rifle
6 ‘‘Marlin Model 25N Bolt-Action Repeater
7 ‘‘Marlin Model 15YN ‘Little Buckaroo’
8 ‘‘Mauser Model 107 Bolt-Action Rifle
9 ‘‘Mauser Model 201 Bolt-Action Rifle
10 ‘‘Navy Arms TU–KKW Training Rifle
11 ‘‘Navy Arms TU–33/40 Carbine
12 ‘‘Navy Arms TU–KKW Sniper Trainer
13 ‘‘Norinco JW–27 Bolt-Action Rifle
14 ‘‘Norinco JW–15 Bolt-Action Rifle
15 ‘‘Remington 541–T
16 ‘‘Remington 40–XR Rimfire Custom Sporter
17 ‘‘Remington 541–T HB Bolt-Action Rifle
18 ‘‘Remington 581–S Sportsman Rifle
19 ‘‘Ruger 77/22 Rimfire Bolt-Action Rifle
20 ‘‘Ruger K77/22 Varmint Rifle
21 ‘‘Ultra Light Arms Model 20 RF Bolt-Action Rifle
22 ‘‘Winchester Model 52B Sporting Rifle
23 Anschutz 64–MS Left Silhouette
24 ‘‘Anschutz 1808D RT Super Match 54 Target
25 ‘‘Anschutz 1827B Biathlon Rifle

1 ‘‘Anschutz 1903D Match Rifle
2 ‘‘Anschutz 1803D Intermediate Match
3 ‘‘Anschutz 1911 Match Rifle
4 ‘‘Anschutz 54.18MS REP Deluxe Silhouette Rifle
5 ‘‘Anschutz 1913 Super Match Rifle
6 ‘‘Anschutz 1907 Match Rifle
7 ‘‘Anschutz 1910 Super Match II
8 ‘‘Anschutz 54.18MS Silhouette Rifle
9 ‘‘Anschutz Super Match 54 Target Model 2013
10 ‘‘Anschutz Super Match 54 Target Model 2007
11 ‘‘Beeman/Feinwerkbau 2600 Target Rifle
12 ‘‘Cooper Arms Model TRP–1 ISU Standard Rifle
13 ‘‘E.A.A./Weihrauch HW 60 Target Rifle
14 ‘‘E.A.A./HW 660 Match Rifle
15 ‘‘Finnish Lion Standard Target Rifle
16 ‘‘Krico Model 360 S2 Biathlon Rifle
17 ‘‘Krico Model 400 Match Rifle
18 ‘‘Krico Model 360S Biathlon Rifle
19 ‘‘Krico Model 500 Kricotronic Match Rifle
20 ‘‘Krico Model 600 Sniper Rifle
21 ‘‘Krico Model 600 Match Rifle
22 ‘‘Lakefield Arms Model 90B Target Rifle
23 ‘‘Lakefield Arms Model 91T Target Rifle
24 ‘‘Lakefield Arms Model 92S Silhouette Rifle
25 ‘‘Marlin Model 2000 Target Rifle

1 ''Mauser Model 86–SR Specialty Rifle
2 ''McMillan M–86 Sniper Rifle
3 ''McMillan Combo M–87/M–88 50-Caliber Rifle
4 ''McMillan 300 Phoenix Long Range Rifle
5 ''McMillan M–89 Sniper Rifle
6 ''McMillan National Match Rifle
7 ''McMillan Long Range Rifle
8 ''Parker-Hale M–87 Target Rifle
9 ''Parker-Hale M–85 Sniper Rifle
10 ''Remington 40–XB Rangemaster Target Centerfire
11 ''Remington 40–XR KS Rimfire Position Rifle
12 ''Remington 40–XBBR KS
13 ''Remington 40–XC KS National Match Course Rifle
14 ''Sako TRG–21 Bolt-Action Rifle
15 ''Steyr-Mannlicher Match SPG–UIT Rifle
16 ''Steyr-Mannlicher SSG P–I Rifle
17 ''Steyr-Mannlicher SSG P–III Rifle
18 ''Steyr-Mannlicher SSG P–IV Rifle
19 ''Tanner Standard UIT Rifle
20 ''Tanner 50 Meter Free Rifle
21 ''Tanner 300 Meter Free Rifle
22 ''Wichita Silhouette Rifle
23 American Arms/Franchi Black Magic 48/AL
24 ''Benelli Super Black Eagle Shotgun
25 ''Benelli Super Black Eagle Slug Gun

1 ‘‘Benelli M1 Super 90 Field Auto Shotgun
2 ‘‘Benelli Montefeltro Super 90 20–Gauge Shotgun
3 ‘‘Benelli Montefeltro Super 90 Shotgun
4 ‘‘Benelli M1 Sporting Special Auto Shotgun
5 ‘‘Benelli Black Eagle Competition Auto Shotgun
6 ‘‘Beretta A–303 Auto Shotgun
7 ‘‘Beretta 390 Field Auto Shotgun
8 ‘‘Beretta 390 Super Trap, Super Skeet Shotguns
9 ‘‘Beretta Vittoria Auto Shotgun
10 ‘‘Beretta Model 1201F Auto Shotgun
11 ‘‘Browning BSA 10 Auto Shotgun
12 ‘‘Browning BSA 10 Stalker Auto Shotgun
13 ‘‘Browning A–500R Auto Shotgun
14 ‘‘Browning A–500G Auto Shotgun
15 ‘‘Browning A–500G Sporting Clays
16 ‘‘Browning Auto–5 Light 12 and 20
17 ‘‘Browning Auto–5 Stalker
18 ‘‘Browning Auto–5 Magnum 20
19 ‘‘Browning Auto–5 Magnum 12
20 ‘‘Churchill Turkey Automatic Shotgun
21 ‘‘Cosmi Automatic Shotgun
22 ‘‘Maverick Model 60 Auto Shotgun
23 ‘‘Mossberg Model 5500 Shotgun
24 ‘‘Mossberg Model 9200 Regal Semi-Auto Shotgun
25 ‘‘Mossberg Model 9200 USST Auto Shotgun

1 ''Mossberg Model 9200 Camo Shotgun
2 ''Mossberg Model 6000 Auto Shotgun
3 ''Remington Model 1100 Shotgun
4 ''Remington 11–87 Premier Shotgun
5 ''Remington 11–87 Sporting Clays
6 ''Remington 11–87 Premier Skeet
7 ''Remington 11–87 Premier Trap
8 ''Remington 11–87 Special Purpose Magnum
9 ''Remington 11–87 SPS–T Camo Auto Shotgun
10 ''Remington 11–87 Special Purpose Deer Gun
11 ''Remington 11–87 SPS–BG–Camo Deer/Turkey
12 Shotgun
13 ''Remington 11–87 SPS–Deer Shotgun
14 ''Remington 11–87 Special Purpose Synthetic Camo
15 ''Remington SP–10 Magnum-Camo Auto Shotgun
16 ''Remington SP–10 Magnum Auto Shotgun
17 ''Remington SP–10 Magnum Turkey Combo
18 ''Remington 1100 LT–20 Auto
19 ''Remington 1100 Special Field
20 ''Remington 1100 20–Gauge Deer Gun
21 ''Remington 1100 LT–20 Tournament Skeet
22 ''Winchester Model 1400 Semi-Auto Shotgun
23 Browning Model 42 Pump Shotgun
24 ''Browning BPS Pump Shotgun
25 ''Browning BPS Stalker Pump Shotgun

1 ''Browning BPS Pigeon Grade Pump Shotgun

2 ''Browning BPS Pump Shotgun (Ladies and Youth

3 Model)

4 ''Browning BPS Game Gun Turkey Special

5 ''Browning BPS Game Gun Deer Special

6 ''Ithaca Model 87 Supreme Pump Shotgun

7 ''Ithaca Model 87 Deerslayer Shotgun

8 ''Ithaca Deerslayer II Rifled Shotgun

9 ''Ithaca Model 87 Turkey Gun

10 ''Ithaca Model 87 Deluxe Pump Shotgun

11 ''Magtech Model 586–VR Pump Shotgun

12 ''Maverick Models 88, 91 Pump Shotguns

13 ''Mossberg Model 500 Sporting Pump

14 ''Mossberg Model 500 Camo Pump

15 ''Mossberg Model 500 Muzzleloader Combo

16 ''Mossberg Model 500 Trophy Slugster

17 ''Mossberg Turkey Model 500 Pump

18 ''Mossberg Model 500 Bantam Pump

19 ''Mossberg Field Grade Model 835 Pump Shotgun

20 ''Mossberg Model 835 Regal Ulti-Mag Pump

21 ''Remington 870 Wingmaster

22 ''Remington 870 Special Purpose Deer Gun

23 ''Remington 870 SPS–BG–Camo Deer/Turkey Shot-

24 gun

25 ''Remington 870 SPS–Deer Shotgun

1 ''Remington 870 Marine Magnum
2 ''Remington 870 TC Trap
3 ''Remington 870 Special Purpose Synthetic Camo
4 ''Remington 870 Wingmaster Small Gauges
5 ''Remington 870 Express Rifle Sighted Deer Gun
6 ''Remington 870 SPS Special Purpose Magnum
7 ''Remington 870 SPS-T Camo Pump Shotgun
8 ''Remington 870 Special Field
9 ''Remington 870 Express Turkey
10 ''Remington 870 High Grades
11 ''Remington 870 Express
12 ''Remington Model 870 Express Youth Gun
13 ''Winchester Model 12 Pump Shotgun
14 ''Winchester Model 42 High Grade Shotgun
15 ''Winchester Model 1300 Walnut Pump
16 ''Winchester Model 1300 Slug Hunter Deer Gun
17 ''Winchester Model 1300 Ranger Pump Gun Combo
18 & Deer Gun
19 ''Winchester Model 1300 Turkey Gun
20 ''Winchester Model 1300 Ranger Pump Gun
21 American Arms/Franchi Falconet 2000 O/U
22 ''American Arms Silver I O/U
23 ''American Arms Silver II Shotgun
24 ''American Arms Silver Skeet O/U
25 ''American Arms/Franchi Sporting 2000 O/U

1 ‘‘American Arms Silver Sporting O/U
2 ‘‘American Arms Silver Trap O/U
3 ‘‘American Arms WS/OU 12, TS/OU 12 Shotguns
4 ‘‘American Arms WT/OU 10 Shotgun
5 ‘‘Armsport 2700 O/U Goose Gun
6 ‘‘Armsport 2700 Series O/U
7 ‘‘Armsport 2900 Tri-Barrel Shotgun
8 ‘‘Baby Bretton Over/Under Shotgun
9 ‘‘Beretta Model 686 Ultralight O/U
10 ‘‘Beretta ASE 90 Competition O/U Shotgun
11 ‘‘Beretta Over/Under Field Shotguns
12 ‘‘Beretta Onyx Hunter Sport O/U Shotgun
13 ‘‘Beretta Model SO5, SO6, SO9 Shotguns
14 ‘‘Beretta Sporting Clay Shotguns
15 ‘‘Beretta 687EL Sporting O/U
16 ‘‘Beretta 682 Super Sporting O/U
17 ‘‘Beretta Series 682 Competition Over/Unders
18 ‘‘Browning Citori O/U Shotgun
19 ‘‘Browning Superlight Citori Over/Under
20 ‘‘Browning Lightning Sporting Clays
21 ‘‘Browning Micro Citori Lightning
22 ‘‘Browning Citori Plus Trap Combo
23 ‘‘Browning Citori Plus Trap Gun
24 ‘‘Browning Citori O/U Skeet Models
25 ‘‘Browning Citori O/U Trap Models

1 ''Browning Special Sporting Clays

2 ''Browning Citori GTI Sporting Clays

3 ''Browning 325 Sporting Clays

4 ''Centurion Over/Under Shotgun

5 ''Chapuis Over/Under Shotgun

6 ''Connecticut Valley Classics Classic Sporter O/U

7 ''Connecticut Valley Classics Classic Field

8 Waterfowler

9 ''Charles Daly Field Grade O/U

10 ''Charles Daly Lux Over/Under

11 ''E.A.A./Sabatti Sporting Clays Pro-Gold O/U

12 ''E.A.A./Sabatti Falcon-Mon Over/Under

13 ''Kassnar Grade I O/U Shotgun

14 ''Krieghoff K-80 Sporting Clays O/U

15 ''Krieghoff K-80 Skeet Shotgun

16 ''Krieghoff K-80 International Skeet

17 ''Krieghoff K-80 Four-Barrel Skeet Set

18 ''Krieghoff K-80/RT Shotguns

19 ''Krieghoff K-80 O/U Trap Shotgun

20 ''Laurona Silhouette 300 Sporting Clays

21 ''Laurona Silhouette 300 Trap

22 ''Laurona Super Model Over/Unders

23 ''Ljutic LM-6 Deluxe O/U Shotgun

24 ''Marocchi Conquista Over/Under Shotgun

25 ''Marocchi Avanza O/U Shotgun

1 ''Merkel Model 200E O/U Shotgun
2 ''Merkel Model 200E Skeet, Trap Over/Unders
3 ''Merkel Model 203E, 303E Over/Under Shotguns
4 ''Perazzi Mirage Special Sporting O/U
5 ''Perazzi Mirage Special Four-Gauge Skeet
6 ''Perazzi Sporting Classic O/U
7 ''Perazzi MX7 Over/Under Shotguns
8 ''Perazzi Mirage Special Skeet Over/Under
9 ''Perazzi MX8/MX8 Special Trap, Skeet
10 ''Perazzi MX8/20 Over/Under Shotgun
11 ''Perazzi MX9 Single Over/Under Shotguns
12 ''Perazzi MX12 Hunting Over/Under
13 ''Perazzi MX28, MX410 Game O/U Shotguns
14 ''Perazzi MX20 Hunting Over/Under
15 ''Piotti Boss Over/Under Shotgun
16 ''Remington Peerless Over/Under Shotgun
17 ''Ruger Red Label O/U Shotgun
18 ''Ruger Sporting Clays O/U Shotgun
19 ''San Marco 12–Ga. Wildflower Shotgun
20 ''San Marco Field Special O/U Shotgun
21 ''San Marco 10–Ga. O/U Shotgun
22 ''SKB Model 505 Deluxe Over/Under Shotgun
23 ''SKB Model 685 Over/Under Shotgun
24 ''SKB Model 885 Over/Under Trap, Skeet, Sporting
25 Clays

1 ‘‘Stoeger/IGA Condor I O/U Shotgun
2 ‘‘Stoeger/IGA ERA 2000 Over/Under Shotgun
3 ‘‘Techni-Mec Model 610 Over/Under
4 ‘‘Tikka Model 412S Field Grade Over/Under
5 ‘‘Weatherby Athena Grade IV O/U Shotguns
6 ‘‘Weatherby Athena Grade V Classic Field O/U
7 ‘‘Weatherby Orion O/U Shotguns
8 ‘‘Weatherby II, III Classic Field O/Us
9 ‘‘Weatherby Orion II Classic Sporting Clays O/U
10 ‘‘Weatherby Orion II Sporting Clays O/U
11 ‘‘Winchester Model 1001 O/U Shotgun
12 ‘‘Winchester Model 1001 Sporting Clays O/U
13 ‘‘Pietro Zanoletti Model 2000 Field O/U
14 American Arms Brittany Shotgun
15 ‘‘American Arms Gentry Double Shotgun
16 ‘‘American Arms Derby Side-by-Side
17 ‘‘American Arms Grulla #2 Double Shotgun
18 ‘‘American Arms WS/SS 10
19 ‘‘American Arms TS/SS 10 Double Shotgun
20 ‘‘American Arms TS/SS 12 Side-by-Side
21 ‘‘Arrieta Sidelock Double Shotguns
22 ‘‘Armsport 1050 Series Double Shotguns
23 ‘‘Arizaga Model 31 Double Shotgun
24 ‘‘AYA Boxlock Shotguns
25 ‘‘AYA Sidelock Double Shotguns

1 ‘‘Beretta Model 452 Sidelock Shotgun
2 ‘‘Beretta Side-by-Side Field Shotguns
3 ‘‘Crucelegui Hermanos Model 150 Double
4 ‘‘Chapuis Side-by-Side Shotgun
5 ‘‘E.A.A./Sabatti Saba-Mon Double Shotgun
6 ‘‘Charles Daly Model Dss Double
7 ‘‘Ferlib Model F VII Double Shotgun
8 ‘‘Auguste Francotte Boxlock Shotgun
9 ‘‘Auguste Francotte Sidelock Shotgun
10 ‘‘Garbi Model 100 Double
11 ‘‘Garbi Model 101 Side-by-Side
12 ‘‘Garbi Model 103A, B Side-by-Side
13 ‘‘Garbi Model 200 Side-by-Side
14 ‘‘Bill Hanus Birdgun Doubles
15 ‘‘Hatfield Uplander Shotgun
16 ‘‘Merkel Model 8, 47E Side-by-Side Shotguns
17 ‘‘Merkel Model 47LSC Sporting Clays Double
18 ‘‘Merkel Model 47S, 147S Side-by-Sides
19 ‘‘Parker Reproductions Side-by-Side
20 ‘‘Piotti King No. 1 Side-by-Side
21 ‘‘Piotti Lunik Side-by-Side
22 ‘‘Piotti King Extra Side-by-Side
23 ‘‘Piotti Piuma Side-by-Side
24 ‘‘Precision Sports Model 600 Series Doubles
25 ‘‘Rizzini Boxlock Side-by-Side

1 ''Rizzini Sidelock Side-by-Side
2 ''Stoeger/IGA Uplander Side-by-Side Shotgun
3 ''Ugartechea 10–Ga. Magnum Shotgun
4 Armsport Single Barrel Shotgun
5 ''Browning BT–99 Competition Trap Special
6 ''Browning BT–99 Plus Trap Gun
7 ''Browning BT–99 Plus Micro
8 ''Browning Recoilless Trap Shotgun
9 ''Browning Micro Recoilless Trap Shotgun
10 ''Desert Industries Big Twenty Shotgun
11 ''Harrington & Richardson Topper Model 098
12 ''Harrington & Richardson Topper Classic Youth
13 Shotgun
14 ''Harrington & Richardson N.W.T.F. Turkey Mag
15 ''Harrington & Richardson Topper Deluxe Model 098
16 ''Krieghoff KS–5 Trap Gun
17 ''Krieghoff KS–5 Special
18 ''Krieghoff K–80 Single Barrel Trap Gun
19 ''Ljutic Mono Gun Single Barrel
20 ''Ljutic LTX Super Deluxe Mono Gun
21 ''Ljutic Recoilless Space Gun Shotgun
22 ''Marlin Model 55 Goose Gun Bolt Action
23 ''New England Firearms Turkey and Goose Gun
24 ''New England Firearms N.W.T.F. Shotgun
25 ''New England Firearms Tracker Slug Gun

"New England Firearms Standard Pardner

"New England Firearms Survival Gun

"Perazzi TM1 Special Single Trap

"Remington 90–T Super Single Shotgun

"Snake Charmer II Shotgun

"Stoeger/IGA Reuna Single Barrel Shotgun

"Thompson/Center TCR '87 Hunter Shotgun.".

TITLE VII—TECHNOLOGY AND CRIMES

Subtitle A—Forensics Grants Improvement Act of 2007

SEC. 7101. SHORT TITLE.

This subtitle may be cited as the "Forensics Grants Improvement Act of 2007".

SEC. 7102. AUTHORIZATION.

Section 1001(a)(24) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(24)) is amended by striking subparagraphs (A) through (I) and inserting the following:

"(A) $150,000,000 for fiscal year 2008;

"(B) $150,000,000 for fiscal year 2009;

"(C) $150,000,000 for fiscal year 2010;

"(D) $150,000,000 for fiscal year 2011; and

"(E) $150,000,000 for fiscal year 2012.".

SEC. 7103. ELIMINATION OF BACKLOG.

(a) IN GENERAL.—Section 2804(e) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797m(e)) is amended by striking paragraph (2) and inserting the following:

"(2) has not been subjected to all appropriate forensic testing 90 days after the date such evidence was received.".

(b) APPLICATIONS.—Section 2802(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797k(a)) is amended by striking paragraph (1) and inserting the following:

"(1) a certification that the State or unit of local government has developed a plan for forensic science laboratories under a program described in section 2804(a), and a specific description of the manner in which—

"(A) the grant will be used to carry out that plan; and

"(B) that State or unit of local government will, not later than 5 years after the date of receiving that grant, eliminate any backlog in the analysis of forensic science evidence, as described in section 2804(e);".

SEC. 7104. ALLOCATION.

(a) IN GENERAL.—Section 2803(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797l(a)) is amended by striking paragraph (1) and inserting the following:

"(1) CRIME RATIO ALLOCATION.—Seventy-five percent of the amount made available to carry out this part in each fiscal year shall be for grants to States and units of local government, distributed by—

"(A) allocating an amount for each State that bears the same ratio to the 75 percent of the amount made available to carry out this part for that fiscal year as the annual number of murder, rape, sexual assault, and kidnapping crimes reported by that State to the Federal Bureau of Investigation bears to the number of such crimes reported by all States to the Federal Bureau of Investigation for the most recent year for which such data is available; and

"(B) from the amount allocated to each State under subparagraph (A), the Attorney General shall distribute grant amounts, and establish appropriate grant conditions under this section, under 1 or more formulas that are designed to distribute funds among eligible units

of State and local government in a manner that maximizes the effective use of forensic technology to solve crimes and protect public safety.''.

(b) CONFORMING AMENDMENT.—Section 2802 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797k) is amended—

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

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

(3) by adding at the end the following:

''(5) such information as the Attorney General may reasonably determine necessary to allocate funds under section 2803(a)(1).''.

SEC. 7105. USE OF FUNDS FOR OTHER FORENSIC SCIENCES.

(a) FINDINGS.—Congress finds that—

(1) the Attorney General is authorized to make grants to ''alleviate a backlog of cases with respect to a forensic science other than DNA analysis'' under section 2(l) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(l));

(2) numerous crime labs and medical examiners offices have received more funding under grants under that section than such labs and offices need

to perform DNA analysis authorized under that section; and

(3) the Attorney General has not made grants to alleviate the backlog of cases involving other forensic sciences.

(b) PLAN.—

(1) IN GENERAL.—The Attorney General shall develop and implement a plan for making grants under section 2(l) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(l)) for forensic science other than DNA analysis in a timely manner.

(2) REPORT.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report regarding the plan developed under paragraph (1).

Subtitle B—Grant Program for Export of FBI DNA Software

SEC. 7201. PROGRAM.

(a) IN GENERAL.—The Attorney General shall establish a program (referred to in this subtitle as the ''program'') to advocate the benefits of the Combined DNA Index System software systems (referred to in this subtitle

as the ''CODIS'') and forensic DNA programs to foreign governments.

(b) DETAILS.—The program shall include—

(1) developing data and materials;

(2) visiting foreign governments;

(3) arranging for foreign officials to visit the United States;

(4) advocating for establishment of DNA programs capable of sharing with the United States; and

(5) offering free services to foreign governments, including assistance in policy development, program development, training of personnel, and CODIS software installation.

SEC. 7202. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle $4,000,000 for each of the fiscal years 2008 through 2012.

Subtitle C—Cyber Security Act of 2007

SEC. 7301. SHORT TITLE.

This subtitle may be cited as the ''Cyber Security Act of 2007''.

SEC. 7302. CONSPIRACY TO COMMIT CYBER CRIMES.

Section 1030 of title 18, United States Code, is amended—

(1) in subsection (a)(5)(B), by inserting ''or a conspiracy to commit an offense,'' after ''offense,''; and

(2) in subsection (b), by inserting ''conspires to commit or'' after ''Whoever''.

SEC. 7303. FIXING LOOPHOLES WITH CYBER EXTORTION.

Section 1030(a)(7) of title 18, United States Code, is amended to read as follows:

''(7) with intent to extort from any person any money or other thing of value, transmits in interstate or foreign commerce any communication containing any—

''(A) threat to cause damage to a protected computer;

''(B) threat to obtain information or impair the confidentiality of information obtained from a protected computer without authorized access or by exceeding authorized access; or

''(C) demand or request for money or other thing of value in relation to damage to a protected computer, where such damage was caused to facilitate the extortion;''.

SEC. 7304. DAMAGE TO PROTECTED COMPUTERS.

(a) IN GENERAL.—Section 1030(a)(5)(B) of title 18, United States Code, is amended—

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

(2) in clause (v), by inserting ''or'' at the end; and

(3) by adding at the end the following:

''(vi) damage affecting 10 or more protected computers during any 1-year period;''.

(b) TERRORISM.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by striking ''1030(a)(5)(A)(ii) through (v) (relating to protection of computers)'' and inserting ''1030(a)(5)(A)(ii) through (vi) (relating to the protection of computers)''.

SEC. 7305. RICO PREDICATES.

Section 1961(1)(B) of title 18, United States Code, is amended by inserting ''section 1030 (relating to fraud and related activity in connection with computers),'' before ''section 1084,''.

SEC. 7306. USE OF FULL INTERSTATE AND FOREIGN COMMERCE POWER FOR CRIMINAL PENALTIES.

(a) ELIMINATION OF REQUIREMENT OF AN INTERSTATE OR FOREIGN COMMUNICATION FOR CERTAIN OFFENSES INVOLVING PROTECTED COMPUTERS.—Section 1030(a)(2)(C) of title 18, United States Code, is amended

by striking ''if the conduct involved an interstate or foreign communication''.

(b) BROADENING OF SCOPE.—Section 1030(e)(2)(B) of title 18, United States Code, is amended by inserting ''or affecting'' after ''which is used in''.

SEC. 7307. CIVIL FORFEITURE FOR SECTION 1030 VIOLATIONS.

Section 1030 of title 18, United States Code, is amended by adding at the end the following:

''(i) FORFEITURE.—

''(1) CIVIL.—

''(A) IN GENERAL.—The court, in imposing sentence for an offense under this section, shall, in addition to any other sentence imposed and irrespective of any provision of State law, order that the person forfeit to the United States—

''(i) the person's interest in any personal property that was used or intended to be used to commit or to facilitate the commission of such violation; and

''(ii) any property, real or personal, constituting or derived from, any proceeds the person obtained, directly or indirectly, as a result of such violation.

"(B) APPLICABLE PROCEDURES.—Seizures and forfeitures under this paragraph shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed on the Secretary of the Treasury under the customs laws described in section 981(d) of title 18 shall be performed by such officers, agents and other persons as may be designated for that purpose by the Secretary of Homeland Security.

"(2) CRIMINAL.—Pursuant to section 2461(c) of title 28, United States Code, the criminal forfeiture of property under this section, any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse and Prevention Control Act of 1970 (21 U.S.C. 853), except subsection (d) of that section.

"(3) PROPERTY SUBJECT TO FORFEITURE.—Any real or personal property of a violator of this section or a person acting in concert with such a violator that is used to commit or facilitate the commission of a violation of this section, the gross proceeds

of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.''.

SEC. 7308. DIRECTIVE TO SENTENCING COMMISSION.

(a) DIRECTIVE.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review its guidelines and policy statements applicable to persons convicted of offenses under sections 1028, 1028A, 1030, 2511, and 2701 of title 18, United States Code and any other relevant provisions of law, in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by such guidelines and policy statements.

(b) REQUIREMENTS.—In determining its guidelines and policy statements on the appropriate sentence for the crimes enumerated in subsection (a), the Commission shall consider the extent to which the guidelines and policy statements may or may not account for the following factors in order to create an effective deterrent to computer crime and the theft or misuse of personally identifiable data:

(1) The level of sophistication and planning involved in such offense.

(2) Whether such offense was committed for the purpose of commercial advantage or private financial benefit.

(3) The potential and actual loss resulting from the offense including—

(A) the value of information obtained from a protected computer, regardless of whether the owner was deprived of use of the information; and

(B) where the information obtained constitutes a trade secret or other proprietary information, the cost the victim incurred developing or compiling the information.

(4) Whether the defendant acted with intent to cause either physical or property harm in committing the offense.

(5) The extent to which the offense violated the privacy rights of individuals.

(6) The effect of the offense upon the operations of an agency of the United States Government, or of a State or local government.

(7) Whether the offense involved a computer used by the United States Government, a State, or a local government in furtherance of national de-

fense, national security, or the administration of justice.

(8) Whether the offense was intended to, or had the effect of significantly interfering with or disrupting a critical infrastructure.

(9) Whether the offense was intended to, or had the effect of creating a threat to public health or safety, causing injury to any person, or causing death.

(10) Whether the defendant purposefully involved a juvenile in the commission of the offense.

(11) Whether the defendant's intent to cause damage or intent to obtain personal information should be disaggregated and considered separately from the other factors set forth in USSG 2B1.1(b)(14).

(12) Whether the term ''victim,'' as used in USSG 2B1.1, should include individuals whose privacy was violated as a result of the offense in addition to individuals who suffered monetary harm as a result of the offense.

(13) Whether the defendant disclosed personal information obtained during the commission of the offense.

(c) ADDITIONAL REQUIREMENTS.—In carrying out this section, the Commission shall—

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

(2) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

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

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

SEC. 7309. ADDITIONAL FUNDING FOR RESOURCES TO INVESTIGATE AND PROSECUTE CRIMINAL ACTIVITY INVOLVING COMPUTERS.

(a) ADDITIONAL FUNDING FOR RESOURCES.—In addition to amounts otherwise authorized for resources to investigate and prosecute criminal activity involving computers, there are authorized to be appropriated for each of the fiscal years 2008 through 2012—

(1) $10,000,000 to the Director of the United States Secret Service and $10,000,000 to the Director of the Federal Bureau of Investigation to hire and train law enforcement officers to investigate

crimes committed through the use of computers and other information technology, including through the use of the Internet, and assist in the prosecution of such crimes and procure advanced tools of forensic science to investigate and study such crimes; and

(2) $10,000,000 to the Attorney General for the prosecution of such crimes.

(b) AVAILABILITY.—Any amounts appropriated under subsection (a) shall remain available until expended.

Subtitle D—Protecting Electronic Voting Act of 2007

SEC. 7401. SHORT TITLE.

This subtitle may be cited as the ''Protecting Electronic Voting Act of 2007''.

SEC. 7402. FINDINGS.

Congress makes the following findings:

(1) The right to vote, and to have one's voted accurately counted, is a fundamental Constitutional right.

(2) Voting precincts across the nation are increasingly allowing voters to cast their ballots electronically utilizing stand alone or networked computers.

(3) The law should recognize and adequately deter the risk that an individual might gain unau-

thorized access to a computer owned or operated by a candidate for public office for the purpose of providing information about his candidacy or a computer involved in electronic voting and thereby obtain, alter, or render unavailable information associated with an election.

SEC. 7403. PROTECTING COMPUTERS USED BY CANDIDATES FOR FEDERAL OFFICE AND POLITICAL PARTIES.

(a) IN GENERAL.—Subparagraph (B) of section 1030(a)(5) of title 18, United States Code, as amended by section 7304, is amended—

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

(2) by inserting ''or'' at the end of clause (vi); and

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

''(vii) damage affecting a computer system used by or for a candidate for Federal, State, or local office (or a candidate for nomination to such an office), or by or for a national, State, district, or local committee of a political party, in connection with the election of such candidate;''.

(b) INCREASED PENALTY.—Subparagraph (B) of section 1030(c)(2) of title 18, United States Code, is amended—

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

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

(3) by adding at the end the following clause:

''(iv) the computer involved was a computer used by or for a candidate for Federal, State, or local office (or a candidate for nomination to such an office), or by or for a national, State, district, or local committee of a political party, in connection with the election of such candidate; and''.

SEC. 7404. PROTECTING COMPUTERS USED IN ADMINISTERING ELECTIONS.

(a) IN GENERAL.—

(1) IN GENERAL.—Paragraph (2) of section 1030(e) of title 18, United States Code, is amended—

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

(B) by inserting ''or'' at the end of subparagraph (B); and

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

''(C) used in the administration of an election for Federal, State, or local office or an election for nomination to such an office;''.

(2) CONFORMING AMENDMENTS.—Subparagraph (B) of section 1030(a)(5) of title 18, United States Code, as amended by section 7403, is amended—

(A) by striking ''or'' at the end of clause (vi);

(B) by inserting ''or'' at the end of clause (vii); and

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

''(vii) damage affecting a computer system used in administering an election for Federal, State or local office or an election for nomination to such an office;''.

(b) INCREASED PENALTY.—Subparagraph (B) of section 1030(c)(2) of title 18, United States Code, as amended by section 7403, is amended—

(1) by striking ''or'' at the end of subparagraph (iii);

(2) by striking ''and'' at the end of clause (iv) and inserting ''or''; and

(3) by adding at the end the following clause:

''(v) the computer involved was a computer used in the administration of an election for Federal, State, or local office or an election for nomination to such an office; and''.

TITLE VIII—INTELLECTUAL PROPERTY

SEC. 8001. SHORT TITLE.

This title may be cited as the ''Intellectual Property Protection Act of 2007''.

SEC. 8002. REGISTRATION IN CIVIL INFRINGEMENT ACTIONS.

Section 411 of title 17, United States Code, is amended—

(1) in the section heading, by inserting ''**civil**'' before ''**infringement**'';

(2) in subsection (a), in the second sentence, by striking ''an action'' and inserting ''a civil action''; and

(3) in subsection (b), by striking ''506 and sections 509 and'' and inserting ''505 and section''.

SEC. 8003. CIVIL REMEDIES FOR INFRINGEMENT.

Section 503(a) of title 17, United States Code, is amended by striking the period and inserting ''and of all records documenting the manufacture, sale, or receipt of any items involved in such violation. The court shall enter an appropriate protective order with respect to discovery by the applicant of any records that have been seized. The protective order shall provide for appropriate procedures to assure that confidential information contained in such records is not improperly disclosed to the applicant.''.

SEC. 8004. CRIMINAL INFRINGEMENT.

(a) IN GENERAL.—Section 506(a)(1) of title 17, United States Code, is amended—

(1) by inserting ''or attempts to infringe'' before ''a copyright'';

(2) by striking '', if the infringement was committed'' after ''title 18'';

(3) by striking subparagraph (A) and inserting the following:

''(A) if the infringement was committed or attempted for purposes of commercial advantage or private financial gain;''.

(4) in subparagraph (B), by striking ''by the reproduction or distribution'' and inserting ''if the infringement was committed or attempted by the reproduction or distribution''; and

(5) in subparagraph (C), by inserting ''if the infringement was committed'' before ''by the distribution of''.

(b) FORFEITURE AND DESTRUCTION; RESTITUTION.—Section 506(b) of title 17, United States Code, is amended to read as follows:

''(b) FORFEITURE AND DESTRUCTION; RESTITUTION.—

''(1) FORFEITURE.—The following property is subject to forfeiture to the United States Government:

''(A) Any copies or phonorecords manufactured, reproduced, distributed, sold, or otherwise used, intended for use, or possessed with intent to use in violation of subsection (a).

''(B) Any property constituted or derived from any proceeds obtained, directly or indirectly, as a result of a violation of subsection (a).

''(C) Any property used, or intended to be used, in any manner or part, to commit or fa-

cilitate the commission of a violation of subsection (a), including any plates, molds, matrices, masters, tapes, film negatives, or other articles by means of which the copies or phonorecords described in subparagraph (A) may be reproduced, and any electronic, mechanical, or other devices for manufacturing, reproducing, or assembling such copies or phonorecords.

"(2) FORFEITURE PROCEEDINGS.—The provisions of chapter 46 of title 18 relating to civil forfeitures shall extend to any seizure or civil forfeiture under this section. At the conclusion of the forfeiture proceedings, the court shall order that any forfeited infringing copies or phonorecords, as well as any plates, molds, matrices, masters, tapes, and film negatives by means of which such unauthorized copies or phonorecords may be made, be destroyed or otherwise disposed of according to law.

"(3) OTHER PUNISHMENT.—

"(A) IN GENERAL.—The court, in imposing sentence on a person convicted of an offense under this section, shall order, in addition to any other sentence imposed, that the person forfeit to the United States Government—

"(i) any infringing copies or phonorecords manufactured, reproduced, distributed, sold, or otherwise used, intended for use, or possessed with intent to use in violation of subsection (a);

"(ii) any property constituted or derived from any proceeds obtained, directly or indirectly, as the result of the offense; and

"(iii) any property used, or intended to be used, in any manner or part, to commit or facilitate the commission of a violation of subsection (a), including any plates, molds, matrices, masters, tapes, film negatives, or other articles by means of which the copies or phonorecords described in subparagraph (A) may be reproduced, and any electronic, mechanical, or other devices for manufacturing, reproducing, or assembling such copies or phonorecords.

"(B) PROCEDURES.—The forfeiture of property under subparagraph (A), including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be governed by the procedures set forth in

section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsection (d) of that section. At the conclusion of the forfeiture proceedings, the court shall order that any forfeited infringing copies or phonorecords, as well as any plates, molds, matrices, masters, tapes, and film negatives by means of which such infringing copies or phonorecords may be made, be destroyed or otherwise disposed of according to law.

''(4) RESTITUTION.—When a person is convicted of an offense under this section, the court, pursuant to sections 3556, 3663A, and 3664 of title 18, shall order the person to pay restitution to the copyright owner and any other victim of the offense as an offense against property referred to in section 3663A(c)(I)(A)(ii) of such title.''.

(c) REPEAL.—

(1) IN GENERAL.—Section 509 of title 17, United States Code, is repealed.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 17, United States Code, is amended by striking the item relating to section 509.

SEC. 8005. IMPORTATION AND EXPORTATION.

(a) IN GENERAL.—The chapter heading for chapter 6 of title 17, United States Code, is amended to read as follows:

"CHAPTER 6—MANUFACTURING REQUIREMENTS, IMPORTATION, AND EXPORTATION".

(b) IMPORTATION WITHOUT AUTHORITY OF COPYRIGHT.—Section 602(a) of title 17, United States Code, is amended—

(1) by striking ''Importation into'' and inserting the following:

''(a) IMPORTATION WITHOUT AUTHORITY OF COPYRIGHT.—

''(1) IN GENERAL.—Importation into'';

(2) by striking ''This subsection does not apply to—'';

(3) by inserting after ''section 501.'' the following:

''(2) EXPORTATION WITHOUT AUTHORITY OF COPYRIGHT.—Importation into the United States or exportation from the United States, without the authority of the owner of copyright under this title, of copies or phonorecords, the making of which either constituted an infringement of copyright or would have constituted an infringement of copyright if this

title had been applicable, is an infringement of the exclusive right to distribute copies or phonorecords under section 106, actionable under sections 501 and 506.

"(3) EXCEPTIONS.—This subsection does not apply to—";

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

(5) in paragraph (3)(A), as redesignated, by inserting "or exportation" before "of copies or";

(6) in paragraph (3)(B), as redesignated—

(A) by inserting "or exportation" before the first comma;

(B) by inserting "or exporter" before "and not for"; and

(C) by inserting "or departing from the United States" before "with respect to copies".

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 602 of title 17, United States Code, is amended in the section heading by inserting "**or exportation**" before "**of copies or phonorecords**".

SEC. 8006. DIGITAL MILLENNIUM COPYRIGHT ACT.

Section 1204 of title 17, United States Code, is amended by inserting at the end the following:

1 "(d) FORFEITURE AND DESTRUCTION; RESTITU-
2 TION.—
3 "(1) FORFEITURE.—The following property is
4 subject to forfeiture to the United States Govern-
5 ment:
6 "(A) Any property constituted or derived
7 from any proceeds obtained, directly or indi-
8 rectly, as a result of a violation of subsection
9 (a).
10 "(B) Any property used, or intended to be
11 used, in any manner or part, to commit or fa-
12 cilitate the commission of a violation of sub-
13 section (a).
14 "(2) FORFEITURE PROCEEDINGS.—The provi-
15 sions of chapter 46 of title 18 relating to civil for-
16 feitures shall extend to any seizure or civil forfeiture
17 under this section. At the conclusion of the for-
18 feiture proceedings, the court shall order that any
19 property forfeited pursuant to paragraph (1)(B) be
20 destroyed or otherwise disposed of according to law.
21 "(3) OTHER PUNISHMENT.—
22 "(A) IN GENERAL.—The court, in impos-
23 ing sentence on a person convicted of an offense
24 under this section, shall order, in addition to

any other sentence imposed, that the person forfeit to the United States Government—

"(i) any property constituting or derived from any proceeds obtained, directly or indirectly, as the result of the offense; and

"(ii) any property used, or intended to be used, in any manner or part, to commit or facilitate the commission of the offense.

"(B) PROCEDURES.—The forfeiture of property under subparagraph (A), including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be governed by the procedures set forth in section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsection (d) of that section. At the conclusion of the forfeiture proceedings, the court shall order that any implement, device, or equipment used in any manner or part to commit or facilitate the commission of a violation of subsection (a), be destroyed or otherwise disposed of according to law.

"(4) RESTITUTION.—When a person is convicted of an offense under this section, the court,

pursuant to sections 3556, 3663A, and 3664 of title 18, shall order the person to pay restitution to any copyright owner whose rights under this title were violated by the offense, as an offense against property referred to in section 3663A(c)(1)(A)(ii) of such title.''.

SEC. 8007. FORFEITURE UNDER ECONOMIC ESPIONAGE ACT.

Section 1834 of title 18, United States Code, is amended—

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

(2) in subsection (d), as redesignated, by striking ''this section'' and inserting ''subsection (c)'';

(3) by inserting before subsection (c) the following:

''(a) FORFEITURE.—The following property is subject to forfeiture to the United States Government:

''(1) Any property that consists of, or incorporates, any trade secret that is the subject of a violation of this chapter.

''(2) Any property constituted or derived from any proceeds obtained, directly or indirectly, as a result of a violation of this chapter.

"(3) Any property used, or intended to be used, in any manner or part, to commit or to facilitate the commission of a violation of this chapter.

"(b) FORFEITURE PROCEEDINGS.—The provisions of chapter 46 of this title relating to civil forfeitures shall extend to any seizure or civil forfeiture under subsection (a)."; and

(4) by inserting at the end the following:

"(e) RESTITUTION.—When a person is convicted of an offense under this section, the court, pursuant to sections 3556, 3663A, and 3664, shall order the person to pay restitution to the owner of the trade secret and any other victim of the offense as an offense against property referred to in section 3663A(c)(I)(A)(ii).".

SEC. 8008. TRAFFICKING IN COUNTERFEIT LABELS.

Section 2318(d) of title 18, United States Code, is amended to read as follows:

"(d) FORFEITURE AND DESTRUCTION; RESTITUTION.—

"(1) FORFEITURE.—The following property is subject to forfeiture to the United States Government:

"(A) Any counterfeit documentation or packaging, and any counterfeit label or illicit label and any article to which a counterfeit

label or illicit label has been affixed, or which a counterfeit label or illicit label encloses or accompanies, or which was intended to have had such label affixed, enclosing, or accompanying.

"(B) Any property constituted or derived from any proceeds obtained, directly or indirectly, as a result of a violation of subsection (a).

"(C) Any property used, or intended to be used, in any manner or part, to commit or facilitate the commission of a violation of subsection (a).

"(2) FORFEITURE PROCEEDINGS.—The provisions of chapter 46 of this title relating to civil forfeitures shall extend to any seizure or civil forfeiture under paragraph (1). At the conclusion of the forfeiture proceedings, the court shall order that any forfeited counterfeit labels or illicit labels and any article to which a counterfeit label or illicit label has been affixed, or which a counterfeit label or illicit label encloses or accompanies, or which was intended to have had such label affixed, enclosing, or accompanying, be destroyed or otherwise disposed of according to law.

"(3) OTHER PUNISHMENT.—

"(A) IN GENERAL.—The court, in imposing sentence on a person convicted of an offense under this section, shall order, in addition to any other sentence imposed, that the person forfeit to the United States Government—

"(i) any counterfeit documentation or packaging, and any counterfeit label or illicit label and any article to which a counterfeit label or illicit label has been affixed, or which a counterfeit label or illicit label encloses or accompanies, or which was intended to have had such label affixed, enclosing, or accompanying;

"(ii) any property constituted or derived from any proceeds obtained, directly or indirectly, as the result of the offense; and

"(iii) any property used, or intended to be used, in any manner or part, to commit or facilitate the commission of the offense.

"(B) PROCEDURES.—The forfeiture of property under subparagraph (A), including any seizure and disposition of the property and any related judicial or administrative proceeding,

shall be governed by the procedures set forth in section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsection (d) of that section. At the conclusion of the forfeiture proceedings, the court shall order that any counterfeit label or illicit label and any article to which a counterfeit label or illicit label has been affixed, or which a counterfeit label or illicit label encloses or accompanies, or which was intended to have had such label affixed, enclosing, or accompanying, be destroyed or otherwise disposed of according to law.

"(4) RESTITUTION.—When a person is convicted of an offense under this section, the court, pursuant to sections 3556, 3663A, and 3664, shall order the person to pay restitution to the owner of the marks or copyrighted works involved in the offense and any other victim of the offense as an offense against property referred to in section 3663(A)(c)(1)(A)(ii).".

SEC. 8009. CRIMINAL INFRINGEMENT OF A COPYRIGHT.

Section 2319 of title 18, United States Code, is amended—

(1) in subsection (b)(1), by inserting ''or was intended to consist of'' before ''the reproduction'';

(2) in subsection (b)(2)—

(A) by inserting ''felony'' before ''offense''; and

(B) by striking ''paragraph (1)'' and inserting ''subsection (a)'';

(3) in subsection (c)(1), by inserting ''or was intended to consist of'' before ''the reproduction'';

(4) in subsection (c)(2)—

(A) by inserting ''felony'' before ''offense''; and

(B) by striking ''paragraph (1)'' and inserting ''subsection (a)'';

(5) in subsection (d)(3)—

(A) by inserting ''felony'' before ''offense''; and

(B) inserting ''under subsection (a)'' before the semicolon; and

(6) in subsection (d)(4), by inserting ''felony'' before ''offense''.

SEC. 8010. UNAUTHORIZED FIXATION AND TRAFFICKING.

(a) IN GENERAL.—Section 2319A of title 18, United States Code, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

(b) FORFEITURE AND DESTRUCTION.—Section 2319A(b) of title 18, United States Code, is amended to read as follows:

"(b) FORFEITURE AND DESTRUCTION; RESTITUTION.—

"(1) FORFEITURE.—The following property is subject to forfeiture to the United States Government:

"(A) Any unauthorized copies or phonorecords of a live musical performance, as well as any plates, molds, matrices, masters, tapes, and film negatives by means of which such copies or phonorecords may be made.

"(B) Any property constituted or derived from any proceeds obtained, directly or indirectly, as a result of a violation of subsection (a).

"(C) Any property used or intended to be used, in any manner or part, to commit or to facilitate the commission of a violation of subsection (a).

"(2) FORFEITURE PROCEEDINGS.—The provisions of chapter 46 of this title relating to civil for-

1 feitures shall extend to any seizure or civil forfeiture
2 under paragraph (1). At the conclusion of the for-
3 feiture proceedings, the court shall order that any
4 forfeited unauthorized copies or phonorecords of live
5 musical performances, as well as any plates, molds,
6 matrices, masters, tapes, and film negatives by
7 means of which such unauthorized copies or
8 phonorecords may be made, be destroyed or other-
9 wise disposed of according to law.

10 ''(3) OTHER PUNISHMENT.—

11 ''(A) IN GENERAL.—The court, in impos-
12 ing sentence on a person convicted of an offense
13 under this section, shall order, in addition to
14 any other sentence imposed, that the person
15 forfeit to the United States Government—

16 ''(i) all unauthorized copies or
17 phonorecords of live musical performances,
18 as well as any plates, molds, matrices,
19 masters, tapes, and film negatives by
20 means of which such unauthorized copies
21 or phonorecords may be made;

22 ''(ii) any property constituting or de-
23 rived from any proceeds obtained, directly
24 or indirectly, as the result of the offense;
25 and

"(iii) any property used, or intended to be used, in any manner or part, to commit or facilitate the commission of the offense.

"(B) PROCEDURES.—The forfeiture of property under subparagraph (A), including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be governed by the procedures set forth in section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsection (d) of that section. At the conclusion of the forfeiture proceedings, the court shall order that any forfeited unauthorized copies or phonorecords of live musical performances, as well as any plates, molds, matrices, masters, tapes, and film negatives by means of which such unauthorized copies of phonorecords may be made, be destroyed or otherwise disposed of according to law.

"(4) NOTIFICATION OF IMPORTATION.—The Secretary of Homeland Security shall issue regulations by which any performer may, upon payment of a specified fee, be entitled to notification by United States Customs and Border Protection of the impor-

tation of copies or phonorecords that appear to consist of unauthorized fixations of the sounds or sounds and images of a live musical performance.

"(5) RESTITUTION.—When a person is convicted of an offense under this chapter, the court, pursuant to sections 3556, 3663A, and 3664, shall order the person to pay restitution to the performer or performers, and any other victim of the offense as an offense against property referred to in section 3663A(c)(1)(A)(ii).".

(c) APPLICABILITY.—Section 2319A(e) of title 18, United States Code, as redesignated under subsection (a), is amended by inserting before the period at the end the following: ", except that the criminal forfeiture provisions under subsection (b)(3) shall apply only where the underlying act or acts occur on or after the effective date of that subparagraph".

SEC. 8011. UNAUTHORIZED RECORDING OF MOTION PICTURES.

Section 2319B(b) of title 18, United States Code, is amended to read as follows:

"(b) FORFEITURE AND DESTRUCTION; RESTITUTION.—

"(1) FORFEITURE.—The following property is subject to forfeiture to the United States Government:

"(A) Any unauthorized copies of a motion picture or other audiovisual work protected under title 17, or part thereof.

"(B) Any property constituted or derived from any proceeds obtained, directly or indirectly, as a result of a violation of subsection (a).

"(C) Any property used, or intended to be used, in any manner or part, to commit or to facilitate the commission of a violation of subsection (a).

"(2) FORFEITURE PROCEEDINGS.—The provisions of chapter 46 of this title relating to civil forfeitures shall extend to any seizure or civil forfeiture under this section. At the conclusion of the forfeiture proceedings, the court shall order that any forfeited unauthorized copies or phonorecords of a motion picture or other audiovisual work, or part thereof, as well as any plates, molds, matrices, masters, tapes, and film negatives by means of which such unauthorized copies or phonorecords may be

1 made, be destroyed or otherwise disposed of accord-
2 ing to law.
3 "(3) OTHER PUNISHMENT.—
4 "(A) IN GENERAL.—The court, in impos-
5 ing sentence on a person convicted of an offense
6 under this section, shall order, in addition to
7 any other sentence imposed, that the person
8 forfeit to the United States Government—
9 "(i) any unauthorized copies of mo-
10 tion pictures or other audiovisual works
11 protected under title 17, or parts thereof;
12 "(ii) any property constituting or de-
13 rived from any proceeds obtained, directly
14 or indirectly, as a result of the offense; and
15 "(iii) any property used, or intended
16 to be used, in any manner or part, to com-
17 mit or facilitate the commission of the of-
18 fense.
19 "(B) PROCEDURES.—The forfeiture of
20 property under subparagraph (A), including any
21 seizure and disposition of the property and any
22 related judicial or administrative proceeding,
23 shall be governed by the procedures set forth in
24 section 413 of the Comprehensive Drug Abuse
25 Prevention and Control Act of 1970 (21 U.S.C.

853), other than subsection (d) of that section. At the conclusion of the forfeiture proceedings, the court shall order that any forfeited unauthorized copies or phonorecords of a motion picture or other audiovisual work, or part thereof, as well as any plates, molds, matrices, masters, tapes, and film negatives by means of which such unauthorized copies or phonorecords may be made, be destroyed or otherwise disposed of according to law.

''(4) RESTITUTION.—When a person is convicted of an offense under this chapter, the court, pursuant to sections 3556, 3663A, and 3664, shall order the person to pay restitution to the owner of the copyright in the motion picture or other audiovisual work and any other victim of the offense as an offense against property referred to in section 3663A(c)(1)(A)(ii).''.

SEC. 8012. TRAFFICKING IN COUNTERFEIT GOODS OR SERVICES.

Section 2320 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''(a) Whoever'' and inserting the following:

''(a) OFFENSE.—

"(1) IN GENERAL.—Whoever";

(2) by adding at the end of subsection (a) the following:

"(2) SERIOUS BODILY HARM OR DEATH.—

"(A) BODILY INJURY.—If the offender knowingly or recklessly causes or attempts to cause serious bodily injury from conduct in violation of paragraph (1), the penalty shall be a fine under this title or imprisonment for not more than 20 years, or both.

"(B) DEATH.—If the offender knowingly or recklessly causes or attempts to cause death from conduct in violation of paragraph (1), the penalty shall be a fine under this title or imprisonment for any term of years or for life, or both."; and

(3) in subsection (b)(l)—

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

(B) by inserting after subparagraph (A) the following:

"(B) any property constituted or derived from any proceeds obtained, directly or indirectly, as a result of a violation of subsection (a); and".

SEC. 8013. INTERCEPTION OF WIRE, ORAL, OR ELECTRONIC COMMUNICATIONS.

Section 2516(1)(c) of title 18, United States Code, is amended by striking ''sections 2312, 2313, 2314, and 2315 (interstate transportation of stolen property,'' and inserting ''sections 2312, 2313, 2314, and 2315 (relating to interstate transportation of stolen property), section 2319 (relating to criminal infringement of a copyright), section 2320 (relating to trafficking in counterfeit goods or services),''.

TITLE IX—CRIME VICTIMS

Subtitle A—Crime Victims With Disabilities Act of 2007

SEC. 9101. SHORT TITLE.

This subtitle may be cited as the ''Crime Victims with Disabilities Act of 2007''.

SEC. 9102. FINDINGS.

Congress finds the following:

(1) Adults with disabilities experience violence or abuse at least twice as often as people without disabilities, and adults with developmental disabilities are at risk of being physically or sexually assaulted at rates four to ten times greater than other adults.

(2) Individuals with disabilities suffer from additional ''victimization'' within the justice system,

due to lack of physical, programmatic, and communications accommodations needed for equal access.

(3) Women with disabilities are more likely to be victimized, to experience more severe and prolonged violence, and to suffer more serious and chronic effects from that violence, than women without such disabilities.

(4) Sixty-eight to 83 percent of women with developmental disabilities will be sexually assaulted in their lifetime.

(5) An estimated 5,000,000 crimes are committed against individuals with developmental disabilities annually.

(6) Over 70 percent of crimes committed against individuals with developmental disabilities are not reported.

(7) Studies in the United States, Canada, Australia, and Great Britain consistently show that victims with developmental disabilities suffer repeated victimization because so few of the crimes against them are reported.

(8) The National Crime Victims Survey conducted annually by the Bureau of Justice Statistics of the Department of Justice, does not specifically collect data relating to crimes against individuals

with developmental disabilities, nor do they use disability as a demographic variable as they use other important demographic variables, such as gender, age, and racial and ethnic membership.

SEC. 9103. PURPOSE.

(a) IN GENERAL.—The purpose of this subtitle is to increase the awareness, investigation, prosecution, and prevention of crimes against individuals with a disability, including developmental disabilities, and improve services to those who are victimized, by facilitating collaboration among the criminal justice system and a range of agencies and other organizations that provide services to individuals with disabilities.

(b) NEED FOR COLLABORATION.—Collaboration among the criminal justice system and agencies and other organizations that provide services to individuals with disabilities is needed to—

(1) protect individuals with disabilities by ensuring that crimes are reported, and that reported crimes are actively investigated by both law enforcement agencies and agencies and other organizations that provide services to individuals with disabilities;

(2) provide prosecutors and victim assistance organizations with adequate training to ensure that

crimes against individuals with disabilities are appropriately and effectively addressed in court;

(3) identify and ensure that appropriate reasonable accommodations are provided to individuals with disabilities in a safe and conducive environment, allowing crimes to be reported accurately to law enforcement agencies; and

(4) promote communication among criminal justice agencies, and agencies and other organizations that provide services to individuals with disabilities, including Victim Assistance Organizations, to ensure that the needs of crime victims with disabilities are met.

SEC. 9104. DEPARTMENT OF JUSTICE CRIME VICTIMS WITH DISABILITIES COLLABORATION PROGRAM.

The Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

"PART JJ—GRANTS TO RESPOND TO CRIMES AGAINST INDIVIDUALS WITH DISABILITIES

"SEC. 3001. CRIME VICTIMS WITH DISABILITIES COLLABORATION PROGRAM GRANTS.

''(a) DEFINITIONS.—In this section:

''(1) APPLICANT.—The term 'applicant' means a State, unit of local government, Indian tribe, or

tribal organization that applies for a grant under this section.

"(2) COLLABORATION PROGRAM.—The term 'collaboration program' means a program to ensure coordination between or among a criminal justice agency, an adult protective services agency, a victim assistance organization, and an agency or other organization that provides services to individuals with disabilities, including but not limited to individuals with developmental disabilities, to address crimes committed against individuals with disabilities and to provide services to individuals with disabilities who are victims of crimes.

"(3) CRIMINAL JUSTICE AGENCY.—The term 'criminal justice agency' means an agency of a State, unit of local government, Indian tribe, or tribal organization that is responsible for detection, investigation, arrest, enforcement, adjudication, or incarceration relating to the violation of the criminal laws of that State, unit of local government, Indian tribe, or tribal organization, or an agency contracted to provide such services.

"(4) ADULT PROTECTIVE SERVICES AGENCY.—The term 'adult protective services agency' means an

1 agency that provides adult protective services to
2 adults with disabilities, including—
3 "(A) receiving reports of abuse, neglect, or
4 exploitation;
5 "(B) investigating the reports described in
6 subparagraph (A);
7 "(C) case planning, monitoring, evaluation,
8 and other casework and services; and
9 "(D) providing, arranging for, or facili-
10 tating the provision of medical, social service,
11 economic, legal, housing, law enforcement, or
12 other protective, emergency, or support services
13 for adults with disabilities.
14 "(5) DAY PROGRAM.—The term 'day program'
15 means a government or privately funded program
16 that provides care, supervision, social opportunities,
17 or jobs to individuals with disabilities.
18 "(6) IMPLEMENTATION GRANT.—The term 'im-
19 plementation grant' means a grant under subsection
20 (e).
21 "(7) INDIVIDUALS WITH DISABILITIES.—The
22 term 'individuals with disabilities' means individ-
23 uals—
24 "(A) 18 years of age or older; and

"(B) who have a developmental, cognitive, physical, or other disability that results in substantial functional limitations in 1 or more of the following areas of major life activity:

"(i) Self-care.

"(ii) Receptive and expressive language.

"(iii) Learning.

"(iv) Mobility.

"(v) Self-direction.

"(vi) Capacity for independent living.

"(vii) Economic self-sufficiency.

"(viii) Cognitive functioning.

"(ix) Emotional adjustment.

"(8) PLANNING GRANT.—The term 'planning grant' means a grant under subsection (f).

"(9) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"(10) UNIT OF LOCAL GOVERNMENT.—The term 'unit of local government' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State.

"(b) AUTHORIZATION.—In consultation with the Secretary, the Attorney General may make grants to appli-

cants to prepare a comprehensive plan for or to implement a collaboration program that provides for—

"(1) the investigation and remediation of instances of abuse of or crimes committed against individuals with disabilities; or

"(2) the provision of services to individuals with disabilities who are the victims of a crime or abuse.

"(c) USE OF FUNDS.—A grant under this section shall be used for a collaborative program that—

"(1) receives reports of abuse of individuals with disabilities or crimes committed against such individuals;

"(2) investigates and evaluates reports of abuse of or crimes committed against individuals with disabilities;

"(3) visits the homes or other locations of abuse, and, if applicable, the day programs of individuals with disabilities who have been victims of abuse or a crime for purposes of, among other things, assessing the scene of the abuse and evaluating the condition and needs of the victim;

"(4) identifies the individuals responsible for the abuse of or crimes committed against individuals with disabilities;

"(5) remedies issues identified during an investigation described in paragraph (2);

"(6) prosecutes the perpetrator, where appropriate, of any crime identified during an investigation described in paragraph (2);

"(7) provides services to and enforces statutory rights of individuals with disabilities who are the victims of a crime; and

"(8) develops curricula and provides interdisciplinary training for prosecutors, criminal justice agencies, protective service agencies, victims assistance agencies, educators, community based providers and health, mental health, and allied health professionals in the area of disabilities, including developmental disabilities.

"(d) APPLICATIONS.—

"(1) IN GENERAL.—To receive a planning grant or an implementation grant, an applicant shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General, in consultation with the Secretary, may reasonably require, in addition to the information required by subsection (e)(1) or (f)(1), respectively.

"(2) COMBINED PLANNING AND IMPLEMENTATION GRANT APPLICATION.—

"(A) IN GENERAL.—The Attorney General, in consultation with the Secretary, shall develop a procedure allowing an applicant to submit a single application requesting both a planning grant and an implementation grant.

"(B) CONDITIONAL GRANT.—The award of an implementation grant to an applicant submitting an application under subparagraph (A) shall be conditioned on successful completion of the activities funded under the planning grant, if applicable.

"(e) PLANNING GRANTS.—

"(1) APPLICATIONS.—An application for a planning grant shall include, at a minimum—

"(A) a budget;

"(B) a budget justification;

"(C) a description of the outcome measures that will be used to measure the effectiveness of the program;

"(D) a schedule for completing the activities proposed in the application;

"(E) a description of the personnel necessary to complete activities proposed in the application; and

"(F) provide assurances that program activities and locations are and will be in compliance with section 504 of the Rehabilitation Act of 1973 throughout the grant period.

"(2) PERIOD OF GRANT.—A planning grant shall be made for a period of 1 year, beginning on the first day of the month in which the planning grant is made.

"(3) AMOUNT.—The amount of planning grant shall not exceed $50,000, except that the Attorney General may, for good cause, approve a grant in a higher amount.

"(4) LIMIT ON NUMBER.—The Attorney General, in consultation with the Secretary, shall not make more than 1 such planning grant to any State, unit of local government, Indian tribe, or tribal organization.

"(f) IMPLEMENTATION GRANTS.—

"(1) IMPLEMENTATION GRANT APPLICATIONS.—An application for an implementation grant shall include the following:

"(A) COLLABORATION.—An application for an implementation grant shall—

"(i) identify not fewer than 1 criminal justice enforcement agency or adult protective services organization and not fewer than 1 agency, crime victim assistance program, or other organization that provides services to individuals with disabilities that will participate in the collaborative program; and

"(ii) describe the responsibilities of each participating agency or organization, including how each agency or organization will use grant funds to facilitate improved responses to reports of abuse and crimes committed against individuals with disabilities.

"(B) GUIDELINES.—An application for an implementation grant shall describe the guidelines that will be developed for personnel of a criminal justice agency, adult protective services organization, crime victim assistance program, and agencies or other organizations responsible for services provided to individuals with disabil-

ities to carry out the goals of the collaborative program.

"(C) FINANCIAL.—An application for an implementation grant shall—

"(i) explain why the applicant is unable to fund the collaboration program adequately without Federal funds;

"(ii) specify how the Federal funds provided will be used to supplement, and not supplant, the funding that would otherwise be available from the State, unit of local government, Indian tribe, or tribal organization; and

"(iii) outline plans for obtaining necessary support and continuing the proposed collaboration program following the conclusion of the grant under this section.

"(D) OUTCOMES.—An application for an implementation grant shall—

"(i) identify the methodology and outcome measures, as required by the Attorney General, in consultation with the Secretary, for evaluating the effectiveness of the collaboration program, which may include—

1 "(I) the number and type of
2 agencies participating in the collabo-
3 ration;
4 "(II) any trends in the number
5 and type of cases referred for multi-
6 disciplinary case review;
7 "(III) any trends in the timeli-
8 ness of law enforcement review of re-
9 ported cases of violence against indi-
10 viduals with a disability; and
11 "(IV) the number of persons re-
12 ceiving training by type of agency;
13 "(ii) describe the mechanisms of any
14 existing system to capture data necessary
15 to evaluate the effectiveness of the collabo-
16 ration program, consistent with the meth-
17 odology and outcome measures described
18 in clause (i) and including, where possible,
19 data regarding—
20 "(I) the number of cases referred
21 by the adult protective services agen-
22 cy, or other relevant agency, to law
23 enforcement for review;

"(II) the number of charges filed and percentage of cases with charges filed as a result of such referrals;

"(III) the period of time between reports of violence against individuals with disabilities and law enforcement review; and

"(IV) the number of cases resulting in criminal prosecution, and the result of each such prosecution; and

"(iii) include an agreement from any participating or affected agency or organization to provide the data described in clause (ii).

"(E) FORM OF DATA.—The Attorney General, in consultation with the Secretary, shall promulgate and supply a common electronic reporting form or other standardized mechanism for reporting of data required under this section.

"(F) COLLABORATION SET ASIDE.—Not less than 5 percent and not more than 10 percent of the funds provided under an implementation grant shall be set aside to procure technical assistance from any recognized State

model program or from a recognized national organization, as determined by the Attorney General (in consultation with the Secretary), including the National District Attorneys Association and the National Adult Protective Services Association.

"(G) OTHER PROGRAMS.—An applicant for an implementation grant shall describe the relationship of the collaboration program to any other program of a criminal justice agency or other agencies or organizations providing services to individuals with disabilities of the State, unit of local government, Indian tribe, or tribal organization applying for an implementation grant.

"(2) PERIOD OF GRANT.—

"(A) IN GENERAL.—An implementation grant shall be made for a period of 2 years, beginning on the first day of the month in which the implementation grant is made.

"(B) RENEWAL.—An implementation grant may be renewed for 1 additional period of 2 years, if the applicant submits to the Attorney General and the Secretary a detailed explanation of why additional funds are necessary.

"(3) AMOUNT.—An implementation grant shall not exceed $300,000.

"(g) EVALUATION OF PROGRAM EFFICACY.—

"(1) ESTABLISHMENT.—The Attorney General, in consultation with the Secretary, shall establish a national center to evaluate the overall effectiveness of the collaboration programs funded under this section.

"(2) RESPONSIBILITIES.—The national center established under paragraph (1) shall—

"(A) analyze information and data supplied by grantees under this section; and

"(B) submit an annual report to the Attorney General and the Secretary that evaluates the number and rate of change of reporting, investigation, and prosecution of charges of a crime or abuse against individuals with disabilities.

"(3) AUTHORIZATION.—The Attorney General may use not more than $500,000 of amounts made available under subsection (h) to carry out this subsection.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice to carry out this section—

"(1) $10,000,000 for fiscal year 2008; and

"(2) such sums as are necessary for each of fiscal years 2009 through 2014.".

SEC. 9105. RESEARCH GRANT AND REPORT.

(a) IN GENERAL.—The purpose of this section is to provide for research to assist the Attorney General in collecting valid, reliable national data relating to crimes against individuals with developmental and related disabilities for the National Crime Victims Survey conducted by the Bureau of Justice Statistics of the Department of Justice as required by the Crime Victims with Disabilities Awareness Act.

(b) NATIONAL INTERDISCIPLINARY ADVISORY COUNCIL.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall establish a national interdisciplinary advisory council (referred to in this section as the "advisory council"), that includes individuals with disabilities, which shall provide input into the methodologies used to collect valid, reliable national data on crime victims with developmental and related disabilities, participate in reviewing the data collected through the research grant program, and assist in writing the final report.

(2) RECOMMENDED METHODOLOGY.—Not later than 6 months after the establishment of the advisory council, the advisory council shall provide to the Secretary of Health and Human Services its recommended methodology for collecting incidence data on violence against people with developmental and related disabilities.

(c) RESEARCH GRANT PROGRAM.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall—

(1) review the methodology developed by the advisory council related to collecting incidence data on violence against people with developmental and related disabilities; and

(2) based on such review, shall award grants in accordance with this section to eligible recipients, to collect valid, reliable national data on crime victims with developmental and related disabilities that can be validly compared to data from the National Crime Victims Survey.

(d) REPORT.—Not later than 12 months after the Secretary of Health and Human Services awards the research grants under subsection (c), the advisory council shall review the data eligible recipients of the grants collected and write a report to be presented to the Secretary

of Health and Human Services, the Attorney General, and the Bureau of Justice Statistics.

(e) DEFINITIONS.—

(1) ELIGIBLE RECIPIENT.—The term ''eligible recipient'' means—

(A) a State agency;

(B) a private, nonprofit organization;

(C) a University Center for Excellence in Developmental Disabilities; or

(D) any public entity that has a demonstrated ability to—

(i) collaborate with criminal justice, child welfare, and other agencies and organizations that provide services to individuals with disabilities, including victim assistance and violence prevention organizations, to ensure that incidence data can be aggregated to accurately show the incidence of abuse of individuals with disabilities nationally; and

(ii) conduct research and collect data to measure the extent of the problem of crimes against individuals with developmental and related disabilities, including—

(I) understanding the nature and extent of crimes against individuals with developmental and related disabilities, including domestic violence and all types of abuse;

(II) describing the manner in which the justice system responds to crimes against individuals with developmental and related disabilities; and

(III) identifying programs, policies, or laws that hold promises for making the justice system more responsive to crimes against individuals with developmental and related disabilities.

(2) DEVELOPMENTAL DISABILITIES.—The term ''developmental disabilities'' has the meaning given that term in section 102(8) of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002(8)).

(3) RELATED DISABILITIES.—The term ''related disabilities'' means autism spectrum disorders, cerebral palsy, spina bifida, epilepsy, traumatic brain injury, or other lifelong disabilities that are acquired prior to the age of 21.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2008 through 2011.

Subtitle B—Restitution for Victims of Crime Act of 2007

SEC. 9201. SHORT TITLE.

This subtitle may be cited as the ''Restitution for Victims of Crime Act of 2007''.

PART I—COLLECTION OF RESTITUTION

SEC. 9211. SHORT TITLE.

This part may be cited as the ''Collection of Restitution Improvement Act of 2007''.

SEC. 9212. PROCEDURE FOR ISSUANCE AND ENFORCEMENT OF RESTITUTION.

Section 3664(f) of title 18, United States Code, is amended by striking paragraphs (2) through (4) and inserting the following:

''(C)(i) Each restitution order shall—

''(I) contain information sufficient to identify each victim to whom restitution is owed;

''(II) require that a copy of the court order be sent to each such victim; and

''(III) inform each such victim of the obligation to notify the appropriate entities of any change in address.

"(ii) It shall be the responsibility of each victim to whom restitution is owed to notify the Attorney General, or the appropriate entity of the court, by means of a form to be provided by the Attorney General or the court, of any change in the victim's mailing address while restitution is still owed to the victim.

"(iii) The confidentiality of any information relating to a victim under this subparagraph shall be maintained.

"(2) The court shall order that the restitution imposed is due in full immediately upon imposition.

"(3) The court shall direct the defendant—

"(A) to make a good-faith effort to satisfy the restitution order in the shortest time in which full restitution can be reasonably made, and to refrain from taking any action that conceals or dissipates the defendant's assets or income;

"(B) to notify the court of any change in residence; and

"(C) to notify the United States Attorney for the district in which the defendant was sentenced of any change in residence, and of any material change in economic circumstances that might affect the defendant's ability to pay restitution.

"(4) Compliance with all payment directions imposed under paragraphs (6) and (7) shall be prima facie evidence

of a good faith effort under paragraph (3)(A), unless it is shown that the defendant has concealed or dissipated assets.

"(5) Notwithstanding any other provision of law, for the purpose of enforcing a restitution order, a United States Attorney may receive, without the need for a court order, any financial information concerning the defendant obtained by the grand jury that indicted the defendant for the crime for which restitution has been awarded, the United States Probation Office, or the Bureau of Prisons. A victim may also provide financial information concerning the defendant to the United States Attorney.

"(6)(A) At sentencing, or at any time prior to the termination of a restitution obligation under section 3613 of this title, the court may—

"(i) impose special payment directions upon the defendant or modify such directions; or

"(ii) direct the defendant to make a single, lump sum payment, partial payments at specified intervals, in-kind payments, or a combination of payments at specified intervals and in-kind payments.

"(B) The period of time over which scheduled payments are established for purposes of this paragraph shall be the shortest time in which full payment reasonably can be made.

"(C) In-kind payments may be in the form of the return of property, replacement of property, or, if the victim agrees, services rendered to the victim or a person or organization other than the victim.

"(D) In ordering restitution, the court may direct the defendant to—

"(i) repatriate any property that constitutes proceeds of the offense of conviction, or property traceable to such proceeds; and

"(ii) surrender to the United States, or to the victim named in the restitution order, any interest of the defendant in any nonexempt asset.

"(E) The court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property for restitution.

"(7)(A) In determining whether to impose or modify specific payment directions, the court may consider—

"(i) the need to provide restitution to the victims of the offense;

"(ii) the financial ability of the defendant;

"(iii) the economic circumstances of the defendant, including the financial resources and other assets of the defendant and whether any of those assets are jointly controlled;

"(iv) the projected earnings and other income of the defendant;

"(v) any financial obligations of the defendant, including obligations to dependents;

"(vi) whether the defendant has concealed or dissipated assets or income; and

"(vii) any other appropriate circumstances.

"(B) Any substantial resources from any source, including inheritance, settlement, or other judgment, shall be applied to any outstanding restitution obligation.

"(8)(A) If the court finds that the economic circumstances of the defendant do not allow the payment of any substantial amount as restitution, the court may direct the defendant to make nominal payments of not less than $100 per year toward the restitution obligation.

"(B) Any money received from the defendant under subparagraph (A) shall be disbursed so that any outstanding assessment imposed under section 3013 is paid first in full.

"(9) Court-imposed special payment directions shall not limit the ability of the Attorney General to maintain an Inmate Financial Responsibility Program that encourages sentenced inmates to meet their legitimate financial obligations.

"(10)(A) The ability of the Attorney General to enforce restitution obligations ordered under paragraph (2) shall not be limited by appeal, or the possibility of a correction, modification, amendment, adjustment, or reimposition of a sentence, unless the court expressly so orders for good cause shown and stated on the record.

"(B) Absent exceptional circumstances, as determined by the court, an order limiting the enforcement of restitution obligations shall—

"(i) require the defendant to deposit, in the registry of the district court, any amount of the restitution that is due;

"(ii) require the defendant to post a bond or other security to ensure payment of the restitution that is due; or

"(iii) impose additional restraints upon the defendant to prevent the defendant from transferring or dissipating assets.

"(C) No order described in subparagraph (B) shall restrain the ability of the United States to continue its investigation of the defendant's financial circumstances, conduct discovery, record a lien, or seek any injunction or other relief from the court.".

SEC. 9213. IMPOSITION OF CRIMINAL FINES AND PAYMENT DIRECTIONS.

Subsection 3572(d) of title 18, United States Code, is amended to read as follows:

"(d) PAYMENT.—

"(1) IN GENERAL.—The court shall order that any fine or assessment imposed be due in full immediately upon imposition.

"(2) EFFORTS TO MAKE PAYMENT.—The court shall—

"(A) direct the defendant to make a good-faith effort to satisfy the fine and assessment in the shortest time in which full payment can be reasonably made, and to refrain from taking any action that conceals or dissipates the defendant's assets or income;

"(B) direct the defendant to notify the court of any change in residence; and

"(C) order the defendant to notify the United States Attorney for the district in which the defendant was sentenced of any change in residence, and of any material change in economic circumstances that might affect the defendant's ability to pay restitution.

"(3) GOOD FAITH.—Compliance with all payment directions imposed by paragraphs (5) and (6)

shall be prima facie evidence of a good faith effort under paragraph (2)(A), unless it is shown that the defendant has concealed or dissipated assets;

"(4) ACCESS TO INFORMATION.—Notwithstanding any other provision of law, for the purpose of enforcing a fine or assessment, a United States Attorney may receive, without the need for a court order, any financial information concerning the defendant obtained by a grand jury, the United States Probation Office, or the Bureau of Prisons.

"(5) PAYMENT SCHEDULE.—

"(A) IN GENERAL.—At sentencing, or at any time prior to the termination of a restitution obligation under section 3613 of this title, the court may—

"(i) impose special payment directions upon the defendant or modify such directions; or

"(ii) direct the defendant to make a single, lump sum payment, or partial payments at specified intervals.

"(B) PERIOD OF TIME.—The period of time over which scheduled payments are established for purposes of this paragraph shall be

the shortest time in which full payment can reasonably be made.

"(C) REPATRIATION.—The court may direct the defendant to repatriate any property that constitutes proceeds of the offense of conviction, or property traceable to such proceeds.

"(D) SURRENDER.—In ordering restitution, the court may direct the defendant to surrender to the United States any interest of the defendant in any nonexempt asset.

"(E) THIRD PARTIES.—If the court directs the defendant to repatriate or surrender any property in which it appears that any person other than the defendant may have a legal interest—

"(i) the court shall take such action as is necessary to protect such third party interest; and

"(ii) may direct the United States to initiate any ancillary proceeding to determine such third party interests in accordance with the procedures specified in section 413(n) of the Controlled Substances Act (21 U.S.C. 853(n)).

"(F) EXCLUSIVITY OF REMEDY.—Except as provided in this section, no person may commence an action against the United States concerning the validity of the party's alleged interest in the property subject to reparation or surrender.

"(G) PRESERVATION OF PROPERTY.—The court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property for payment of the fine or assessment.

"(6) CONSIDERATIONS.—In determining whether to impose or modify special payment directions, the court may consider—

"(A) the need to satisfy the fine or assessment;

"(B) the financial ability of the defendant;

"(C) the economic circumstances of the defendant, including the financial resources and other assets of the defendant, and whether any of those assets are jointly controlled;

"(D) the projected earnings and other income of the defendant;

"(E) any financial obligations of the defendant, including obligations to dependents;

"(F) whether the defendant has concealed or dissipated assets or income; and

"(G) any other appropriate circumstances.

"(7) USE OF RESOURCES.—Any substantial resources from any source, including inheritance, settlement, or other judgment shall be applied to any fine or assessment still owed.

"(8) NOMINAL PAYMENTS.—If the court finds that the economic circumstances of the defendant do not allow the immediate payment of any substantial amount of the fine or assessment imposed, the court may direct the defendant to make nominal payments of not less than $100 per year toward the fine or assessment imposed.

"(9) INMATE FINANCIAL RESPONSIBILITY PROGRAM.—Court-imposed special payment directions shall not limit the ability of the Attorney General to maintain an Inmate Financial Responsibility Program that encourages sentenced inmates to meet their legitimate financial obligations.

"(10) ENFORCEMENT.—

"(A) IN GENERAL.—The ability of the Attorney General to enforce the fines and assess-

ment ordered under paragraph (1) shall not be limited by an appeal, or the possibility of a correction, modification, amendment, adjustment, or reimposition of a sentence, unless the court expressly so orders, for good cause shown and stated on the record.

"(B) EXCEPTIONS.—Absent exceptional circumstances, as determined by the court, an order limiting enforcement of a fine or assessment shall—

"(i) require the defendant to deposit, in the registry of the district court, any amount of the fine or assessment that is due;

"(ii) require the defendant to post a bond or other security to ensure payment of the fine or assessment that is due; or

"(iii) impose additional restraints upon the defendant to prevent the defendant from transferring or dissipating assets.

"(C) OTHER ACTIVITIES.—No order described in subparagraph (B) shall restrain the ability of the United States to continue its investigation of the defendant's financial circumstances, conduct discovery, record a lien, or

seek any injunction or other relief from the court.

"(11) SPECIAL ASSESSMENTS.—The requirements of this subsection shall apply to the imposition and enforcement of any assessment imposed under section 3013 of this title.".

SEC. 9214. COLLECTION OF UNPAID FINES OR RESTITUTION.

Section 3612(b) of title 18, United States Code, is amended to read as follows:

"(b) INFORMATION TO BE INCLUDED IN JUDGMENT; JUDGMENT TO BE TRANSMITTED TO THE ATTORNEY GENERAL.—

"(1) IN GENERAL.—A judgment or order imposing, modifying, or remitting a fine or restitution order of more than $100 shall include—

"(A) the name, social security account number, mailing address, and residence address of the defendant;

"(B) the docket number of the case;

"(C) the original amount of the fine or restitution order and the amount that is due and unpaid;

"(D) payment orders and directions imposed under section 3572(d) and section 3664(f) of this title; and

"(E) a description of any modification or remission.

"(2) TRANSMITTAL OF COPIES.—Not later than 10 days after entry of the judgment or order described in paragraph (1), the court shall transmit a certified copy of the judgment or order to the Attorney General.".

SEC. 9215. ATTORNEY'S FEES FOR VICTIMS.

(a) ORDER OF RESTITUTION.—Section 3663(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

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

(B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting after subparagraph (A) the following:

"(B) reimburse the victim for attorneys' fees reasonably incurred in an attempt to retrieve damaged, lost, or destroyed property (which shall not include payment of salaries of Government attorneys); or"; and

(D) in subparagraph (C), as so redesignated by this subsection, by inserting ''or (B)'' after ''subparagraph (A)'';

(2) in paragraph (4)—

(A) by inserting ''(including attorneys' fees necessarily and reasonably incurred for representation of the victim, which shall not include payment of salaries of Government attorneys)'' after ''other expenses related to participation in the investigation or prosecution of the offense''; and

(B) by striking ''and'' at the end;

(3) in paragraph (5), by striking the period and inserting ''; and''; and

(4) by adding at the end the following:

''(6) in any case, reimburse the victim for reasonably incurred attorneys' fees that are necessary and foreseeable results of the defendant's crime (which shall not include payment of salaries of Government attorneys).''.

(b) MANDATORY RESTITUTION TO VICTIMS OF CERTAIN CRIMES.—Section 3663A(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

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

(B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting after subparagraph (A) the following:

''(B) reimburse the victim for attorneys' fees reasonably incurred in an attempt to retrieve damaged, lost, or destroyed property (which shall not include payment of salaries of Government attorneys); or''; and

(D) in subparagraph (C), as so redesignated by this subsection, by inserting ''or (B)'' after ''subparagraph (A)'';

(2) in paragraph (3), by striking ''and'' at the end;

(3) in paragraph (4)—

(A) by inserting ''(including attorneys' fees necessarily and reasonably incurred for representation of the victim, which shall not include payment of salaries of Government attorneys)'' after ''other expenses related to participation in the investigation or prosecution of the offense''; and

(B) by striking the period and inserting "; and"; and

(4) by adding at the end the following:

"(5) in any case, reimburse the victim for reasonably incurred attorneys' fees that are necessary and foreseeable results of the defendant's crime (which shall not include payment of salaries of Government attorneys).".

PART II—PRESERVATION OF ASSETS FOR RESTITUTION

SEC. 9221. SHORT TITLE.

This part may be cited as the "Preservation of Assets for Restitution Act of 2007".

SEC. 9222. AMENDMENTS TO THE MANDATORY VICTIMS RESTITUTION ACT.

(a) IN GENERAL.—Chapter 232 of title 18, United States Code, is amended by inserting after section 3664 the following:

"§ 3664A. Preservation of assets for restitution

"(a) PROTECTIVE ORDERS TO PRESERVE ASSETS.—

"(1) IN GENERAL.—Upon the Government's ex parte application and a finding of probable cause to believe that a defendant, if convicted, will be ordered to satisfy an order of restitution for an offense pun-

ishable by imprisonment for more than 1 year, the court—

"(A) shall—

"(i) enter a restraining order or injunction;

"(ii) require the execution of a satisfactory performance bond; or

"(iii) take any other action necessary to preserve the availability of any property traceable to the commission of the offense charged; and

"(B) if it determines that it is in the interests of justice to do so, shall issue any order necessary to preserve any nonexempt asset (as defined in section 3613) of the defendant that may be used to satisfy such restitution order.

"(2) PROCEDURES.—Applications and orders issued under paragraph (1) shall be governed by the procedures under section 413(e) of the Controlled Substances Act (21 U.S.C. 853(e)) and in this section.

"(3) MONETARY INSTRUMENTS.—If the property in question is a monetary instrument (as defined in section 1956(c)(5)) or funds in electronic form, the protective order issued under paragraph

(1) may take the form of a warrant authorizing the Government to seize the property and to deposit it into an interest-bearing account in the Registry of the Court in the district in which the warrant was issued, or into another such account maintained by a substitute property custodian, as the court may direct.

"(4) POST-INDICTMENT.—A post-indictment protective order entered under paragraph (1) shall remain in effect through the conclusion of the criminal case, including sentencing and any post-sentencing proceedings, until seizure or other disposition of the subject property, unless modified by the court upon a motion by the Government or under subsection (b) or (c).

"(b) DEFENDANT'S RIGHT TO A HEARING.—

"(1) IN GENERAL.—In the case of a preindictment protective order entered under subsection (a)(1), the defendant's right to a post-restraint hearing shall be governed by paragraphs (1)(B) and (2) of section 413(e) of the Controlled Substances Act (21 U.S.C. 853(e)).

"(2) POST-INDICTMENT.—In the case of a post-indictment protective order entered under subsection (a)(1), the defendant shall have a right to a post-re-

straint hearing regarding the continuation or modification of the order if the defendant—

"(A) establishes by a preponderance of the evidence that there are no assets, other than the restrained property, available to the defendant to retain counsel in the criminal case or to provide for a reasonable living allowance for the necessary expenses of the defendant and the defendant's lawful dependents; and

"(B) makes a prima facie showing that there is bona fide reason to believe that the court's ex parte finding of probable cause under subsection (a)(1) was in error.

"(3) HEARING.—

"(A) IN GENERAL.—If the court determines that the defendant has satisfied the requirements of paragraph (2), it may hold a hearing to determine whether there is probable cause to believe that the defendant, if convicted, will be ordered to satisfy an order of restitution for an offense punishable by imprisonment for more than 1 year, and that the seized or restrained property may be needed to satisfy such restitution order.

"(B) PROBABLE CAUSE.—If the court finds probable cause under subparagraph (A), the protective order shall remain in effect.

"(C) NO PROBABLE CAUSE.—If the court finds under subparagraph (A) that no probable cause exists as to some or all of the property, or determines that more property has been seized and restrained than may be needed to satisfy a restitution order, it shall modify the protective order to the extent necessary to release the property that should not have been restrained.

"(4) REBUTTAL.—If the court conducts an evidentiary hearing under paragraph (3), the court shall afford the Government an opportunity to present rebuttal evidence and to cross-examine any witness that the defendant may present.

"(5) PRETRIAL HEARING.—In any pretrial hearing on a protective order issued under subsection (a)(1), the court may not entertain challenges to the grand jury's finding of probable cause regarding the criminal offense giving rise to a potential restitution order. The court shall ensure that such hearings are not used to obtain disclosure of evidence or the identities of witnesses earlier than

1 required by the Federal Rules of Criminal Procedure
2 or other applicable law.
3 "(c) THIRD PARTY'S RIGHT TO POST-RESTRAINT
4 HEARING.—
5 "(1) IN GENERAL.—A person other than the
6 defendant who has a legal interest in property af-
7 fected by a protective order issued under subsection
8 (a)(1) may move to modify the order on the grounds
9 that—
10 "(A) the order causes an immediate and ir-
11 reparable hardship to the moving party; and
12 "(B) less intrusive means exist to preserve
13 the property for the purpose of restitution.
14 "(2) MODIFICATION.—If, after considering any
15 rebuttal evidence offered by the Government, the
16 court determines that the moving party has made
17 the showings required under paragraph (1), the
18 court shall modify the order to mitigate the hard-
19 ship, to the extent that it is possible to do so while
20 preserving the asset for restitution.
21 "(3) INTERVENTION.—
22 "(A) IN GENERAL.—Except as provided in
23 subparagraph (B) or paragraph (1), a person
24 other than a defendant has no right to inter-
25 vene in the criminal case to object to the entry

of any order issued under this section or otherwise to object to an order directing a defendant to pay restitution.

"(B) EXCEPTION.—If, at the conclusion of the criminal case, the court orders the defendant to use particular assets to satisfy an order of restitution (including assets that have been seized or restrained pursuant to this section) the court shall give persons other than the defendant the opportunity to object to the order on the ground that the property belonged in whole or in part to the third party and not to the defendant, as provided in section 413(n) of the Controlled Substances Act (21 U.S.C. 853(n)).

"(d) GEOGRAPHIC SCOPE OF ORDER.—

"(1) IN GENERAL.—A district court of the United States shall have jurisdiction to enter an order under this section without regard to the location of the property subject to the order.

"(2) OUTSIDE THE UNITED STATES.—If the property subject to an order issued under this section is located outside of the United States, the order may be transmitted to the central authority of

any foreign state for service in accordance with any treaty or other international agreement.

"(e) NO EFFECT ON OTHER GOVERNMENT ACTION.—Nothing in this section shall be construed to preclude the Government from seeking the seizure, restraint, or forfeiture of assets under the asset forfeiture laws of the United States.

"(f) LIMITATION ON RIGHTS CONFERRED.—Nothing in this section shall be construed to create any enforceable right to have the Government seek the seizure or restraint of property for restitution.

"(g) RECEIVERS.—

"(1) IN GENERAL.—A court issuing an order under this section may appoint a receiver under section 1956(b)(4) to collect, marshal, and take custody, control, and possession of all assets of the defendant, wherever located, that have been restrained in accordance with this section.

"(2) DISTRIBUTION OF PROPERTY.—The receiver shall have the power to distribute property in its control to each victim identified in an order of restitution at such time, and in such manner, as the court may authorize.".

(b) CONFORMING AMENDMENT.—The section analysis for chapter 232 of title 18, United States Code, is

amended by inserting after the item relating to section 3664 the following:

"Sec. 3664A. Preservation of assets for restitution.".

SEC. 9223. AMENDMENTS TO THE ANTI-FRAUD INJUNCTION STATUTE.

Section 1345(a) of title 18, United States Code, is amended—

(1) in paragraph (1)—

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

(B) by inserting after subparagraph (C) the following:

"(D) committing or about to commit a Federal offense that may result in an order of restitution;"; and

(2) in paragraph (2)—

(A) by striking "a banking violation" and all that follows through "healthcare offense" and inserting "a violation or offense identified in paragraph (1)"; and

(B) by inserting "or offense" after "traceable to such violation".

SEC. 9224. AMENDMENTS TO THE FEDERAL DEBT COLLECTION PROCEDURES ACT.

(a) PROCESS.—Section 3004(b)(2) of title 28, United States Code, is amended by inserting after "in which the

debtor resides.'' the following: ''In a criminal case, the district court for the district in which the defendant was sentenced may deny the request.''.

(b) PREJUDGMENT REMEDIES.—Section 3101 of title 28, United States Code, is amended—

(1) in subsection (a)(1) by inserting after ''the filing of a civil action on a claim for a debt'' the following: ''or in any criminal action where the court may enter an order of restitution''; and

(2) in subsection (d)—

(A) in the first undesignated paragraph, by inserting after '' 'The Government wants to make sure [name of debtor] will pay if the court determines that this money is owed.' '' the following:

'' 'In a criminal action, use the following opening paragraph: You are hereby notified that this [property] is being taken by the United States Government [the Government], which says that [name of debtor], if convicted, may owe as restitution $ [amount]. The Government says it must take this property at this time because [recite the pertinent ground or grounds from section 3101(b)]. The Government wants to make sure [name of debtor] will pay if the court determines that restitution is owed.' '';

(B) in the indented matter in the undesignated second paragraph, by inserting after "'a statement that different property may be so exempted with respect to the State in which the debtor resides.]'" the following:

"'[In a criminal action, the statement summarizing the types of property that may be exempt shall list only those types of property that may be exempt under section 3613 of title 18.]'"; and

(C) in the fourth undesignated paragraph, by inserting after "'You must also send a copy of your request to the Government at [address], so the Government will know you want the proceeding to be transferred.'" the following:

"'If this Notice is issued in conjunction with a criminal case, the district court where the criminal action is pending may deny your request for a transfer of this proceeding.'".

(c) ENFORCEMENT.—Section 3202(b) of title 28, United States Code, is amended—

(1) in the indented matter in the undesignated second paragraph, by inserting after "'a statement that different property may be so exempted with respect to the State in which the debtor resides.]'" the following:

"'[In a criminal action, the statement summarizing the types of property that may be exempt shall list only those types of property that may be exempt under section 3613 of title 18.]'"; and

(2) in the sixth undesignated paragraph, by inserting after "'you want the proceeding to be transferred.'" the following:

"'If this notice is issued in conjunction with a criminal case, the district court where the criminal action is pending may deny your request for a transfer of this proceeding.'".

PART III—ENVIRONMENTAL CRIMES RESTITUTION

SEC. 9231. SHORT TITLE.

This part may be cited as the "Environmental Crimes Restitution Act of 2007".

SEC. 9232. IMMEDIATE AVAILABILITY OF RESTITUTION TO VICTIMS OF ENVIRONMENTAL CRIMES.

Section 3663(a)(1)(A) of title 18, United States Code, is amended by striking "or section 5124, 46312, 46502, or 46504 of title 49," and inserting "paragraph (2) or (3) of section 309(c) of the Federal Water Pollution Control Act (33 U.S.C. 1319(c)), section 105(b) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1415(b)), section 9(a) of the Act to Prevent

Pollution from Ships (33 U.S.C. 1908(a)), section 1423 or subsection (a) or (b) of section 1432 of the Safe Drinking Water Act (42 U.S.C. 300h–2 and 300i–l), subsection (d) or (e) of section 3008 of the Solid Waste Disposal Act (42 U.S.C. 6928), paragraph (1) or (5) of section 113(c) of the Clear Air Act (42 U.S.C. 7413(c)), or section 46312, 46502, or 46504 of title 49,''.

TITLE X—MISCELLANEOUS

Subtitle A—Continuity of Justice Act of 2007

SEC. 10101. SHORT TITLE.

This subtitle may be cited as the ''Continuity of Justice Act of 2007''.

SEC. 10102. FINDINGS.

Congress finds that a fully functioning judiciary is required to ensure continuity of justice, governmental operations, enhance homeland security, maintain constitutional law, and protect and defend societal interests.

SEC. 10103. DEFINITIONS.

In this subtitle—

(1) the term ''Secretary'' means the Secretary of Homeland Security; and

(2) the term ''State'' means each of the several States of the United States, the District of Colum-

bia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

SEC. 10104. GRANTS TO COURTS.

(a) IN GENERAL.—The Secretary may make grants to the highest court of any State to enable such courts to prepare for, respond to, and recover from a broad array of natural disasters and acts of terrorism.

(b) USE OF FUNDS.—A grant under this section may be used for any emergency preparedness planning, response activities, equipment, or training, including—

(1) continuity of operations planning;

(2) developing and implementing a continuity of operations plan;

(3) pandemic planning;

(4) vulnerability, risk, and impact assessments;

(5) test, training, and exercises;

(6) overtime pay for court personnel involved in emergency management;

(7) equipment and supplies;

(8) capability enhancements and maintenance; and

(9) any other measure that the Secretary determines may provide a significant improvement in emergency preparedness.

(c) APPLICATION.—

(1) IN GENERAL.—To be eligible for a grant under this section, the administrator of a State court, on behalf of the highest court of that State, shall submit an application to the Secretary, at such time and in such form as the Secretary may require.

(2) CONTENTS.—An application for a grant under this section shall include—

(A) the purpose for which the grant is sought;

(B) a description of the tasks to be performed with grant funds;

(C) a timetable for completing each task under subparagraph (B);

(D) a budget justification; and

(E) an assurance that grant funds shall be used as prescribed by this subtitle.

(d) DISTRIBUTION OF FUNDS.—A grant under this section shall be made available to the highest court of a State through the administrative office for the courts of that State.

(e) REPORTING.—

(1) IN GENERAL.—The administrator of any State court receiving a grant under this section shall submit to the Secretary an annual report that describes—

(A) how funds under that grant were used;

(B) the balance of funds obligated and unobligated;

(C) the program management plan for grant funds; and

(D) the outcomes achieved as a result of the grant funds.

(2) TIMING.—The Secretary shall establish the date for the submission of annual reports under paragraph (1).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2008 through 2013.

Subtitle B—Homeland Security Trust Fund Act of 2007

SEC. 10201. SHORT TITLE.

This subtitle may be cited as the ''Homeland Security Trust Fund Act of 2007''.

SEC. 10202. FINDINGS.

The Congress finds the following:

(1) In 2002, an independent, bipartisan commission, the National Commission on Terrorist Attacks Upon the United States (in this section referred to as the ''Commission''), was established under title VI of Public Law 107–306 to prepare a

full and complete account of the circumstances surrounding the September 11, 2001, terrorist attacks, including preparedness for and the immediate response to the attacks.

(2) The Commission was also tasked with providing recommendations designed to guard against future attacks against the United States.

(3) The Commission held 12 public hearings to offer a public dialogue about the Commission's goals and priorities, sought to learn about work already completed, and the state of current knowledge, all in order to identify the most important issues and questions requiring further investigation.

(4) The Commission was widely praised for its thorough investigation and the bipartisan nature of its proceedings.

(5) On July 22, 2004, the Commission released its final report that set out the events leading to the attacks on September 11th, a chilling minute-by-minute account of that tragic day, and, more importantly, issued 41 recommendations to better prepare the United States to protect against future terrorist attacks.

(6) While the Commission was officially dissolved, the Commissioners stayed together to create

the 9/11 Public Discourse Project in order to push for the implementation of those recommendations.

(7) On December 5, 2005, the Commissioners released a report card evaluating the progress in implementing those recommendations.

(8) The Commissioners issued very few A's and B's and issued 12 D's and 5 failing grades.

(9) The failures identified by the Commissioners' report card were across the board, ranging from transportation security, to infrastructure protection and government reform.

(10) Specifically, the Commissioners stated that ''few improvements have been made to the existing passenger screening system since right after 9/11. The completion of the testing phase of TSA's prescreening program for airline passengers has been delayed. A new system, utilizing all names on the consolidated terrorist watch list, is therefore not yet in operation.''.

(11) The Commissioners also found that ''...No risk and vulnerability assessments actually made; no national priorities established; no recommendations made on allocation of scarce resources...It is time that we stop talking about setting priorities and actually set some.''.

(12) The Commission issued a grade of D on checked bag and cargo screening measures, stating that ''improvements have not been made by the Congress or the administration. Progress on implementation of in-line screening has been slow. The main impediment is inadequate funding.''.

(13) With regard to information sharing and technology, the Commission noted that ''there has been no systematic diplomatic efforts to share terrorist watch lists, nor has Congress taken a leadership role in passport security. . .'' and that ''there remain many complaints about lack of information sharing between federal authorities and state and local level officials.''.

(14) The Administration has failed to focus on prevention here at home by abandoning our first line of defense against terrorism, local law enforcement.

(15) In the President's FY 2006 budget request, the President requested a cut of over $2,000,000,000 in guaranteed assistance to law enforcement.

(16) According to the International Association of Chiefs of Police, this decision represents a fundamentally flawed view of what is needed to prevent domestic terror attacks.

(17) The Council on Foreign Relations released a report entitled, ''Emergency First Responders: Drastically Underfunded, Dangerously Unprepared'', in which the Council found that ''America's local emergency responders will always be the first to confront a terrorist incident and will play the central role in managing its immediate consequences. Their efforts in the first minutes and hours following an attack will be critical to saving lives, establishing order, and preventing mass panic. The United States has both a responsibility and a critical need to provide them with the equipment, training, and other resources necessary to do their jobs safely and effectively.''.

(18) The Council further concluded that many State and local emergency responders, including police officers and firefighters, lack the equipment and training needed to respond effectively to a terrorist attack involving weapons of mass destruction.

(19) Current first responder funding must be increased to help local agencies create counter-terrorism units and assist such agencies to integrate community policing models with counter-terror efforts.

(20) First responders still do not have adequate spectrum to communicate during an emergency. Congress finally passed legislation forcing the networks to turn over spectrum, but the date was set for February 2008. This is unacceptable, this spectrum should be turned over immediately.

(21) The Federal Government has a responsibility to ensure that the people of the United States are protected to the greatest possible extent against a terrorist attack, especially an attack that utilizes nuclear, chemical, biological, or radiological weapons, and consequently, the Federal Government has a critical responsibility to address the equipment, training, and other needs of State and local first responders.

(22) To echo the sentiments of the National Commission on Terrorist Attacks upon the United States, ''it is time that we stop talking about setting priorities and actually set some.''.

(23) The cost of fully implementing all 41 recommendations put forth by the Commission and the common sense steps to secure the homeland represents less than 1 year of President Bush's tax cuts for millionaires.

(24) By investing 1 year of the tax cuts for millionaires into a trust fund to be invested over the next 5 years, the Federal Government can implement the Commission's recommendations and make great strides towards making our Nation safer.

(25) The Americans making more than $1,000,000 understand that our country changed after 9/11, yet they have not been asked to sacrifice for the good of the Nation.

(26) In this subtitle, we call on the patriotism of such Americans by revoking 1 year of their tax cut and investing the resulting revenues in the security of our neighbors and families.

SEC. 10203. DEFINITIONS.

In this subtitle—

(1) TRUST FUND.—The term ''Trust Fund'' means the Homeland Security and Neighborhood Safety Trust Fund established under section 10204.

(2) COMMISSION.—The term ''Commission'' means the National Commission on Terrorist Attacks upon the United States, established under title VI of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 6 U.S.C. 101 note).

SEC. 10204. HOMELAND SECURITY AND NEIGHBORHOOD SAFETY TRUST FUND.

(a) ESTABLISHMENT OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the ''Homeland Security and Neighborhood Safety Trust Fund'', consisting of such amounts as may be appropriated or credited to the Trust Fund.

(b) RULES REGARDING TRANSFERS TO AND MANAGEMENT OF TRUST FUND.—For purposes of this section, rules similar to the rules of sections 9601 and 9602 of the Internal Revenue Code of 1986 shall apply.

(c) DISTRIBUTION OF AMOUNTS IN TRUST FUND.—Amounts in the Trust Fund shall be available, as provided by appropriation Acts, for making expenditures for fiscal years 2007 through 2011 to meet those obligations of the United States incurred which are authorized under section 10205 for such fiscal years.

(d) SENSE OF THE SENATE.—It is the sense of the Senate that the Committee on Finance of the Senate should report to the Senate not later than 30 days after the date of the enactment of this Act legislation which—

(1) increases revenues to the Treasury in the amount of $53,300,000,000 during taxable years 2007 through 2011 by reducing scheduled and existing income tax reductions enacted since taxable year

2001 with respect to the taxable incomes of taxpayers in excess of $1,000,000, and

(2) appropriates an amount equal to such revenues to the Homeland Security and Neighborhood Safety Trust Fund.

SEC. 10205. PREVENTING TERROR ATTACKS ON THE HOMELAND.

(a) AUTHORIZATION OF APPROPRIATIONS FOR SUPPORTING LAW ENFORCEMENT.—There are authorized to be appropriated from the Trust Fund—

(1) $1,150,000,000 for fiscal years 2007 through 2011 for the Office of Community Oriented Policing Services for grants to State, local, and tribal law enforcement to hire officers, purchase technology, conduct training, and to develop local counter-terrorism units;

(2) $900,000,000 for each of the fiscal years 2007 through 2011 for the Justice Assistance Grant;

(3) $160,000,000 for each of fiscal years 2007 through 2011 for the Federal Bureau of Investigations to hire 1,000 additional field agents in addition to the number of field agents serving on the date of enactment of this Act;

(4) $200,000,000 for each of fiscal years 2007 to 2011 for the Amtrak Police Department to hire, equip, and train 1,000 additional rail police; and

(5) such sums as necessary to provide an increase in the rate of basic pay for law enforcement officers employed by Amtrak of 25 percent of the rate of basic pay in effect on the date of enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS FOR UTILIZING SCREENING TECHNOLOGIES.—There are authorized to be appropriated from the Trust Fund—

(1) $1,000,000,000 for each of 2007 through 2011 for Department of Homeland Security to implement 100 percent screening of ship cargo containers with suitable technologies that screen for nuclear, radiological, and other dangerous materials;

(2) $100,000,000 for each of fiscal years 2007 through 2011 for the Department of Homeland Security to improve screening for airline passengers, checked baggage, and cargo on commercial airliners; and

(3) $100,000,000 for each of fiscal years 2007 through 2011 for the Office of Science and Technology at the Department of Homeland Security to

research and develop advanced screening technologies.

(c) PROTECTING CRITICAL INFRASTRUCTURE AND ELIMINATING THREATS.—

(1) AUTHORIZATION OF APPROPRIATIONS FOR HARDENING SOFT TARGETS.—There are authorized to be appropriated from the Trust Fund—

(A) $1,000,000,000 for each of fiscal years 2007 through 2011 for the Office of Domestic Preparedness for the State Homeland Security Grant Program, the Urban Area Security Initiative and the Law Enforcement Terrorism Prevention Program;

(B) $80,000,000 for fiscal year 2007 to the Office of Domestic Preparedness for Critical Infrastructure Risk Assessment Planning (9/11);

(C) $500,000,000 for each of fiscal year 2007 through 2011 to the Office of Domestic Preparedness to make grants to State and local governments and tribes to protect critical infrastructure, including chemical facilities, nuclear power plants, electrical grids, and other critical infrastructure;

(D) $500,000,000 for each of fiscal years 2007 through 2011 for port security grants to assist ports with meeting the requirements in Maritime Transportation Security Act of 2002 (Public Law 107–295; 116 Stat. 2064.); and

(E) $200,000,000 for each of fiscal year 2007 through 2011 to the Office of Domestic Preparedness to make grants for passenger rail, freight rail, and transit systems.

(2) RESPONDING TO TERRORIST ATTACKS AND NATURAL DISASTERS.—

(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Trust Fund—

(i) $1,000,000,000 for each of fiscal years 2007 through 2011 to the Office of Community Oriented Policing Services to provide grants to enhance State and local government interoperable communications efforts, including interagency planning and purchasing equipment;

(ii) $500,000,000 for each of fiscal years 2007 through 2011 for the Office of Domestic Preparedness for Fire Act Grants;

(iii) $500,000,000 for each of fiscal years 2007 through 2011 for the Office of Domestic Preparedness for SAFER Grants;

(iv) $1,000,000,000 for each of fiscal years 2007 through 2011 for the Office of Domestic Preparedness to make grants to State and local governments to improve the public health capabilities of States and cities to prevent and respond to biological, chemical, or radiological attacks and pandemics;

(v) $100,000,000 for each of fiscal years 2007 through 2011 for the Armed Forces Radiological Research Institute to research, develop, and deploy medical countermeasures to address radiation sickness associated with nuclear or radiological attacks in the United States; and

(vi) $100,000,000 for each of fiscal years 2007 through 2011 for the Office of Domestic Preparedness for the purpose of improving State and local government interagency response coordination to enable local agencies to utilize equipment, re-

sources, and personnel of neighboring agencies in the event of a terrorist attack or natural catastrophe.

(B) PREVENTION OF DELAY IN REASSIGNMENT OF 24 MEGAHERTZ FOR PUBLIC SAFETY PURPOSES.—Section 309(j)(14) of the Communications Act of 1934 (47 20 U.S.C. 309(j)(14)) is amended by adding at the end the following:

''(E) Notwithstanding subparagraph (B), the Commission shall not grant any extension under that subparagraph from the limitation of subparagraph (A) with respect to the frequencies assigned, under section 337(a)(1), for public safety services. The Commission shall take all actions necessary to complete assignment of the electromagnetic spectrum between 764 and 776 megahertz, inclusive, and between 794 and 806 megahertz, inclusive, for public safety services and to permit operations by public safety services on those frequencies commencing not later than January 1, 2007.''.

SEC. 10206. AUTHORIZATION OF APPROPRIATIONS FOR ADDITIONAL ACTIVITIES FOR HOMELAND SECURITY.

There are authorized to be appropriated from the Trust Fund such sums as necessary for—

(1) the implementation of the recommendations of the Commission;

(2) supporting State and local government law enforcement and crime prevention programs;

(3) protecting critical infrastructure and other high threat targets such as passenger rail, freight rail, and transit systems, chemical and nuclear plants;

(4) enhancing the preparedness of the public health sector to prevent and respond to acts of biological and nuclear terrorism;

(5) the development of scanning technologies to detect dangerous substances at United States ports of entry; and

(6) other high risk targets of interest, including nonprofit organizations.

SEC. 10207. HOMELAND SECURITY SPENDING ADVISORY BOARD.

(a) ESTABLISHMENT OF BOARD.—There is established as an independent agency within the Executive

1 branch a Homeland Security Spending Advisory Board
2 (referred to in this section as the ''Board'').
3 (b) FUNCTIONS.—
4 (1) IN GENERAL.—The Board shall advise Con-
5 gress and the Department of Homeland Security re-
6 lating to—
7 (A) spending priorities to enhance home-
8 land security, terrorism prevention, and emer-
9 gency response;
10 (B) Federal, State, and local government
11 spending of homeland security funds to ensure
12 that funds are allocated appropriately to best
13 secure the homeland;
14 (C) better procedures for the allocation
15 and distribution of homeland security funds;
16 (D) potential misuse of homeland security
17 funding; and
18 (E) actions to reduce spending abuse and
19 waste of homeland security funding.
20 (2) REPORTS.—
21 (A) REVIEW AND SUBMISSION.—
22 (i) IN GENERAL.—The Board shall
23 periodically submit, not less than semi-
24 annually, reports to the appropriate con-
25 gressional committees, including the Com-

mittees on the Judiciary of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and to the President.

Such reports shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

(ii) CONTENTS.—Not less than 2 reports the Board submits each year under clause (i) shall include—

(I) a description of the major activities of the Board during the preceding period;

(II) information on the findings, conclusions, and recommendations of the Board resulting from its functions under paragraph (1); and

(III) the minority views on any findings, conclusions, and recommendations of the Board resulting from its functions under paragraph (1).

(B) INFORMING THE PUBLIC.—The Board shall—

(i) make its reports, including its reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

(ii) hold public hearings and otherwise inform the public of its activities, as appropriate and in a manner consistent with the protection of classified information and applicable law.

(c) ACCESS TO INFORMATION.—

(1) AUTHORIZATION.—If determined by the Board to be necessary to carry out its responsibilities under this section, the Board is authorized, to the extent permitted by law, to—

(A) have access from any department or agency of the executive branch, or any Federal officer or employee of any such department or

agency, to all relevant records, reports, audits, reviews, documents, papers, recommendations, or other relevant material, including classified information consistent with applicable law;

(B) interview or take statements from officers of any department or agency of the executive branch;

(C) request information or assistance from any State, tribal, or local government; and

(D) require, by subpoena issued at the direction of a majority of the members of the Board, persons (other than departments, agencies, and elements of the executive branch) to produce any relevant information, documents, reports, answers, records, accounts, papers, and other documentary or testimonial evidence.

(2) ENFORCEMENT OF SUBPOENA.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1)(D), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to produce the evidence required by such subpoena.

(3) AGENCY COOPERATION.—Whenever information or assistance requested under subparagraph

(A) or (B) of paragraph (1) is, in the judgment of the Board, unreasonably refused or not provided, the Board shall report the circumstances to the head of the department or agency concerned without delay. If the requested information or assistance may be provided to the Board in accordance with applicable law, the head of the department or agency concerned shall ensure compliance with such request.

(4) EXCEPTIONS FOR NATIONAL SECURITY.—

(A) IN GENERAL.—If the National Intelligence Director, in consultation with the Attorney General, determines that it is necessary to withhold information requested under paragraph (3) to protect the national security interests of the United States, the head of the department or agency concerned shall not furnish such information to the Board.

(B) CERTAIN INFORMATION.—If the Attorney General determines that it is necessary to withhold information requested under paragraph (3) from disclosure to protect sensitive law enforcement or counterterrorism information or ongoing operations, the head of the department or agency concerned shall not furnish such information to the Board.

(d) MEMBERSHIP.—

(1) MEMBERS.—The Board shall be composed of a full-time chairman and 6 additional members, who shall be appointed by the President by not later than 6 months after the date of the enactment of this Act, by and with the advice and consent of the Senate, which shall move expeditiously following each nomination.

(2) QUALIFICATIONS.—

(A) IN GENERAL.—Members of the Board shall be selected solely on the basis of their professional qualifications, achievements, public stature, expertise as described under subparagraph (B), and relevant experience, and without regard to political affiliation, but in no event shall more than 4 members of the Board be members of the same political party. The President shall, before appointing an individual who is not a member of the same political party as the President consult with the leadership of that party, if any, in the Senate and House of Representatives.

(B) EXPERTISE.—The Board shall be composed of 7 members of whom—

(i) each shall have expertise in the area of counter-terrorism, emergency response, or law enforcement;

(ii) 2 shall have experience of holding elected or appointed office in State government;

(iii) 2 shall have experience of holding elected or appointed office in local government;

(iv) 2 shall have experience of holding elected or appointed office in State or local government (which may include a member who meets the requirements of clause (i) or (ii)) who has expertise in law enforcement or terrorism prevention.

(3) INCOMPATIBLE OFFICE.—An individual appointed to the Board may not, while serving on the Board, be an elected official, officer, or employee of the Federal Government, other than in the capacity as a member of the Board.

(4) TERM.—Each member of the Board shall serve a term of 6 years, except that—

(A) a member appointed to a term of office after the commencement of such term may

serve under such appointment only for the remainder of such term;

(B) upon the expiration of the term of office of a member, the member shall continue to serve until the member's successor has been appointed and qualified, except that no member may serve under this subparagraph—

(i) for more than 60 days when Congress is in session unless a nomination to fill the vacancy shall have been submitted to the Senate; or

(ii) after the adjournment sine die of the session of the Senate in which such nomination is submitted; and

(C) the members initially appointed under this subsection shall serve terms of 2, 3, 4, 5, and 6 years, respectively, from the date of enactment of this Act, with the term of each such member to be designated by the President.

(5) QUORUM AND MEETINGS.—The Board shall meet upon the call of the chairman or a majority of its members. Three members of the Board shall constitute a quorum.

(e) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—

(A) CHAIRMAN ON FULL-TIME BASIS.—If the chairman serves on a full-time basis, the rate of pay for the chairman shall be the annual rate of basic pay in effect for a position at level III of the Executive Schedule under section 5314 of title 5, United States Code.

(B) CHAIRMAN AND VICE CHAIRMAN ON PART-TIME BASIS.—The chairman, if serving on a part-time basis, and the vice chairman shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay in effect for a position at level III of the Executive Schedule under section 5314 of title 5, United States Code, for each day during which such official is engaged in the actual performance of the duties of the Board.

(C) MEMBERS.—Each member of the Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Board.

(2) TRAVEL EXPENSES.—Members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for persons employed intermittently by the Federal Government under section 5703(b) of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

(f) STAFF.—

(1) APPOINTMENT AND COMPENSATION.—The chairman, in accordance with rules agreed upon by the Board, shall appoint and fix the compensation of an executive director and such other personnel as may be necessary to enable the Board to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) DETAILEES.—Federal employees may be detailed to the Board without reimbursement from the Board, and such detailee shall retain the rights, status, and privileges of the detailee's regular employment without interruption.

(3) CONSULTANT SERVICES.—The Board may procure the temporary or intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates that do not exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of such title.

(g) SECURITY CLEARANCES.—The appropriate departments and agencies of the executive branch shall cooperate with the Board to expeditiously provide Board members and staff with appropriate security clearances to the extent possible under applicable procedures and requirements. Promptly upon commencing its work, the Board shall adopt, after consultation with the Secretary of Defense, the Attorney General, and the National Intelligence Director, rules and procedures of the Board for physical, communications, computer, document, personnel, and other security in relation to the work of the Board.

(h) APPLICABILITY OF CERTAIN LAWS.—

(1) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Board and its activities.

(2) FREEDOM OF INFORMATION ACT.—For purposes of the Freedom of Information Act, the Board shall be treated as an agency (as that term is defined in section 551(1) of title 5, United States Code).

(i) CONSTRUCTION.—Except as otherwise provided in this section, nothing in this section shall be construed to require any consultation with the Board by any department or agency of the executive branch or any Federal officer or employee, or any waiting period that is required to be observed by any department or agency of the executive branch or any Federal officer or employee, before developing, proposing, or implementing any legislation, law, regulation, policy, or guideline related to efforts to protect the Nation from terrorism.

(j) PRESIDENTIAL RESPONSIBILITY.—The Board shall perform its functions within the executive branch and under the general supervision of the President.

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

Subtitle C—Commercial Equipment Direct Assistance Program Act of 2007

SEC. 10301. SHORT TITLE.

This subtitle may be cited as the ''Commercial Equipment Direct Assistance Program Act of 2007''.

SEC. 10302. COMMERCIAL EQUIPMENT DIRECT ASSISTANCE PROGRAM.

(a) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following:

''SEC. 316. COMMERCIAL EQUIPMENT DIRECT ASSISTANCE PROGRAM.

''(a) IN GENERAL.—There is established a Commercial Equipment Direct Assistance Program to provide—

''(1) direct assistance to law enforcement agencies of local governments by transferring counterterrorism technology and equipment directly to selected agencies; and

''(2) training and counterterrorism information to law enforcement agencies of local governments.

''(b) TECHNOLOGY TRANSFERS.—

''(1) IN GENERAL.—The program under this section shall be a direct assistance program under which the Director of the Office of Grants and

1 Training may provide counterterrorism technology
2 and equipment directly to selected law enforcement
3 agencies of local government to improve the home-
4 land security capabilities of such agencies.

5 ''(2) APPLICATION.—A law enforcement agency
6 of a local government desiring a transfer of
7 counterterrorism technology or equipment under this
8 section shall submit an application at such time, in
9 such manner, and accompanied by such information
10 as the Director of the Office of Grants and Training
11 shall establish.

12 ''(c) TRAINING AND INFORMATION.—The Director of
13 the Office of Grants and Training shall—

14 ''(1) in consultation with law enforcement agen-
15 cies of local governments, and other entities deter-
16 mined appropriate by the Director of the Office of
17 Grants and Training, develop and maintain a com-
18 prehensive list of counterterrorism technologies,
19 equipment, and information; and

20 ''(2) provide appropriate training to law en-
21 forcement agencies of local governments on the use
22 of such technology, equipment, and information that
23 will be transferred under this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $75,000,000 for each of fiscal years 2008 and 2009; and

"(2) such sums as are necessary for fiscal years 2010 through 2013.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 315 the following:

"Sec. 316. Commercial Equipment Direct Assistance Program.".

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