

1 ply with this section until 10 years have elapsed since the
2 person was released from prison, or placed on parole, su-
3 pervised release, or probation.

4 (e) PENALTY.—A person required to register under
5 a State program established pursuant to this section who
6 knowingly fails to so register and keep such registration
7 current shall be subject to criminal penalties in any State
8 in which the person has so failed.

9 (f) COMPLIANCE.—

10 (1) COMPLIANCE DATE.—Each State shall have
11 3 years from the date of the enactment of this Act
12 in which to implement this section.

13 (2) INELIGIBILITY FOR FUNDS.—The allocation
14 of funds under section 506 of title I of the Omnibus
15 Crime Control and Safe Streets Act of 1968 (42
16 U.S.C. 3756) received by a State not complying with
17 the guidelines issued under this section 3 years after
18 the date of enactment of this Act may be reduced
19 by the Attorney General by up to 10 percent and the
20 unallocated funds shall be reallocated to the States
21 in compliance with this section.

1 **Subtitle B—Assaults Against**
2 **Children**

3 **SEC. 301. ASSAULTS AGAINST CHILDREN.**

4 (a) SIMPLE ASSAULT.—Section 113(e) of title 18,
5 United States Code, is amended by inserting “, or if the
6 victim of the assault is an individual who has not attained
7 the age of 16 years, by fine under this title or imprison-
8 ment for not more than 1 year, or both” before the period.

9 (b) ASSAULTS RESULTING IN SUBSTANTIAL BODILY
10 INJURY.—Section 113 of title 18, United States Code, is
11 amended by adding at the end the following:

12 “(7) Assault resulting in substantial bodily in-
13 jury to an individual who has not attained the age
14 of 16 years, by fine under this title or imprisonment
15 for not more than 5 years, or both.”

16 (c) TECHNICAL AND STYLISTIC CHANGES TO SEC-
17 TION 113.—Section 113 of title 18, United States Code,
18 is amended—

19 (1) in paragraph (b), by striking “of not more
20 than \$3,000” and inserting “under this title”;

21 (2) in paragraph (c), by striking “of not more
22 than \$1,000” and inserting “under this title”;

23 (3) in paragraph (d), by striking “of not more
24 than \$500” and inserting “under this title”;

1 (4) by modifying the left margin of each of
2 paragraphs (a) through (f) so that they are indented
3 2 ems;

4 (5) by redesignating paragraphs (a) through (f)
5 as paragraphs (1) through (6); and

6 (6) by inserting "(a)" before "Whoever".

7 (d) DEFINITIONS.—Section 113 of title 18, United
8 States Code, is amended by adding at the end the
9 following:

10 “(b) As used in this subsection—

11 “(1) the term ‘substantial bodily injury’ means
12 bodily injury which involves—

13 “(A) a temporary but substantial disfigure-
14 ment; or

15 “(B) a temporary but substantial loss or
16 impairment of the function of any bodily mem-
17 ber, organ, or mental faculty; and

18 “(2) the term ‘serious bodily injury’ has the
19 meaning given that term in section 1365 of this
20 title.”.

21 (e) ASSAULTS IN INDIAN COUNTRY.—Section
22 1153(a) of title 18, United States Code, is amended by
23 inserting “(as defined in section 1365 of this title), an
24 assault against an individual who has not attained the age
25 of 16 years” after “serious bodily injury”.

1 **Subtitle C—Missing and Exploited**
2 **Children**

3 **SEC. 4301. SHORT TITLE.**

4 This subtitle may be cited as the “Morgan P.
5 Hardiman Task Force on Missing and Exploited Children
6 Act”.

7 **SEC. 4302. PURPOSE.**

8 The purpose of this subtitle is to establish a task
9 force comprised of law enforcement officers from pertinent
10 Federal agencies to work with the National Center for
11 Missing and Exploited Children (referred to as the “Cen-
12 ter”) and coordinate the provision of Federal law enforce-
13 ment resources to assist State and local authorities in in-
14 vestigating the most difficult cases of missing and ex-
15 ploited children.

16 **SEC. 4303. ESTABLISHMENT OF TASK FORCE.**

17 Title IV of the Juvenile Justice and Delinquency Pre-
18 vention Act of 1974 (42 U.S.C. 5771 et seq.) is
19 amended—

20 (1) by redesignating sections 407 and 408 as
21 sections 408 and 409, respectively; and

22 (2) by inserting after section 406 the following
23 new section:

1 "TASK FORCE

2 "SEC. 407. (a) ESTABLISHMENT.—There is estab-
3 lished a Missing and Exploited Children's Task Force (re-
4 ferred to as the "Task Force").

5 "(b) MEMBERSHIP.—

6 "(1) IN GENERAL.—The Task Force shall in-
7 clude at least 2 members from each of—

8 "(A) the Federal Bureau of Investigation;

9 "(B) the Secret Service;

10 "(C) the Bureau of Alcohol, Tobacco and
11 Firearms;

12 "(D) the United States Customs Service;

13 "(E) the Postal Inspection Service;

14 "(F) the United States Marshals Service;

15 and

16 "(G) the Drug Enforcement Administra-
17 tion.

18 "(2) CHIEF.—A representative of the Federal
19 Bureau of Investigation (in addition to the members
20 of the Task Force selected under paragraph (1)(A))
21 shall act as chief of the Task Force.

22 "(3) SELECTION.—(A) The Director of the
23 Federal Bureau of Investigation shall select the chief
24 of the Task Force.

1 “(B) The heads of the agencies described in
2 paragraph (1) shall submit to the chief of the Task
3 Force a list of at least 5 prospective Task Force
4 members, and the chief shall select 2, or such great-
5 er number as may be agreeable to an agency head,
6 as Task Force members.

7 “(4) PROFESSIONAL QUALIFICATIONS.—The
8 members of the Task Force shall be law enforcement
9 personnel selected for their expertise that would en-
10 able them to assist in the investigation of cases of
11 missing and exploited children.

12 “(5) STATUS.—A member of the Task Force
13 shall remain an employee of his or her respective
14 agency for all purposes (including the purpose of
15 performance review), and his or her service on the
16 Task Force shall be without interruption or loss of
17 civil service privilege or status and shall be on a
18 nonreimbursable basis.

19 “(6) PERIOD OF SERVICE.—(A) Subject to sub-
20 paragraph (B), 1 member from each agency shall
21 initially serve a 1-year term, and the other member
22 from the same agency shall serve a 1-year term, and
23 may be selected to a renewal of service for 1 addi-
24 tional year; thereafter, each new member to serve on
25 the Task Force shall serve for a 2-year period with

1 the member's term of service beginning and ending
2 in alternate years with the other member from the
3 same agency; the period of service for the chief of
4 the Task Force shall be 3 years.

5 “(B) The chief of the Task Force may at any
6 time request the head of an agency described in
7 paragraph (1) to submit a list of 5 prospective Task
8 Force members to replace a member of the Task
9 Force, for the purpose of maintaining a Task Force
10 membership that will be able to meet the demands
11 of its caseload.

12 “(c) SUPPORT.—

13 “(1) IN GENERAL.—The Administrator of the
14 General Services Administration, in coordination
15 with the heads of the agencies described in sub-
16 section (b)(1), shall provide the Task Force office
17 space and administrative and support services, such
18 office space to be in close proximity to the office of
19 the Center, so as to enable the Task Force to coordi-
20 nate its activities with that of the Center on a day-
21 to-day basis.

22 “(2) LEGAL GUIDANCE.—The Attorney General
23 shall assign a United States Attorney to provide
24 legal guidance, as needed, to members of the Task
25 Force.

1 “(d) PURPOSE.—

2 “(1) IN GENERAL.—The purpose of the Task
3 Force shall be to make available the combined re-
4 sources and expertise of the agencies described in
5 paragraph (1) to assist State and local governments
6 in the most difficult missing and exploited child
7 cases nationwide, as identified by the chief of the
8 Task Force from time to time, in consultation with
9 the Center, and as many additional cases as re-
10 sources permit, including the provision of assistance
11 to State and local investigators on location in the
12 field.

13 “(2) TECHNICAL ASSISTANCE.—The role of the
14 Task Force in any investigation shall be to provide
15 advice and technical assistance and to make avail-
16 able the resources of the agencies described in sub-
17 section (b)(1); the Task Force shall not take a lead-
18 ership role in any such investigation.

19 “(e) TRAINING.—Members of the Task Force shall
20 receive a course of training, provided by the Center, in
21 matters relating to cases of missing and exploited children.

22 “(f) CROSS-DESIGNATION OF TASK FORCE MEM-
23 BERS.—The Attorney General may cross-designate the
24 members of the Task Force with jurisdiction to enforce

1 Federal law related to child abduction to the extent nec-
2 essary to accomplish the purposes of this section.”.

3 **Subtitle D—Victims of Child Abuse**
4 **Programs**

5 **SEC. 5126. VICTIMS OF CHILD ABUSE PROGRAMS.**

6 (a) COURT-APPOINTED SPECIAL ADVOCATE PRO-
7 GRAM.—

8 (1) REAUTHORIZATION.—Section 218(a) of the
9 Victims of Child Abuse Act of 1990 (42 U.S.C.
10 13014(a)) is amended to read as follows:

11 “(a) AUTHORIZATION.—There are authorized to be
12 appropriated to carry out this subtitle—

13 “(1) \$_____ for fiscal year 1995; and

14 “(2) \$_____ for each of fiscal years 1996,
15 1997, and 1998.”.

16 (2) TECHNICAL AMENDMENT.—Section 216 of
17 the Victims of Child Abuse Act of 1990 (42 U.S.C.
18 13012) is amended by striking “this chapter” and
19 inserting “this subtitle”.

20 (b) CHILD ABUSE TRAINING PROGRAMS FOR JUDI-
21 CIAL PERSONNEL AND PRACTITIONERS.—

22 (1) REAUTHORIZATION.—Section 224(a) of the
23 Victims of Child Abuse Act of 1990 (42 U.S.C.
24 13024(a)) is amended to read as follows:

1 “(a) AUTHORIZATION.—There are authorized to be
2 appropriated to carry out this subtitle—

3 “(1) \$_____ for fiscal year 1995; and

4 “(2) \$_____ for each of fiscal years 1996,
5 1997, and 1998.”.

6 (2) TECHNICAL AMENDMENT.—Section 221(b)
7 of the Victims of Child Abuse Act of 1990 (42
8 U.S.C. 13021(b)) is amended by striking “this chap-
9 ter” and inserting “this subtitle”.

10 (c) GRANTS FOR TELEVISED TESTIMONY.—Title I of
11 the Omnibus Crime Control and Safe Streets Act of 1968
12 is amended—

13 (1) by amending section 1001(a)(7) (42 U.S.C.
14 3793(a)(7)) to read as follows:

15 “(7) There are authorized to be appropriated to carry
16 out part N—

17 “(A) \$_____ for fiscal year 1995; and

18 “(B) \$_____ for each of fiscal years 1996,
19 1997, and 1998.”;

20 (2) in section 1402 (42 U.S.C. 3796aa-1) by
21 striking “to States, for the use of States and units
22 of local government in the States”;

23 (3) in section 1403 (42 U.S.C. 3796aa-2)—

24 (A) by inserting “or unit of local govern-
25 ment” after “of a State”;

- 1 (B) by inserting "and" after paragraph
2 (1);
- 3 (C) in paragraph (2) by striking the semi-
4 colon at the end and inserting a period; and
- 5 (D) by striking paragraphs (3) and (4);
6 (4) in section 1404 (42 U.S.C. 3796aa-3)—
7 (A) in subsection (a)—
- 8 (i) by striking "The Bureau" and all
9 that follows through "determining that"
10 and inserting "An applicant is eligible to
11 receive a grant under this part if—";
- 12 (ii) in paragraph (1) by striking
13 "there is in effect in such State" and in-
14 serting "the applicant certifies and the Di-
15 rector determines that there is in effect in
16 the State";
- 17 (iii) in paragraph (2) by striking
18 "such State law shall meet" and inserting
19 "the applicant certifies and the Director
20 determines that State law meets";
- 21 (iv) by inserting "and" after subpara-
22 graph (E);
- 23 (v) in paragraph (3)—

1 (I) by inserting "the Director de-
2 termines that" before "the applica-
3 tion"; and

4 (II) by striking "; and" and in-
5 serting a period;

6 (vi) by striking paragraph (4);

7 (vii) by striking "Each application"
8 and inserting the following:

9 "(b) Each application"; and

10 (viii) by striking "the Bureau" each
11 place it appears and inserting "the Direc-
12 tor"; and

13 (B) by redesignating subsection (b) as sub-
14 section (c) and by striking "The Bureau" and
15 inserting "The Director";

16 (5) by striking section 1405 (42 U.S.C.
17 3796aa-4);

18 (6) in section 1406 (42 U.S.C. 3796aa-5)—

19 (A) in subsection (a)—

20 (i) by striking "State which" and in-
21 serting "State or unit of local government
22 that";

23 (ii) by striking "title" and inserting
24 "part"; and

1 (iii) in paragraph (1) by striking
2 “State”; and

3 (B) in subsection (b)(1) by striking “such
4 State” and inserting “the State and units of
5 local government in the State”;

6 (7) in section 1407 (42 U.S.C. 3796aa-6)—

7 (A) in subsection (c)—

8 (i) by striking “Each State” and all
9 that follows through “effective audit” and
10 inserting “Grant recipients (or private or-
11 ganizations with which grant recipients
12 have contracted to provide equipment or
13 training using grant funds) shall keep such
14 records as the Director may require by
15 rule to facilitate such an audit.”; and

16 (ii) in paragraph (2) by striking
17 “States which receive grants, and of units
18 of local government which receive any part
19 of a grant made under this part” and in-
20 sserting “grant recipients (or private orga-
21 nizations with which grant recipients have
22 contracted to provide equipment or train-
23 ing using grant funds)”;

24 (B) by adding at the end the following new
25 subsection:

1 “(d) UTILIZATION OF PRIVATE SECTOR.—Nothing in
 2 this part shall prohibit the utilization of any grant funds
 3 to contract with a private organization to provide equip-
 4 ment or training for the televising of testimony as con-
 5 templated by the application submitted by an applicant.”;

6 (8) by striking section 1408 (42 U.S.C.
 7 3796aa-7); and

8 (9) in the table of contents—

9 (A) in the item relating to section 1405 by
 10 striking “Allocation and distribution of funds
 11 under formula grants” and inserting “(Re-
 12 pealed)”; and

13 (B) in the item relating to section 1408 by
 14 striking “State office” and inserting “(Re-
 15 pealed)”.

16 **TITLE XVIII—RURAL CRIME**

17 **Subtitle A—Drug Trafficking in**
 18 **Rural Areas**

19 **SEC. 1401. AUTHORIZATIONS FOR RURAL LAW ENFORCE-**
 20 **MENT AGENCIES.**

21 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
 22 1001(a)(9) of title I of the Omnibus Crime Control and
 23 Safe Streets Act of 1968 is amended to read as follows:

1 “(9) There are authorized to be appropriated to carry
2 out part O \$_____ for each of fiscal years 1995, 1996,
3 1997, 1998, and 1999.”.

4 (b) AMENDMENT TO BASE ALLOCATION.—Section
5 1501(a)(2)(A) of title I of the Omnibus Crime Control and
6 Safe Streets Act of 1968 is amended by striking
7 “\$100,000” and inserting “\$250,000”.

8 **SEC. 1402. RURAL DRUG ENFORCEMENT TASK FORCES.**

9 (a) ESTABLISHMENT.—The Attorney General, in
10 consultation with the Governors, mayors, and chief execu-
11 tive officers of State and local law enforcement agencies,
12 may establish a Rural Drug Enforcement Task Force in
13 judicial districts that encompass significant rural lands.
14 Assets seized as a result of investigations initiated by a
15 Rural Drug Enforcement Task Force and forfeited under
16 Federal law shall be used, consistent with the guidelines
17 on equitable sharing established by the Attorney General
18 and of the Secretary of the Treasury, primarily to enhance
19 the operations of the task force and its participating State
20 and local law enforcement agencies.

21 (b) TASK FORCE MEMBERSHIP.—The Task Forces
22 established under subsection (a) shall be carried out under
23 policies and procedures established by the Attorney Gen-
24 eral. The Attorney General may deputize State and local
25 law enforcement officers and may cross-designate up to

1 100 Federal law enforcement officers, when necessary to
2 undertake investigations pursuant to section 503(a) of the
3 Controlled Substances Act (21 U.S.C. 873(a)) The task
4 forces—

5 (1) shall include representatives from—

6 (A) state and local law enforcement agen-
7 cies;

8 (B) the office of the United States Attor-
9 ney for the judicial district; and

10 (C) the Federal Bureau of Investigation,
11 the Drug Enforcement Administration, the Im-
12 migration and Naturalization Service, and the
13 United States Marshals Service; and

14 (2) may include representatives of other Fed-
15 eral law enforcement agencies, such as the United
16 States Customs Service, United States Park Police,
17 United States Forest Service, Bureau of Alcohol,
18 Tobacco, and Firearms, and Bureau of Land Man-
19 agement.

20 **SEC. 1403. RURAL DRUG ENFORCEMENT TRAINING.**

21 (a) **SPECIALIZED TRAINING FOR RURAL OFFI-**
22 **CERS.**—The Director of the Federal Law Enforcement
23 Training Center shall develop a specialized course of in-
24 struction devoted to training law enforcement officers

1 from rural agencies in the investigation of drug trafficking
2 and related crimes.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to carry out subsection
5 (a) \$_____ for each of fiscal years 1995, 1996, 1997,
6 1998, and 1999.

7 **SEC. 1404. MORE AGENTS FOR THE DRUG ENFORCEMENT**
8 **ADMINISTRATION.**

9 There are authorized to be appropriated for the hir-
10 ing of additional Drug Enforcement Administration
11 agents \$_____ for each of fiscal years 1995, 1996,
12 1997, 1998, and 1999.

13 **Subtitle B—Drug Free Truck Stops**
14 **and Safety Rest Areas**

15 **SEC. 1411. DRUG FREE TRUCK STOPS AND SAFETY REST**
16 **AREAS.**

17 (a) SHORT TITLE.—This section may be cited as the
18 “Drug Free Truck Stop Act”.

19 (b) AMENDMENT TO CONTROLLED SUBSTANCES
20 ACT.—

21 (1) IN GENERAL.—Part D of the Controlled
22 Substances Act (21 U.S.C. 801 et seq.) is amended
23 by inserting after section 408 the following new sec-
24 tion:

1 "TRANSPORTATION SAFETY OFFENSES

2 "SEC. 409. (a) DEFINITIONS.—In this section—

3 "‘safety rest area’ means a roadside facility
4 with parking facilities for the rest or other needs of
5 motorists.

6 "‘truck stop’ means a facility (including any
7 parking lot appurtenant thereto) that—

8 "(A) has the capacity to provide fuel or
9 service, or both, to any commercial motor vehi-
10 cle (as defined under section 12019 of the Com-
11 mercial Motor Vehicle Safety Act of 1986 (49
12 U.S.C. App. 2716)) operating in commerce (as
13 defined in that section); and

14 "(B) is located within 2,500 feet of the
15 National System of Interstate and Defense
16 Highways or the Federal-Aid Primary System.

17 "(b) FIRST OFFENSE.—A person who violates section
18 401(a)(1) or section 416 by distributing or possessing
19 with intent to distribute a controlled substance in or on,
20 or within 1,000 feet of, a truck stop or safety rest area
21 is (except as provided in subsection (b)) subject to—

22 "(1) twice the maximum punishment authorized
23 by section 401(b); and

24 "(2) twice any term of supervised release au-
25 thorized by section 401(b) for a first offense.

1 “(c) SUBSEQUENT OFFENSE.—A person who violates
2 section 401(a)(1) or section 416 by distributing or pos-
3 sessed with intent to distribute a controlled substance in
4 or on, or within 1,000 feet of, a truck stop or a safety
5 rest area after a prior conviction or convictions under sub-
6 section (a) have become final is subject to—

7 “(1) 3 times the maximum punishment author-
8 ized by section 401(b); and

9 “(2) 3 times any term of supervised release au-
10 thorized by section 401(b) for a first offense.”.

11 (2) TECHNICAL AMENDMENTS.—

12 (A) CROSS REFERENCE.—Section 401(b)
13 of the Controlled Substances Act (21 U.S.C.
14 841(b)) is amended by inserting “409,” before
15 “418,” each place it appears.

16 (B) TABLE OF CONTENTS.—The table of
17 contents of the Comprehensive Drug Abuse
18 Prevention and Control Act of 1970 is amended
19 by striking the item relating to section 409 and
20 inserting the following new item:

“Sec. 409. Transportation safety offenses.”.

21 (c) SENTENCING GUIDELINES.—Pursuant to its au-
22 thority under section 994 of title 28, United States Code,
23 and section 21 of the Sentencing Act of 1987 (28 U.S.C.
24 994 note), the United States Sentencing Commission shall
25 promulgate guidelines, or shall amend existing guidelines,

1 to provide an appropriate enhancement of punishment for
2 a defendant convicted of violating section 409 of the Con-
3 trolled Substances Act, as added by subsection (b).

4 **TITLE XIX—PROVISIONS**
5 **RELATING TO POLICE OFFICERS**
6 **Subtitle A—Law Enforcement**
7 **Family Support**

8 **SEC. 1101. LAW ENFORCEMENT FAMILY SUPPORT.**

9 (a) **IN GENERAL.**—Title I of the Omnibus Crime
10 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
11 et seq.), as amended by section 309(b)(1), is amended—

- 12 (1) by redesignating part S as part T;
- 13 (2) by redesignating section 1901 as 2001; and
- 14 (3) by inserting after part R the following new
15 part:

16 **“PART S—FAMILY SUPPORT**

17 **“SEC. 1901. DUTIES.**

18 “The Attorney General shall—

19 “(1) establish guidelines and oversee the imple-
20 mentation of family-friendly policies within law en-
21 forcement-related offices and divisions in the De-
22 partment of Justice;

23 “(2) study the effects of stress on law enforce-
24 ment personnel and family well-being and dissemi-
25 nate the findings of such studies to Federal, State,

1 and local law enforcement agencies, related organi-
2 zations, and other interested parties;

3 “(3) identify and evaluate model programs that
4 provide support services to law enforcement person-
5 nel and families;

6 “(4) provide technical assistance and training
7 programs to develop stress reduction and family sup-
8 port to State and local law enforcement agencies;

9 “(5) collect and disseminate information re-
10 garding family support, stress reduction, and psy-
11 chological services to Federal, State, and local law
12 enforcement agencies, law enforcement-related orga-
13 nizations, and other interested entities; and

14 “(6) determine issues to be researched by the
15 Department of Justice and by grant recipients.

16 **“SEC. 1902. GENERAL AUTHORIZATION.**

17 “The Attorney General may make grants to States
18 and local law enforcement agencies and to organizations
19 representing State or local law enforcement personnel to
20 provide family support services to law enforcement person-
21 nel.

22 **“SEC. 1903. USES OF FUNDS.**

23 “(a) IN GENERAL.—A State or local law enforcement
24 agency or organization that receives a grant under this
25 Act shall use amounts provided under the grant to estab-

1 lish or improve training and support programs for law en-
2 forcement personnel.

3 “(b) REQUIRED ACTIVITIES.—A law enforcement
4 agency or organization that receives funds under this part
5 shall provide at least one of the following services:

6 “(1) Counseling for law enforcement family
7 members.

8 “(2) Child care on a 24-hour basis.

9 “(3) Marital and adolescent support groups.

10 “(4) Stress reduction programs.

11 “(5) Stress education for law enforcement re-
12 cruits and families.

13 “(6) Provide technical assistance and training
14 programs to support any or all of the services de-
15 scribed in paragraphs (1), (2), (3), (4), and (5).

16 “(c) OPTIONAL ACTIVITIES.—A law enforcement
17 agency or organization that receives funds under this part
18 may provide the following services:

19 “(1) Post-shooting debriefing for officers and
20 their spouses.

21 “(2) Group therapy.

22 “(3) Hypertension clinics.

23 “(4) Critical incident response on a 24-hour
24 basis.

|?

1 “(5) Law enforcement family crisis telephone
2 services on a 24-hour basis.

3 “(6) Counseling for law enforcement personnel
4 exposed to the human immunodeficiency virus.

5 “(7) Counseling for peers.

6 “(8) Counseling for families of personnel killed
7 in the line of duty.

8 “(9) Seminars regarding alcohol, drug use,
9 gambling, and overeating.

10 “(10) Technical assistance and training to sup-
11 port any or all of the services described in para-
12 graphs (1), (2), (3), (4), (5), (6), (7), (8), and (9).

13 **“SEC. 1904. APPLICATIONS.**

14 “A law enforcement agency or organization desiring
15 to receive a grant under this part shall submit to the At-
16 torney General an application at such time, in such man-
17 ner, and containing or accompanied by such information
18 as the Attorney General may reasonably require. Such ap-
19 plication shall—

20 “(1) certify that the law enforcement agency
21 shall match all Federal funds with an equal amount
22 of cash or in-kind goods or services from other non-
23 Federal sources;

24 “(2) include a statement from the highest rank-
25 ing law enforcement official from the State or local-

1 ity or from the highest ranking official from the or-
2 ganization applying for the grant that attests to the
3 need and intended use of services to be provided
4 with grant funds; and

5 “(3) assure that the Attorney General or the
6 Comptroller General of the United States shall have
7 access to all records related to the receipt and use
8 of grant funds received under this part.

9 **“SEC. 1905. AWARD OF GRANTS; LIMITATION.**

10 “(a) GRANT DISTRIBUTION.—In approving grants
11 under this part, the Attorney General shall assure an equi-
12 table distribution of assistance among the States, among
13 urban and rural areas of the United States, and among
14 urban and rural areas of a State.

15 “(b) DURATION.—The Attorney General may award
16 a grant each fiscal year, not to exceed \$100,000 to a State
17 or local law enforcement agency or \$250,000 to a law en-
18 forcement organization for a period not to exceed 5 years.
19 In any application from a State or local law enforcement
20 agency or organization for a grant to continue a program
21 for the second, third, fourth, or fifth fiscal year following
22 the first fiscal year in which a grant was awarded to such
23 agency, the Attorney General shall review the progress
24 made toward meeting the objectives of the program. The
25 Attorney General may refuse to award a grant if the At-

1 torney General finds sufficient progress has not been made
2 toward meeting such objectives, but only after affording
3 the applicant notice and an opportunity for reconsider-
4 ation.

5 “(c) LIMITATION.—Not more than 5 percent of grant
6 funds received by a State or a local law enforcement agen-
7 cy or organization may be used for administrative pur-
8 poses.

9 **“SEC. 1906. DISCRETIONARY RESEARCH GRANTS.**

10 “The Attorney General may reserve 10 percent of
11 funds to award research grants to a State or local law
12 enforcement agency or organization to study issues of im-
13 portance in the law enforcement field as determined by
14 the Attorney General.

15 **“SEC. 1907. REPORTS.**

16 “A State or local law enforcement agency or organi-
17 zation that receives a grant under this part shall submit
18 to the Attorney General an annual report that includes—

19 “(1) program descriptions;

20 “(2) the number of staff employed to admin-
21 ister programs;

22 “(3) the number of individuals who participated
23 in programs; and

24 “(4) an evaluation of the effectiveness of grant
25 programs.

1 **"SEC. 1908. DEFINITIONS.**

2 "For purposes of this part—

3 "(1) the term 'family-friendly policy' means a
4 policy to promote or improve the morale and well
5 being of law enforcement personnel and their fami-
6 lies; and7 "(2) the term 'law enforcement personnel'
8 means individuals employed by Federal, State, and
9 local law enforcement agencies."10 (b) **TECHNICAL AMENDMENT.**—The table of contents
11 of title I of the Omnibus Crime Control and Safe Streets
12 Act of 1968 (42 U.S.C. 3711 et seq.), as amended by sec-
13 tion 309(b)(2), is amended by striking the matter relating
14 to part R and inserting the following:**"PART S—FAMILY SUPPORT**

"Sec. 1901. Duties.

"Sec. 1902. General authorization.

"Sec. 1903. Uses of funds.

"Sec. 1904. Applications.

"Sec. 1905. Award of grants; limitation.

"Sec. 1906. Discretionary research grants.

"Sec. 1907. Reports.

"Sec. 1908. Definitions.

"PART V—TRANSITION; EFFECTIVE DATE; REPEALS

"Sec. 2001. Continuation of rules, authorities, and privileges."

15 (c) **AUTHORIZATION OF APPROPRIATIONS.**—Section
16 1001(a) of the Omnibus Crime Control and Safe Streets
17 Act of 1968 (42 U.S.C. 3711 et seq.), as amended by sec-
18 tion 309(b)(3), is amended—

1 (1) in paragraph (3) by striking “and R” and
2 inserting “R, and S”; and

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

5 “(13) There are authorized to be appropriated to
6 carry out part S \$_____ for each of fiscal years 1995,
7 1996, 1997, 1998, and 1999.”

8 **TITLE XX—POLICE CORPS AND**
9 **LAW ENFORCEMENT OFFI-**
10 **CERS TRAINING AND EDU-**
11 **CATION**

12 **Subtitle A—Police Corps**

13 **SEC. 1121. SHORT TITLE.**

14 This subtitle be cited as the “Police Corps Act”.

15 **SEC. 1122. PURPOSES.**

16 The purposes of this subtitle are to—

17 (1) address violent crime by increasing the
18 number of police with advanced education and train-
19 ing on community patrol; and

20 (2) provide educational assistance to law en-
21 forcement personnel and to students who possess a
22 sincere interest in public service in the form of law
23 enforcement.

24 **SEC. 1123. DEFINITIONS.**

25 In this subtitle—

1 “academic year” means a traditional academic
2 year beginning in August or September and ending
3 in the following May or June.

4 “dependent child” means a natural or adopted
5 child or stepchild of a law enforcement officer who
6 at the time of the officer’s death—

7 (A) was no more than 21 years old; or

8 (B) if older than 21 years, was in fact de-
9 pendent on the child’s parents for at least one-
10 half of the child’s support (excluding edu-
11 cational expenses), as determined by the Direc-
12 tor.

13 “Director” means the Director of the Office of
14 the Police Corps and Law Enforcement Education
15 appointed under section 1124.

16 “educational expenses” means expenses that
17 are directly attributable to—

18 (A) a course of education leading to the
19 award of the baccalaureate degree in legal- or
20 criminal justice-related studies; or

21 (B) a course of graduate study legal or
22 criminal justice studies following award of a
23 baccalaureate degree,

1 including the cost of tuition, fees, books, supplies,
2 transportation, room and board and miscellaneous
3 expenses.

4 "institution of higher education" has the mean-
5 ing stated in the first sentence of section 1201(a) of
6 the Higher Education Act of 1965 (20 U.S.C.
7 1141(a)).

8 "participant" means a participant in the Police
9 Corps program selected pursuant to section 1126.

10 "State" means a State of the United States,
11 the District of Columbia, the Commonwealth of
12 Puerto Rico, the Virgin Islands, American Samoa,
13 Guam, and the Commonwealth of the Northern Mar-
14 iana Islands.

15 "State Police Corps program" means a State
16 police corps program that meets the requirements of
17 section 1130.

18 **SEC. 1124. ESTABLISHMENT OF OFFICE OF THE POLICE**
19 **CORPS AND LAW ENFORCEMENT EDUCATION.**

20 There is established in the Department of Justice,
21 under the general authority of the Attorney General, an
22 Office of the Police Corps and Law Enforcement Edu-
23 cation.

1 **SEC. 1125. DESIGNATION OF LEAD AGENCY AND SUBMIS-**
2 **SION OF STATE PLAN.**

3 (a) **LEAD AGENCY.**—A State that desires to partici-
4 pate in the Police Corps program under this subtitle shall
5 designate a lead agency that will be responsible for—

6 (1) submitting to the Director a State plan de-
7 scribed in subsection (b); and

8 (2) administering the program in the State.

9 (b) **STATE PLANS.**—A State plan shall—

10 (1) contain assurances that the lead agency
11 shall work in cooperation with the local law enforce-
12 ment liaisons, representatives of police labor organi-
13 zations and police management organizations, and
14 other appropriate State and local agencies to develop
15 and implement interagency agreements designed to
16 carry out the program;

17 (2) contain assurances that the State shall ad-
18 vertise the assistance available under this subtitle;

19 (3) contain assurances that the State shall
20 screen and select law enforcement personnel for par-
21 ticipation in the program; and

22 (4) meet the requirements of section 1130.

23 **SEC. 1126. SCHOLARSHIP ASSISTANCE.**

24 (a) **SCHOLARSHIPS AUTHORIZED.**—(1) The Director
25 may award scholarships to participants who agree to work

1 in a State or local police force in accordance with agree-
2 ments entered into pursuant to subsection (d).

3 (2)(A) Except as provided in subparagraph (B), each
4 scholarship payment made under this section for each aca-
5 demic year shall not exceed—

6 (i) \$7,500; or

7 (ii) the cost of the educational expenses related
8 to attending an institution of higher education.

9 (B) In the case of a participant who is pursuing a
10 course of educational study during substantially an entire
11 calendar year, the amount of scholarship payments made
12 during such year shall not exceed \$10,000.

13 (C) The total amount of scholarship assistance re-
14 ceived by any one student under this section shall not ex-
15 ceed \$30,000.

16 (3) Recipients of scholarship assistance under this
17 section shall continue to receive such scholarship payments
18 only during such periods as the Director finds that the
19 recipient is maintaining satisfactory progress as deter-
20 mined by the institution of higher education the recipient
21 is attending.

22 (4)(A) The Director shall make scholarship payments
23 under this section directly to the institution of higher edu-
24 cation that the student is attending.

1 (B) Each institution of higher education receiving a
2 payment on behalf of a participant pursuant to subpara-
3 graph (A) shall remit to such student any funds in excess
4 of the costs of tuition, fees, and room and board payable
5 to the institution.

6 (b) REIMBURSEMENT AUTHORIZED.—(1) The Direc-
7 tor may make payments to a participant to reimburse such
8 participant for the costs of educational expenses if the stu-
9 dent agrees to work in a State or local police force in ac-
10 cordance with the agreement entered into pursuant to sub-
11 section (d).

12 (2)(A) Each payment made pursuant to paragraph
13 (1) for each academic year of study shall not exceed—

14 (i) \$7,500; or

15 (ii) the cost of educational expenses related to
16 attending an institution of higher education.

17 (B) In the case of a participant who is pursuing a
18 course of educational study during substantially an entire
19 calendar year, the amount of scholarship payments made
20 during such year shall not exceed \$10,000.

21 (C) The total amount of payments made pursuant to
22 subparagraph (A) to any 1 student shall not exceed
23 \$30,000.

1 (c) USE OF SCHOLARSHIP.—Scholarships awarded
2 under this subsection shall only be used to attend a 4-
3 year institution of higher education, except that—

4 (1) scholarships may be used for graduate and
5 professional study; and

6 (2) if a participant has enrolled in the program
7 upon or after transfer to a 4-year institution of
8 higher education, the Director may reimburse the
9 participant for the participant's prior educational ex-
10 penses.

11 (d) AGREEMENT.—(1)(A) Each participant receiving
12 a scholarship or a payment under this section shall enter
13 into an agreement with the Director.

14 (B) An agreement under subparagraph (A) shall con-
15 tain assurances that the participant shall—

16 (i) after successful completion of a bacca-
17 laureate program and training as prescribed in sec-
18 tion 8, work for 4 years in a State or local police
19 force without there having arisen sufficient cause for
20 the participant's dismissal under the rules applicable
21 to members of the police force of which the partici-
22 pant is a member;

23 (ii) complete satisfactorily—

24 (I) an educational course of study and re-
25 ceipt of a baccalaureate degree (in the case of

1 undergraduate study) or the reward of credit to
2 the participant for having completed one or
3 more graduate courses (in the case of graduate
4 study); and

5 (II) Police Corps training and certification
6 by the Director that the participant has met
7 such performance standards as may be estab-
8 lished pursuant to section 1128; and

9 (iii) repay all of the scholarship or payment re-
10 ceived plus interest at the rate of 10 percent if the
11 conditions of clauses (i) and (ii) are not complied
12 with.

13 (2)(A) A recipient of a scholarship or payment under
14 this section shall not be considered to be in violation of
15 the agreement entered into pursuant to paragraph (1) if
16 the recipient—

17 (i) dies; or

18 (ii) becomes permanently and totally disabled as
19 established by the sworn affidavit of a qualified phy-
20 sician.

21 (B) If a scholarship recipient is unable to comply with
22 the repayment provision set forth in paragraph (1)(B)(ii)
23 because of a physical or emotional disability or for good
24 cause as determined by the Director, the Director may

1 substitute community service in a form prescribed by the
2 Director for the required repayment.

3 (C) The Director shall expeditiously seek repayment
4 from a participant who violates an agreement described
5 in paragraph (1).

6 (e) DEPENDENT CHILD.—A dependent child of a law
7 enforcement officer—

8 (1) who is a member of a State or local police
9 force or is a Federal criminal investigator or uni-
10 formed police officer,

11 (2) who is not a participant in the Police Corps
12 program, but

13 (3) who serves in a State for which the Director
14 has approved a Police Corps plan, and

15 (4) who is killed in the course of performing po-
16 lice duties,

17 shall be entitled to the scholarship assistance authorized
18 in this section for any course of study in any accredited
19 institution of higher education. Such dependent child shall
20 not incur any repayment obligation in exchange for the
21 scholarship assistance provided in this section.

22 (f) APPLICATION.—Each participant desiring a schol-
23 arship or payment under this section shall submit an ap-
24 plication as prescribed by the Director in such manner and

1 accompanied by such information as the Director may rea-
2 sonably require.

3 **SEC. 1127. SELECTION OF PARTICIPANTS.**

4 (a) IN GENERAL.—Participants in State Police Corps
5 programs shall be selected on a competitive basis by each
6 State under regulations prescribed by the Director.

7 (b) SELECTION CRITERIA AND QUALIFICATIONS.—

8 (1) In order to participate in a State Police Corps pro-
9 gram, a participant shall—

10 (A) be a citizen of the United States or an alien
11 lawfully admitted for permanent residence in the
12 United States;

13 (B) meet the requirements for admission as a
14 trainee of the State or local police force to which the
15 participant will be assigned pursuant to section
16 1130(c)(5), including achievement of satisfactory
17 scores on any applicable examination, except that
18 failure to meet the age requirement for a trainee of
19 the State or local police shall not disqualify the ap-
20 plicant if the applicant will be of sufficient age upon
21 completing an undergraduate course of study;

22 (C) possess the necessary mental and physical
23 capabilities and emotional characteristics to dis-
24 charge effectively the duties of a law enforcement of-
25 ficer;

1 (D) be of good character and demonstrate sin-
2 cere motivation and dedication to law enforcement
3 and public service;

4 (E) in the case of an undergraduate, agree in
5 writing that the participant will complete an edu-
6 cational course of study leading to the award of a
7 baccalaureate degree and will then accept an ap-
8 pointment and complete 4 years of service as an offi-
9 cer in the State police or in a local police depart-
10 ment within the State;

11 (F) in the case of a participant desiring to un-
12 dertake or continue graduate study, agree in writing
13 that the participant will accept an appointment and
14 complete 4 years of service as an officer in the State
15 police or in a local police department within the
16 State before undertaking or continuing graduate
17 study;

18 (G) contract, with the consent of the partici-
19 pant's parent or guardian if the participant is a
20 minor, to serve for 4 years as an officer in the State
21 police or in a local police department, if an appoint-
22 ment is offered; and

23 (H) except as provided in paragraph (2), be
24 without previous law enforcement experience.

1 (2)(A) Until the date that is 5 years after the date
2 of enactment of this Act, up to 10 percent of the appli-
3 cants accepted into the Police Corps program may be per-
4 sons who—

5 (i) have had some law enforcement experience;
6 and

7 (ii) have demonstrated special leadership poten-
8 tial and dedication to law enforcement.

9 (B)(i) The prior period of law enforcement of a par-
10 ticipant selected pursuant to subparagraph (A) shall not
11 be counted toward satisfaction of the participant's 4-year
12 service obligation under section 1129, and such a partici-
13 pant shall be subject to the same benefits and obligations
14 under this subtitle as other participants, including those
15 stated in section (b)(1) (E) and (F).

16 (ii) Clause (i) shall not be construed to preclude
17 counting a participant's previous period of law enforce-
18 ment experience for purposes other than satisfaction of the
19 requirements of section 9, such as for purposes of deter-
20 mining such a participant's pay and other benefits, rank,
21 and tenure.

22 (3) It is the intent of this subtitle that there shall
23 be no more than 20,000 participants in each graduating
24 class. The Director shall approve State plans providing in
25 the aggregate for such enrollment of applicants as shall

1 assure, as nearly as possible, annual graduating classes
2 of 20,000. In a year in which applications are received
3 in a number greater than that which will produce, in the
4 judgment of the Director, a graduating class of more than
5 20,000, the Director shall, in deciding which applications
6 to grant, give preference to those who will be participating
7 in State plans that provide law enforcement personnel to
8 areas of greatest need.

9 (c) RECRUITMENT OF MINORITIES.—Each State par-
10 ticipating in the Police Corps program shall make special
11 efforts to seek and recruit applicants from among mem-
12 bers of all racial, ethnic or gender groups. This subsection
13 does not authorize an exception from the competitive
14 standards for admission established pursuant to sub-
15 sections (a) and (b).

16 (d) ENROLLMENT OF APPLICANT.—(1) An applicant
17 shall be accepted into a State Police Corps program on
18 the condition that the applicant will be matriculated in,
19 or accepted for admission at, a 4-year institution of higher
20 education—

21 (A) as a full-time student in an undergraduate
22 program; or

23 (B) for purposes of taking a graduate course.

1 (2) If the applicant is not matriculated or accepted
2 as set forth in paragraph (1), the applicant's acceptance
3 in the program shall be revoked.

4 (e) LEAVE OF ABSENCE.—(1) A participant in a
5 State Police Corps program who requests a leave of ab-
6 sence from educational study, training or service for a pe-
7 riod not to exceed 1 year (or 18 months in the aggregate
8 in the event of multiple requests) due to temporary phys-
9 ical or emotional disability shall be granted such leave of
10 absence by the State.

11 (2) A participant who requests a leave of absence
12 from educational study, training or service for a period
13 not to exceed 1 year (or 18 months in the aggregate in
14 the event of multiple requests) for any reason other than
15 those listed in paragraph (1) may be granted such leave
16 of absence by the State.

17 (3) A participant who requests a leave of absence
18 from educational study or training for a period not to ex-
19 ceed 30 months to serve on an official church mission may
20 be granted such leave of absence.

21 (f) ADMISSION OF APPLICANTS.—An applicant may
22 be admitted into a State Police Corps program either be-
23 fore commencement of or during the applicant's course of
24 educational study.

1 **SEC. 1128. POLICE CORPS TRAINING.**

2 (a) IN GENERAL.—(1) The Director shall establish
3 programs of training for Police Corps participants. Such
4 programs may be carried out at up to 3 training centers
5 established for this purpose and administered by the Di-
6 rector, or by contracting with existing State training facili-
7 ties. The Director shall contract with a State training fa-
8 cility upon request of such facility if the Director deter-
9 mines that such facility offers a course of training sub-
10 stantially equivalent to the Police Corps training program
11 described in this subtitle.

12 (2) The Director may enter into contracts with indi-
13 viduals, institutions of learning, and government agencies
14 (including State and local police forces) to obtain the serv-
15 ices of persons qualified to participate in and contribute
16 to the training process.

17 (3) The Director may enter into agreements with
18 agencies of the Federal Government to utilize on a reim-
19 bursable basis space in Federal buildings and other re-
20 sources.

21 (4) The Director may authorize such expenditures as
22 are necessary for the effective maintenance of the training
23 centers, including purchases of supplies, uniforms, and
24 educational materials, and the provision of subsistence,
25 quarters, and medical care to participants.

1 (b) TRAINING SESSIONS.—A participant in a State
2 Police Corps program shall attend two 8-week training
3 sessions at a training center, one during the summer fol-
4 lowing completion of sophomore year and one during the
5 summer following completion of junior year. If a partici-
6 pant enters the program after sophomore year, the partici-
7 pant shall complete 16 weeks of training at times deter-
8 mined by the Director.

9 (c) FURTHER TRAINING.—The 16 weeks of Police
10 Corps training authorized in this section is intended to
11 serve as basic law enforcement training but not to exclude
12 further training of participants by the State and local au-
13 thorities to which they will be assigned. Each State plan
14 approved by the Director under section 10 shall include
15 assurances that following completion of a participant's
16 course of education each participant shall receive appro-
17 priate additional training by the State or local authority
18 to which the participant is assigned. The time spent by
19 a participant in such additional training, but not the time
20 spent in Police Corps training, shall be counted toward
21 fulfillment of the participant's 4-year service obligation.

22 (d) COURSE OF TRAINING.—The training sessions at
23 training centers established under this section shall be de-
24 signed to provide basic law enforcement training, includ-
25 ing vigorous physical and mental training to teach partici-

1 pants self-discipline and organizational loyalty and to im-
2 part knowledge and understanding of legal processes and
3 law enforcement.

4 (e) **EVALUATION OF PARTICIPANTS.**—A participant
5 shall be evaluated during training for mental, physical,
6 and emotional fitness, and shall be required to meet per-
7 formance standards prescribed by the Director at the con-
8 clusion of each training session in order to remain in the
9 Police Corps program.

10 (f) **STIPEND.**—The Director shall pay participants in
11 training sessions a stipend of \$250 a week during training.

12 **SEC. 1129. SERVICE OBLIGATION.**

13 (a) **SWEARING IN.**—Upon satisfactory completion of
14 the participant's course of education and training program
15 established in section 1128 and meeting the requirements
16 of the police force to which the participant is assigned,
17 a participant shall be sworn in as a member of the police
18 force to which the participant is assigned pursuant to the
19 State Police Corps plan, and shall serve for 4 years as
20 a member of that police force.

21 (b) **RIGHTS AND RESPONSIBILITIES.**—A participant
22 shall have all of the rights and responsibilities of and shall
23 be subject to all rules and regulations applicable to other
24 members of the police force of which the participant is
25 a member, including those contained in applicable agree-

1 ments with labor organizations and those provided by
2 State and local law.

3 (c) DISCIPLINE.—If the police force of which the par-
4 ticipant is a member subjects the participant to discipline
5 such as would preclude the participant's completing 4
6 years of service, and result in denial of educational assist-
7 ance under section 1126, the Director may, upon a show-
8 ing of good cause, permit the participant to complete the
9 service obligation in an equivalent alternative law enforce-
10 ment service and, if such service is satisfactorily com-
11 pleted, section 1126(d)(1)(B)(iii) shall not apply.

12 (d) LAYOFFS.—If the police force of which the partic-
13 ipant is a member lays off the participant such as would
14 preclude the participant's completing 4 years of service,
15 and result in denial of educational assistance under sec-
16 tion 1126, the Director may permit the participant to
17 complete the service obligation in an equivalent alternative
18 law enforcement service and, if such service is satisfac-
19 torily completed, section 1126(d)(1)(B)(iii) shall not
20 apply.

21 **SEC. 1130. STATE PLAN REQUIREMENTS.**

22 A State Police Corps plan shall—

23 (1) provide for the screening and selection of
24 participants in accordance with the criteria set out
25 in section 1127;

1 (2) state procedures governing the assignment
2 of participants in the Police Corps program to State
3 and local police forces (no more than 10 percent of
4 all the participants assigned in each year by each
5 State to be assigned to a statewide police force or
6 forces);

7 (3) provide that participants shall be assigned
8 to those geographic areas in which—

9 (A) there is the greatest need for addi-
10 tional law enforcement personnel; and

11 (B) the participants will be used most ef-
12 fectively;

13 (4) provide that to the extent consistent with
14 paragraph (3), a participant shall be assigned to an
15 area near the participant's home or such other place
16 as the participant may request;

17 (5) provide that to the extent feasible, a partici-
18 pant's assignment shall be made at the time the par-
19 ticipant is accepted into the program, subject to
20 change—

21 (A) prior to commencement of a partici-
22 pant's fourth year of undergraduate study,
23 under such circumstances as the plan may
24 specify; and

1 (B) from commencement of a participant's
2 fourth year of undergraduate study until com-
3 pletion of 4 years of police service by partici-
4 pant, only for compelling reasons or to meet the
5 needs of the State Police Corps program and
6 only with the consent of the participant;

7 (6) provide that no participant shall be assigned
8 to serve with a local police force—

9 (A) whose size has declined by more than
10 5 percent since June 21, 1989; or

11 (B) which has members who have been laid
12 off but not retired;

13 (7) provide that participants shall be placed and
14 to the extent feasible kept on community and pre-
15 ventive patrol;

16 (8) ensure that participants will receive effec-
17 tive training and leadership;

18 (9) provide that the State may decline to offer
19 a participant an appointment following completion of
20 Federal training, or may remove a participant from
21 the Police Corps program at any time, only for good
22 cause (including failure to make satisfactory
23 progress in a course of educational study) and after
24 following reasonable review procedures stated in the
25 plan; and

1 (10) provide that a participant shall, while serv-
2 ing as a member of a police force, be compensated
3 at the same rate of pay and benefits and enjoy the
4 same rights under applicable agreements with labor
5 organizations and under State and local law as other
6 police officers of the same rank and tenure in the
7 police force of which the participant is a member.

8 **SEC. 1131. ASSISTANCE TO STATES AND LOCALITIES EM-**
9 **PLOYING POLICE CORPS OFFICERS.**

10 Each jurisdiction directly employing Police Corps
11 participants during the 4-year term of service prescribed
12 by section 1129 shall receive \$10,000 on account of each
13 such participant at the completion of each such year of
14 service, but—

15 (1) no such payment shall be made on account
16 of service in any State or local police force—

17 (A) whose average size, in the year for
18 which payment is to be made, not counting Po-
19 lice Corps participants assigned under section
20 106, has declined more than 2 percent since
21 January 1, 1993; or

22 (B) which has members who have been laid
23 off but not retired; and

24 (2) no such payment shall be made on account
25 of any Police Corps participant for years of service

1 after the completion of the term of service prescribed
2 in section 1129.

3 **SEC. 1132. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated to carry out
5 this subtitle \$_____ for fiscal year 1995, 1996, 1997,
6 1998, and 1999.

7 **SEC. 1133. REPORTS TO CONGRESS.**

8 (a) IN GENERAL.—Not later than April 1 of each
9 year, the Director shall submit a report to the Attorney
10 General, the President, the Speaker of the House of Rep-
11 resentatives, and the President of the Senate.

12 (b) CONTENTS.—A report under subsection (a)
13 shall—

14 (1) state the number of current and past par-
15 ticipants in the Police Corps program, broken down
16 according to the levels of educational study in which
17 they are engaged and years of service they have
18 served on police forces (including service following
19 completion of the 4-year service obligation);

20 (2) describe the geographic, racial, and gender
21 dispersion of participants in the Police Corps pro-
22 gram; and

23 (3) describe the progress of the Police Corps
24 program and make recommendations for changes in
25 the program.

1 **Subtitle B—Law Enforcement**
2 **Scholarship Program**

3 **SEC. 1141. SHORT TITLE.**

4 This subtitle may be cited as the “Law Enforcement
5 Scholarships and Recruitment Act”.

6 **SEC. 1142. DEFINITIONS.**

7 In this subtitle—

8 “Director” means the Director of the Bureau of
9 Justice Assistance.

10 “educational expenses” means expenses that
11 are directly attributable to—

12 (A) a course of education leading to the
13 award of an associate degree;

14 (B) a course of education leading to the
15 award of a baccalaureate degree; or

16 (C) a course of graduate study following
17 award of a baccalaureate degree,

18 including the cost of tuition, fees, books, supplies,
19 and related expenses.

20 “institution of higher education” has the mean-
21 ing stated in the first sentence of section 1201(a) of
22 the Higher Education Act of 1965 (20 U.S.C.
23 1141(a)).

1 “law enforcement position” means employment
2 as an officer in a State or local police force, or cor-
3 rectional institution.

4 “State” means a State of the United States,
5 the District of Columbia, the Commonwealth of
6 Puerto Rico, the Virgin Islands of the United States,
7 American Samoa, Guam, and the Commonwealth of
8 the Northern Mariana Islands.

9 **SEC. 1143. ALLOTMENT.**

10 From amounts appropriated under section 1150, the
11 Director shall allot—

12 (1) 80 percent of such amounts to States on
13 the basis of the number of law enforcement officers
14 in each State compared to the number of law en-
15 forcement officers in all States; and

16 (2) 20 percent of such amounts to States on
17 the basis of the shortage of law enforcement person-
18 nel and the need for assistance under this subtitle
19 in the State compared to the shortage of law en-
20 forcement personnel and the need for assistance
21 under this subtitle in all States.

22 **SEC. 1144. ESTABLISHMENT OF PROGRAM.**

23 (a) USE OF ALLOTMENT.—

1 (1) IN GENERAL.—A State that receives an al-
2 lotment pursuant to section 1143 shall use the allot-
3 ment to pay the Federal share of the costs of—

4 (A) awarding scholarships to in-service law
5 enforcement personnel to enable such personnel
6 to seek further education; and

7 (B) providing—

8 (i) full-time employment in summer;

9 or

10 (ii) part-time (not to exceed 20 hours
11 per week) employment for a period not to
12 exceed 1 year.

13 (2) EMPLOYMENT.—The employment described
14 in paragraph (1)(B)—

15 (A) shall be provided by State and local
16 law enforcement agencies for students who are
17 juniors or seniors in high school or are enrolled
18 in an institution of higher education and who
19 demonstrate an interest in undertaking a career
20 in law enforcement;

21 (B) shall not be in a law enforcement posi-
22 tion; and

23 (C) shall consist of performing meaningful
24 tasks that inform students of the nature of the
25 tasks performed by law enforcement agencies.

1 (b) PAYMENTS; FEDERAL SHARE; NON-FEDERAL
2 SHARE.—

3 (1) PAYMENTS.—The Secretary shall pay to
4 each State that receives an allotment under section
5 1143 the Federal share of the cost of the activities
6 described in the application submitted pursuant to
7 section 1147.

8 (2) FEDERAL SHARE.—The Federal share shall
9 not exceed 60 percent.

10 (3) NON-FEDERAL SHARE.—The non-Federal
11 share of the cost of scholarships and student em-
12 ployment provided under this subtitle shall be sup-
13 plied from sources other than the Federal Govern-
14 ment.

15 (c) RESPONSIBILITIES OF DIRECTOR.—The Director
16 shall be responsible for the administration of the programs
17 conducted pursuant to this subtitle and shall, in consulta-
18 tion with the Assistant Secretary for Postsecondary Edu-
19 cation, issue rules to implement this subtitle.

20 (d) ADMINISTRATIVE EXPENSES.—A State that re-
21 ceives an allotment under section 1143 may reserve not
22 more than 8 percent of the allotment for administrative
23 expenses.

24 (e) SPECIAL RULE.—A State that receives an allot-
25 ment under section 1143 shall ensure that each scholar-

1 ship recipient under this subtitle be compensated at the
2 same rate of pay and benefits and enjoy the same rights
3 under applicable agreements with labor organizations and
4 under State and local law as other law enforcement per-
5 sonnel of the same rank and tenure in the office of which
6 the scholarship recipient is a member.

7 (f) SUPPLEMENTATION OF FUNDING.—Funds re-
8 ceived under this subtitle shall only be used to supplement,
9 and not to supplant, Federal, State, or local efforts for
10 recruitment and education of law enforcement personnel.

11 **SEC. 1145. SCHOLARSHIPS.**

12 (a) PERIOD OF AWARD.—Scholarships awarded
13 under this subtitle shall be for a period of 1 academic year.

14 (b) USE OF SCHOLARSHIPS.—Each individual award-
15 ed a scholarship under this subtitle may use the scholar-
16 ship for educational expenses at an institution of higher
17 education.

18 **SEC. 1146. ELIGIBILITY.**

19 (a) SCHOLARSHIPS.—A person shall be eligible to re-
20 ceive a scholarship under this subtitle if the person has
21 been employed in law enforcement for the 2-year period
22 immediately preceding the date on which assistance is
23 sought.

24 (b) INELIGIBILITY FOR STUDENT EMPLOYMENT.—A
25 person who has been employed as a law enforcement offi-

1 cer is ineligible to participate in a student employment
2 program carried out under this subtitle.

3 **SEC. 1147. STATE APPLICATION.**

4 (a) **IN GENERAL.**—Each State desiring an allotment
5 under section 1143 shall submit an application to the Di-
6 rector at such time, in such manner, and accompanied by
7 such information as the Director may reasonably require.

8 (b) **CONTENTS.**—An application under subsection (a)
9 shall—

10 (1) describe the scholarship program and the
11 student employment program for which assistance
12 under this subtitle is sought;

13 (2) contain assurances that the lead agency will
14 work in cooperation with the local law enforcement
15 liaisons, representatives of police labor organizations
16 and police management organizations, and other ap-
17 propriate State and local agencies to develop and im-
18 plement interagency agreements designed to carry
19 out this subtitle;

20 (3) contain assurances that the State will ad-
21 vertise the scholarship assistance and student em-
22 ployment it will provide under this subtitle and that
23 the State will use such programs to enhance recruit-
24 ment efforts;

1 (4) contain assurances that the State will
2 screen and select law enforcement personnel for par-
3 ticipation in the scholarship program under this sub-
4 title;

5 (5) contain assurances that under such student
6 employment program the State will screen and se-
7 lect, for participation in such program, students who
8 have an interest in undertaking a career in law
9 enforcement;

10 (6) contain assurances that under such scholar-
11 ship program the State will make scholarship pay-
12 ments to institutions of higher education on behalf
13 of persons who receive scholarships under this
14 subtitle;

15 (7) with respect to such student employment
16 program, identify—

17 (A) the employment tasks that students
18 will be assigned to perform;

19 (B) the compensation that students will be
20 paid to perform such tasks; and

21 (C) the training that students will receive
22 as part of their participation in the program;

23 (8) identify model curriculum and existing pro-
24 grams designed to meet the educational and profes-
25 sional needs of law enforcement personnel; and

1 (9) contain assurances that the State will pro-
2 mote cooperative agreements with educational and
3 law enforcement agencies to enhance law enforce-
4 ment personnel recruitment efforts in institutions of
5 higher education.

6 **SEC. 1148. LOCAL APPLICATION.**

7 (a) **IN GENERAL.**—A person who desires a scholar-
8 ship or employment under this subtitle shall submit an
9 application to the State at such time, in such manner, and
10 accompanied by such information as the State may rea-
11 sonably require.

12 (b) **CONTENTS.**—An application under subsection (a)
13 shall describe—

14 (1) the academic courses for which a scholar-
15 ship is sought; or

16 (2) the location and duration of employment
17 that is sought.

18 (c) **PRIORITY.**—In awarding scholarships and provid-
19 ing student employment under this subtitle, each State
20 shall give priority to applications from persons who are—

21 (1) members of racial, ethnic, or gender groups
22 whose representation in the law enforcement agen-
23 cies within the State is substantially less than in the
24 population eligible for employment in law enforce-
25 ment in the State;

- 1 (2) pursuing an undergraduate degree; and
2 (3) not receiving financial assistance under the
3 Higher Education Act of 1965.

4 **SEC. 1149. SCHOLARSHIP AGREEMENT.**

5 (a) IN GENERAL.—A person who receives a scholar-
6 ship under this subtitle shall enter into an agreement with
7 the Director.

8 (b) CONTENTS.—An agreement described in sub-
9 section (a) shall—

10 (1) provide assurances that the scholarship re-
11 cipient will work in a law enforcement position in
12 the State that awarded the scholarship in accord-
13 ance with the service obligation described in sub-
14 section (c) after completion of the scholarship recipi-
15 ent's academic courses leading to an associate, bach-
16 elor, or graduate degree;

17 (2) provide assurances that the scholarship re-
18 cipient will repay the entire scholarship in accord-
19 ance with such terms and conditions as the Director
20 shall prescribe if the requirements of the agreement
21 are not complied with, unless the scholarship
22 recipient—

23 (A) dies;

1 (B) becomes physically or emotionally dis-
2 abled, as established by the sworn affidavit of
3 a qualified physician; or

4 (C) has been discharged in bankruptcy;
5 and

6 (3) set forth the terms and conditions under
7 which the scholarship recipient may seek employ-
8 ment in the field of law enforcement in a State other
9 than the State that awarded the scholarship.

10 (c) SERVICE OBLIGATION.—

11 (1) IN GENERAL.— Except as provided in para-
12 graph (2), a person who receives a scholarship under
13 this subtitle shall work in a law enforcement position
14 in the State that awarded the scholarship for a pe-
15 riod of 1 month for each credit hour for which funds
16 are received under the scholarship.

17 (2) SPECIAL RULE.—For purposes of satisfying
18 the requirement of paragraph (1), a scholarship re-
19 cipient shall work in a law enforcement position in
20 the State that awarded the scholarship for not less
21 than 6 months but shall not be required to work in
22 such a position for more than 2 years.

23 **SEC. 1150. AUTHORIZATION OF APPROPRIATIONS.**

24 (a) GENERAL AUTHORIZATION OF APPROPRIA-
25 TIONS.—There are authorized to be appropriated to carry

1 out this subtitle \$_____ for each of fiscal years 1995,
2 1996, 1997, 1998, and 1999.

3 (b) USES OF FUNDS.—Of the funds appropriated
4 under subsection (a) for a fiscal year—

5 (1) 80 percent shall be available to provide
6 scholarships described in section 1144(a)(1)(A); and

7 (2) 20 percent shall be available to provide em-
8 ployment described in sections 1144(a)(1)(B) and
9 1144(a)(2).

10 **TITLE XXI—IMPROVED TRAIN-**
11 **ING AND TECHNICAL AUTO-**
12 **MATION**

13 **SEC. 1031. IMPROVED TRAINING AND TECHNICAL AUTOMA-**
14 **TION.**

15 (a) GRANTS.—

16 (1) IN GENERAL.—The Attorney General shall,
17 subject to the availability of appropriations, make
18 grants to State and local criminal justice agencies
19 and to nonprofit organizations for the purposes of
20 improving criminal justice agency efficiency through
21 computerized automation and technological improve-
22 ments.

23 (2) TYPES OF PROGRAMS.—Grants under this
24 section may include programs to—

1 (A) increase use of mobile digital termi-
2 nals;

3 (B) improve communications systems, such
4 as computer-aided dispatch and incident report-
5 ing systems;

6 (C) accomplish paper-flow reduction;

7 (D) establish or improve ballistics identi-
8 fication programs;

9 (E) increase the application of automated
10 fingerprint identification systems and their
11 communications on an interstate and intrastate
12 basis; and

13 (F) improve computerized collection of
14 criminal records.

15 (3) FUNDING.—No funds under this subtitle
16 may be used to implement any cryptographic or digi-
17 tal telephony programs.

18 (b) TRAINING AND INVESTIGATIVE ASSISTANCE.—

19 (1) IN GENERAL.—The Attorney General shall,
20 subject to the availability of appropriations—

21 (A) expand and improve investigative and
22 managerial training courses for State and local
23 law enforcement agencies; and

24 (B) develop and implement, on a pilot
25 basis with no more than 10 participating cities,

1 an intelligent information system that gathers,
2 integrates, organizes, and analyzes information
3 in active support of investigations by Federal,
4 State, and local law enforcement agencies of
5 violent serial crimes.

6 (2) IMPROVEMENT OF FACILITIES.—The im-
7 provement described in subsection (a) shall include
8 improvements of the training facilities of the Federal
9 Bureau of Investigation Academy at Quantico, Vir-
10 ginia.

11 (3) INTELLIGENT INFORMATION SYSTEM.—The
12 intelligent information system described in para-
13 graph (1)(B) shall be developed and implemented by
14 the Federal Bureau of Investigation and shall utilize
15 the resources of the Violent Criminal Apprehension
16 Program.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated for fiscal year 1995—

19 (1) \$_____ to carry out subsection (a);

20 (2) \$_____ to carry out subsection (b)(1);

21 and

22 (3) \$_____ to carry out subsection (b)(2).

1 **TITLE XXII—STATE AND LOCAL**
2 **LAW ENFORCEMENT**
3 **Subtitle A—DNA Identification**

4 **SEC. 1001. SHORT TITLE.**

5 This subtitle may be cited as the “DNA Identification
6 Act of 1994”.

7 **SEC. 1002. FUNDING TO IMPROVE THE QUALITY AND AVAIL-**
8 **ABILITY OF DNA ANALYSES FOR LAW EN-**
9 **FORCEMENT IDENTIFICATION PURPOSES.**

10 (a) **DRUG CONTROL AND SYSTEM IMPROVEMENT**
11 **GRANT PROGRAM.**—Section 501(b) of title I of the Omni-
12 bus Crime Control and Safe Streets Act of 1968 (42
13 U.S.C. 3751(b)) is amended—

14 (1) by striking “and” at the end of paragraph
15 (20);

16 (2) by striking the period at the end of para-
17 graph (21) and inserting “; and”; and

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

20 “(22) developing or improving in a forensic lab-
21 oratory a capability to analyze deoxyribonucleic acid
22 (hereinafter in this title referred to as ‘DNA’) for
23 identification purposes.”.

24 (b) **STATE APPLICATIONS.**—Section 503(a) of title I
25 of the Omnibus Crime Control and Safe Streets Act of

1 1968 (42 U.S.C. 3753(a)) is amended by adding at the
2 end the following new paragraph:

3 “(12) If any part of funds received from a
4 grant made under this part is to be used to develop
5 or improve a DNA analysis capability in a forensic
6 laboratory, a certification that—

7 “(A) DNA analyses performed at such lab-
8 oratory will satisfy or exceed then current
9 standards for a quality assurance program for
10 DNA analysis, issued by the Director of the
11 Federal Bureau of Investigation under section
12 1003 of the DNA Identification Act of 1994;

13 “(B) DNA samples obtained by, and DNA
14 analyses performed at, such laboratory will be
15 accessible only—

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

18 “(ii) in judicial proceedings, if other-
19 wise admissible pursuant to applicable
20 statutes or rules;

21 “(iii) for criminal defense purposes, to
22 a defendant, who shall have access to sam-
23 ples and analyses performed in connection
24 with the case in which such defendant is
25 charged; or

1 “(iv) if personally identifiable infor-
2 mation is removed, for a population statis-
3 tics database, for identification research
4 and protocol development purposes, or for
5 quality control purposes; and

6 “(C) such laboratory, and each analyst
7 performing DNA analyses at such laboratory,
8 will undergo, at regular intervals of not to ex-
9 ceed 180 days, external proficiency testing by a
10 DNA proficiency testing program meeting the
11 standards issued under section 1003 of the
12 DNA Identification Act of 1994.”.

13 (c) DNA IDENTIFICATION GRANTS.—

14 (1) PART X.—Title I of the Omnibus Crime
15 Control and Safe Streets Act of 1968 (42 U.S.C.
16 3711 et seq.), as amended by section 2802(a), is
17 amended—

18 (A) by redesignating part X as part Y;

19 (B) by redesignating section 2401 as sec-
20 tion 2501; and

21 (C) by inserting after part W the following
22 new part:

1 **"PART X—DNA IDENTIFICATION GRANTS**

2 **"SEC. 2401. GRANT AUTHORIZATION.**

3 "The Director may make funds available under this
4 part to States and units of local government, or combina-
5 tions thereof, to carry out all or a substantial part of a
6 program or project intended to develop or improve the ca-
7 pability to analyze deoxyribonucleic acid (referred to in
8 this part as "DNA") in a forensic laboratory.

9 **"SEC. 2402. APPLICATIONS.**

10 "To request a grant under this part, the chief execu-
11 tive officer of a State or unit of local government shall
12 submit an application in such form as the Director may
13 require.

14 **"SEC. 2403. APPLICATION REQUIREMENTS.**

15 "No grant may be made under this part unless an
16 application has been submitted to the Director in which
17 the applicant certifies that—

18 "(1) DNA analyses performed at the laboratory
19 will satisfy or exceed then current standards for a
20 quality assurance program for DNA analysis issued
21 by the Director of the Federal Bureau of Investiga-
22 tion under section 1003 of the DNA Identification
23 Act of 1994.

24 "(2) DNA samples obtained by and DNA anal-
25 yses performed at the laboratory shall be made avail-
26 able only—

1 “(A) to criminal justice agencies for law
2 enforcement identification purposes;

3 “(B) in judicial proceedings, if otherwise
4 admissible pursuant to applicable statutes or
5 rules;

6 “(C) for criminal defense purposes, to a
7 defendant, who shall have access to samples
8 and analyses performed in connection with the
9 case in which the defendant is charged; or

10 “(D) if personally identifiable information
11 is removed, for a population statistics database,
12 for identification research and protocol develop-
13 ment purposes, or for quality control purposes;
14 and

15 “(3) the laboratory and each analyst perform-
16 ing DNA analyses at the laboratory shall undergo,
17 at regular intervals not exceeding 180 days, external
18 proficiency testing by a DNA proficiency testing pro-
19 gram that meets the standards issued under section
20 1003 of the DNA Identification Act of 1994.

21 **“SEC. 2404. ADMINISTRATIVE PROVISIONS.**

22 “(a) REGULATION AUTHORITY.—The Director may
23 promulgate guidelines, regulations, and procedures, as
24 necessary to carry out the purposes of this part, including
25 limitations on the number of awards made during each

1 fiscal year, the submission and review of applications, se-
2 lection criteria, and the extension or continuation of
3 awards.

4 “(b) AWARD AUTHORITY.—The Director shall have
5 final authority over all funds awarded under this part.

6 “(c) TECHNICAL ASSISTANCE.—To assist and meas-
7 ure the effectiveness and performance of programs and ac-
8 tivities funded under this part, the Director shall provide
9 technical assistance as required.

10 **“SEC. 2405. RESTRICTIONS ON USE OF FUNDS.**

11 “(a) FEDERAL SHARE.—The Federal share of a
12 grant, contract, or cooperative agreement made under this
13 part may not exceed 75 percent of the total costs of the
14 project described in the application submitted for the fis-
15 cal year for which the project receives assistance.

16 “(b) ADMINISTRATIVE COSTS.—A State or unit of
17 local government may not use more than 10 percent of
18 the funds it receives from this part for administrative ex-
19 penses.

20 **“SEC. 2406. REPORTS.**

21 “(a) REPORTS TO DIRECTOR.—Each State or unit of
22 local government which receives a grant under this part
23 shall submit to the Director, for each year in which funds
24 from a grant received under this part is expended, a report

1 at such time and in such manner as the Director may rea-
2 sonably require which contains—

3 “(1) a summary of the activities carried out
4 under the grant and an assessment of whether such
5 activities are meeting the needs identified in the ap-
6 plication submitted under section 2402; and

7 “(2) such other information as the Director
8 may require.

9 “(b) REPORTS TO CONGRESS.—Not later than 90
10 days after the end of each fiscal year for which grants
11 are made under this part, the Director shall submit to the
12 Speaker of the House of Representatives and the Presi-
13 dent pro tempore of the Senate, a report that includes—

14 “(1) the aggregate amount of grants made
15 under this part to each State or unit of local govern-
16 ment for such fiscal year; and

17 “(2) a summary of the information provided in
18 compliance with subsection (a)(1).

19 **“SEC. 2407. EXPENDITURE RECORDS.**

20 “(a) RECORDS.—Each State or unit of local govern-
21 ment which receives a grant under this part shall keep
22 records as the Director may require to facilitate an effec-
23 tive audit.

24 “(b) ACCESS.—The Director, the Comptroller Gen-
25 eral, or their designated agents shall have access, for the

1 purpose of audit and examination, to any books, docu-
2 ments, and records of States and units of local government
3 which receive grants made under this part if, in the opin-
4 ion of the Director, the Comptroller General, or their des-
5 igned agents, such books, documents, and records are
6 related to the receipt or use of any such grant.”.

7 (2) TABLE OF CONTENTS.—The table of con-
8 tents of title I of the Omnibus Crime Control and
9 Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.),
10 as amended by section 2802(c), is amended by strik-
11 ing the matter relating to part W and inserting the
12 following:

“PART X—DNA IDENTIFICATION GRANTS

- “Sec. 2401. Grant authorization.
- “Sec. 2402. Applications.
- “Sec. 2403. Application requirements.
- “Sec. 2404. Administrative provisions.
- “Sec. 2405. Restrictions on use of funds.
- “Sec. 2406. Reports.
- “Sec. 2407. Expenditure records.

“PART Y—TRANSITION; EFFECTIVE DATE; REPEALER

- “Sec. 2501. Continuation of rules, authorities, and proceedings.”.

13 (3) AUTHORIZATION OF APPROPRIATIONS.—
14 Section 1001 of the Omnibus Crime Control and
15 Safe Streets Act of 1968 (42 U.S.C. 3793), as
16 amended by section 2802(c), is amended—

17 (A) in paragraph (3) by striking “and W”
18 and inserting “W, and X”; and

1 (B) adding at the end the following new
2 paragraph:

3 “(18) There are authorized to be appropriated
4 to carry out part X \$_____ for each of fiscal
5 years 1995, 1996, 1997, 1998, and 1999.”

6 (4) EFFECTIVE DATE.—The amendments made
7 by this section shall take effect on the date that is
8 60 days after the date of enactment of this Act.

9 **SEC. 1003. QUALITY ASSURANCE AND PROFICIENCY TEST-**
10 **ING STANDARDS.**

11 (a) PUBLICATION OF QUALITY ASSURANCE AND PRO-
12 FICIENCY TESTING STANDARDS.—(1)(A) Not later than
13 180 days after the date of enactment of this Act, the Di-
14 rector of the Federal Bureau of Investigation shall appoint
15 an advisory board on DNA quality assurance methods
16 from among nominations proposed by the head of the Na-
17 tional Academy of Sciences and professional societies of
18 crime laboratory officials.

19 (B) The advisory board shall include as members sci-
20 entists from State, local, and private forensic laboratories,
21 molecular geneticists and population geneticists not affli-
22 ated with a forensic laboratory, and a representative from
23 the National Institute of Standards and Technology.

24 (C) The advisory board shall develop, and if appro-
25 priate, periodically revise, recommended standards for

1 quality assurance, including standards for testing the pro-
2 ficiency of forensic laboratories, and forensic analysts, in
3 conducting analyses of DNA.

4 (2) The Director of the Federal Bureau of Investiga-
5 tion, after taking into consideration such recommended
6 standards, shall issue (and revise from time to time)
7 standards for quality assurance, including standards for
8 testing the proficiency of forensic laboratories, and foren-
9 sic analysts, in conducting analyses of DNA.

10 (3) The standards described in paragraphs (1) and
11 (2) shall specify criteria for quality assurance and pro-
12 ficiency tests to be applied to the various types of DNA
13 analyses used by forensic laboratories. The standards shall
14 also include a system for grading proficiency testing per-
15 formance to determine whether a laboratory is performing
16 acceptably.

17 (4) Until such time as the advisory board has made
18 recommendations to the Director of the Federal Bureau
19 of Investigation and the Director has acted upon those
20 recommendations, the quality assurance guidelines adopt-
21 ed by the technical working group on DNA analysis meth-
22 ods shall be deemed the Director's standards for purposes
23 of this section.

24 (b) ADMINISTRATION OF THE ADVISORY BOARD.—

25 (1) For administrative purposes, the advisory board ap-

1 pointed under subsection (a) shall be considered an advisory board to the Director of the Federal Bureau of Investigation.

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3
4 (2) Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the advisory board appointed under subsection (a).

5
6
7 (3) The DNA advisory board established under this section shall be separate and distinct from any other advisory board administered by the FBI, and is to be administered separately.

8
9
10
11 (4) The board shall cease to exist on the date 5 years after the initial appointments are made to the board, unless the existence of the board is extended by the Director of the Federal Bureau of Investigation.

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14
15 (c) PROFICIENCY TESTING PROGRAM.—(1) Not later than 1 year after the effective date of this Act, the Director of the National Institute of Justice shall certify to the Committees on the Judiciary of the House and Senate that—

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17
18
19
20 (A) the Institute has entered into a contract with, or made a grant to, an appropriate entity for establishing, or has taken other appropriate action to ensure that there is established, not later than 2 years after the date of enactment of this Act, a blind external proficiency testing program for DNA analy-

1 ses, which shall be available to public and private
2 laboratories performing forensic DNA analyses;

3 (B) a blind external proficiency testing program
4 for DNA analyses is already readily available to pub-
5 lic and private laboratories performing forensic DNA
6 analyses; or

7 (C) it is not feasible to have blind external test-
8 ing for DNA forensic analyses.

9 (2) As used in this subsection, the term "blind exter-
10 nal proficiency test" means a test that is presented to a
11 forensic laboratory through a second agency and appears
12 to the analysts to involve routine evidence.

13 (3) Notwithstanding any other provision of law, the
14 Director of the Bureau of Justice Assistance shall make
15 available to the Director of the National Institute of Jus-
16 tice during the first fiscal year in which funds are distrib-
17 uted under this subtitle up to \$250,000 from the funds
18 available under part Y of Title I of the Omnibus Crime
19 Control and Safe Streets Act of 1968 to carry out this
20 subsection.

1 **SEC. 1004. INDEX TO FACILITATE LAW ENFORCEMENT EX-**
2 **CHANGE OF DNA IDENTIFICATION INFORMA-**
3 **TION.**

4 (a) **ESTABLISHMENT OF INDEX.**—The Director of
5 the Federal Bureau of Investigation may establish an
6 index of—

7 (1) DNA identification records of persons con-
8 victed of crimes;

9 (2) analyses of DNA samples recovered from
10 crime scenes; and

11 (3) analyses of DNA samples recovered from
12 unidentified human remains.

13 (b) **INFORMATION.**—The index described in sub-
14 section (a) shall include only information on DNA identi-
15 fication records and DNA analyses that are—

16 (1) based on analyses performed by or on be-
17 half of a criminal justice agency in accordance with
18 publicly available standards that satisfy or exceed
19 the guidelines for a quality assurance program for
20 DNA analysis, issued by the Director of the Federal
21 Bureau of Investigation under section 1003;

22 (2) prepared by laboratories, and DNA ana-
23 lysts, that undergo, at regular intervals of not to ex-
24 ceed 180 days, external proficiency testing by a
25 DNA proficiency testing program meeting the stand-
26 ards issued under section 1003; and

1 (3) maintained by Federal, State, and local
2 criminal justice agencies pursuant to rules that allow
3 disclosure of stored DNA samples and DNA analy-
4 ses only—

5 (A) to criminal justice agencies for law en-
6 forcement identification purposes;

7 (B) in judicial proceedings, if otherwise ad-
8 missible pursuant to applicable statutes or
9 rules;

10 (C) for criminal defense purposes, to a de-
11 fendant, who shall have access to samples and
12 analyses performed in connection with the case
13 in which such defendant is charged; or

14 (D) if personally identifiable information is
15 removed, for a population statistics database,
16 for identification research and protocol develop-
17 ment purposes, or for quality control purposes.

18 (c) FAILURE TO COMPLY.—Access to the index es-
19 tablished by this section is subject to cancellation if the
20 quality control and privacy requirements described in sub-
21 section (b) are not met.

22 **SEC. 1005. FEDERAL BUREAU OF INVESTIGATION.**

23 (a) PROFICIENCY TESTING REQUIREMENTS.—

24 (1) GENERALLY.—(A) Personnel at the Federal
25 Bureau of Investigation who perform DNA analyses

1 shall undergo, at regular intervals of not to exceed
2 180 days, external proficiency testing by a DNA
3 proficiency testing program meeting the standards
4 issued under section 1003.

5 (B) Within 1 year after the date of enactment
6 of this Act, the Director of the Federal Bureau of
7 Investigation shall arrange for periodic blind exter-
8 nal tests to determine the proficiency of DNA analy-
9 sis performed at the Federal Bureau of Investigation
10 laboratory.

11 (C) In this paragraph, "blind external test"
12 means a test that is presented to the laboratory
13 through a second agency and appears to the analysts
14 to involve routine evidence.

15 (2) REPORT.—For 5 years after the date of en-
16 actment of this Act, the Director of the Federal Bu-
17 reau of Investigation shall submit to the Committees
18 on the Judiciary of the House and Senate an annual
19 report on the results of each of the tests described
20 in paragraph (1).

21 (b) PRIVACY PROTECTION STANDARDS.—

22 (1) GENERALLY.—Except as provided in para-
23 graph (2), the results of DNA tests performed for
24 a Federal law enforcement agency for law enforce-
25 ment purposes may be disclosed only—

1 (A) to criminal justice agencies for law en-
2 forcement identification purposes;

3 (B) in judicial proceedings, if otherwise ad-
4 missible pursuant to applicable statutes or rules;
5 and

6 (C) for criminal defense purposes, to a de-
7 fendant, who shall have access to samples and
8 analyses performed in connection with the case
9 in which such defendant is charged.

10 (2) EXCEPTION.—If personally identifiable in-
11 formation is removed, test results may be disclosed
12 for a population statistics database, for identification
13 research and protocol development purposes, or for
14 quality control purposes.

15 (c) CRIMINAL PENALTY.—(1) A person who—

16 (A) by virtue of employment or official position,
17 has possession of, or access to, individually identifi-
18 able DNA information indexed in a database created
19 or maintained by any Federal law enforcement agen-
20 cy; and

21 (B) willfully discloses such information in any
22 manner to any person or agency not entitled to re-
23 ceive it,

24 shall be fined not more than \$100,000.

1 (2) A person who, without authorization, willfully ob-
2 tains DNA samples or individually identifiable DNA infor-
3 mation indexed in a database created or maintained by
4 any Federal law enforcement agency shall be fined not
5 more than \$100,000.

6 **SEC. 1006. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated to the Fed-
8 eral Bureau of Investigation to carry out sections 1003,
9 1004, and 1005 \$_____ for each of fiscal years 1995,
10 1996, 1997, 1998, 1999, and 2000.

11 **TITLE XXIII—MOTOR VEHICLE**
12 **THEFT PREVENTION**

13 **SEC. 1901. SHORT TITLE.**

14 This title may be cited as the “Motor Vehicle Theft
15 Prevention Act”.

16 **SEC. 1902. MOTOR VEHICLE THEFT PREVENTION PRO-**
17 **GRAM.**

18 (a) **IN GENERAL.**—Not later than 180 days after the
19 date of enactment of this section, the Attorney General
20 shall develop, in cooperation with the States, a national
21 voluntary motor vehicle theft prevention program (in this
22 section referred to as the “program”) under which—

23 (1) the owner of a motor vehicle may volun-
24 tarily sign a consent form with a participating State
25 or locality in which the motor vehicle owner—

1 (A) states that the vehicle is not normally
2 operated under certain specified conditions; and

3 (B) agrees to—

4 (i) display program decals or devices
5 on the owner's vehicle; and

6 (ii) permit law enforcement officials in
7 any State to stop the motor vehicle and
8 take reasonable steps to determine whether
9 the vehicle is being operated by or with the
10 permission of the owner, if the vehicle is
11 being operated under the specified condi-
12 tions; and

13 (2) participating States and localities authorize
14 law enforcement officials in the State or locality to
15 stop motor vehicles displaying program decals or de-
16 vices under specified conditions and take reasonable
17 steps to determine whether the vehicle is being oper-
18 ated by or with the permission of the owner.

19 (b) UNIFORM DECAL OR DEVICE DESIGNS.—

20 (1) IN GENERAL.—The motor vehicle theft pre-
21 vention program developed pursuant to this section
22 shall include a uniform design or designs for decals
23 or other devices to be displayed by motor vehicles
24 participating in the program.

1 (2) TYPE OF DESIGN.—The uniform design
2 shall—

3 (A) be highly visible; and

4 (B) explicitly state that the motor vehicle
5 to which it is affixed may be stopped under the
6 specified conditions without additional grounds
7 for establishing a reasonable suspicion that the
8 vehicle is being operated unlawfully.

9 (c) VOLUNTARY CONSENT FORM.—The voluntary
10 consent form used to enroll in the program shall—

11 (1) clearly state that participation in the pro-
12 gram is voluntary;

13 (2) clearly explain that participation in the pro-
14 gram means that, if the participating vehicle is being
15 operated under the specified conditions, law enforce-
16 ment officials may stop the vehicle and take reason-
17 able steps to determine whether it is being operated
18 by or with the consent of the owner, even if the law
19 enforcement officials have no other basis for believ-
20 ing that the vehicle is being operated unlawfully;

21 (3) include an express statement that the vehi-
22 cle is not normally operated under the specified con-
23 ditions and that the operation of the vehicle under
24 those conditions would provide sufficient grounds for
25 a prudent law enforcement officer to reasonably be-

1 lieve that the vehicle was not being operated by or
2 with the consent of the owner; and

3 (4) include any additional information that the
4 Attorney General may reasonably require.

5 (d) SPECIFIED CONDITIONS UNDER WHICH STOPS
6 MAY BE AUTHORIZED.—

7 (1) IN GENERAL.—The Attorney General shall
8 promulgate rules establishing the conditions under
9 which participating motor vehicles may be author-
10 ized to be stopped under this section. These condi-
11 tions may not be based on race, creed, color, na-
12 tional origin, gender, or age. These conditions may
13 include—

14 (A) the operation of the vehicle during cer-
15 tain hours of the day; or

16 (B) the operation of the vehicle under
17 other circumstances that would provide a suffi-
18 cient basis for establishing a reasonable sus-
19 picion that the vehicle was not being operated
20 by the owner, or with the consent of the owner.

21 (2) MORE THAN ONE SET OF CONDITIONS.—

22 The Attorney General may establish more than one
23 set of conditions under which participating motor ve-
24 hicles may be stopped. If more than one set of condi-
25 tions is established, a separate consent form and a

1 separate design for program decals or devices shall
2 be established for each set of conditions. The Attor-
3 ney General may choose to satisfy the requirement
4 of a separate design for program decals or devices
5 under this paragraph by the use of a design color
6 that is clearly distinguishable from other design col-
7 ors.

8 (3) NO NEW CONDITIONS WITHOUT CON-
9 SENT.—After the program has begun, the conditions
10 under which a vehicle may be stopped if affixed with
11 a certain decal or device design may not be ex-
12 panded without the consent of the owner.

13 (4) LIMITED PARTICIPATION BY STATES AND
14 LOCALITIES.—A State or locality need not authorize
15 the stopping of motor vehicles under all sets of con-
16 ditions specified under the program in order to par-
17 ticipate in the program.

18 (e) MOTOR VEHICLES FOR HIRE.—

19 (1) NOTIFICATION TO LESSEES.—Any person
20 who is in the business of renting or leasing motor
21 vehicles and who rents or leases a motor vehicle on
22 which a program decal or device is affixed shall,
23 prior to transferring possession of the vehicle, notify
24 the person to whom the motor vehicle is rented or
25 leased about the program.

1 (2) TYPE OF NOTICE.—The notice required by
2 this subsection shall—

3 (A) be in writing;

4 (B) be in a prominent format to be deter-
5 mined by the Attorney General; and

6 (C) explain the possibility that if the motor
7 vehicle is operated under the specified condi-
8 tions, the vehicle may be stopped by law en-
9 forcement officials even if the officials have no
10 other basis for believing that the vehicle is
11 being operated unlawfully.

12 (3) FINE FOR FAILURE TO PROVIDE NOTICE.—

13 Failure to provide proper notice under this sub-
14 section shall be punishable by a fine not to exceed
15 \$5,000.

16 (f) NOTIFICATION OF POLICE.—As a condition of
17 participating in the program, a State or locality must
18 agree to take reasonable steps to ensure that law enforce-
19 ment officials throughout the State or locality are familiar
20 with the program, and with the conditions under which
21 motor vehicles may be stopped under the program.

22 (g) REGULATIONS.—The Attorney General shall pro-
23 mulgate regulations to implement this section.

1 (h) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized such sums as are necessary to carry out
3 this section.

4 **SEC. 1903. ALTERING OR REMOVING MOTOR VEHICLE**
5 **IDENTIFICATION NUMBERS.**

6 (a) BASIC OFFENSE.—Subsection (a) of section 511
7 of title 18, United States Code, is amended to read as
8 follows:

9 “(a) A person who—

10 “(1) knowingly removes, obliterates, tampers
11 with, or alters an identification number for a motor
12 vehicle or motor vehicle part; or

13 “(2) with intent to further the theft of a motor
14 vehicle, knowingly removes, obliterates, tampers
15 with, or alters a decal or device affixed to a motor
16 vehicle pursuant to the Motor Vehicle Theft Preven-
17 tion Act,

18 shall be fined under this title, imprisoned not more than
19 5 years, or both.”

20 (b) EXCEPTED PERSONS.—Paragraph (2) of section
21 511(b) of title 18, United States Code, is amended—

22 (1) by striking “and” after the semicolon in
23 subparagraph (B);

24 (2) by striking the period at the end of sub-
25 paragraph (C) and inserting “; and”; and

1 (3) by adding at the end the following new sub-
2 paragraph:

3 “(D) a person who removes, obliterates,
4 tampers with, or alters a decal or device affixed
5 to a motor vehicle pursuant to the Motor Vehi-
6 cle Theft Prevention Act, if that person is the
7 owner of the motor vehicle, or is authorized to
8 remove, obliterate, tamper with or alter the
9 decal or device by—

10 “(i) the owner or his authorized
11 agent;

12 “(ii) applicable State or local law; or

13 “(iii) regulations promulgated by the
14 Attorney General to implement the Motor
15 Vehicle Theft Prevention Act.”

16 (c) DEFINITION.—Section 511 of title 18, United
17 States Code, is amended by adding at the end thereof the
18 following:

19 “(d) For purposes of subsection (a) of this section,
20 the term ‘tampers with’ includes covering a program decal
21 or device affixed to a motor vehicle pursuant to the Motor
22 Vehicle Theft Prevention Act for the purpose of obstruct-
23 ing its visibility.”

24 (d) UNAUTHORIZED APPLICATION OF A DECAL OR
25 DEVICE.—

1 (1) IN GENERAL.—Chapter 25 of title 18, Unit-
2 ed States Code, is amended by adding after section
3 511 the following new section:

4 **“§ 511A. Unauthorized application of theft prevention**
5 **decal or device**

6 “(a) Whoever affixes to a motor vehicle a theft pre-
7 vention decal or other device, or a replica thereof, unless
8 authorized to do so pursuant to the Motor Vehicle Theft
9 Prevention Act, shall be punished by a fine not to exceed
10 \$1,000.

11 “(b) For purposes of this section, the term ‘theft pre-
12 vention decal or device’ means a decal or other device de-
13 signed in accordance with a uniform design for such de-
14 vices developed pursuant to the Motor Vehicle Theft Pre-
15 vention Act.”.

16 (2) TECHNICAL AMENDMENT.—The chapter
17 analysis for chapter 25 of title 18, United States
18 Code, is amended by adding after the item relating
19 to section 511 the following new item:

“511A. Unauthorized application of theft prevention decal or device.”.

20 **TITLE XXIV—VICTIMS OF CRIME**

21 **Subtitle A—Victims of Crime**

22 **SEC. 101. VICTIMS RIGHT OF ALLOCUTION IN SENTENCING.**

23 (a) MODIFICATION OF PROPOSED AMENDMENTS.—
24 The proposed amendments to the Federal Rules of Crimi-
25 nal Procedure which are embraced by an order entered

1 by the Supreme Court of the United States on April 29,
2 1994, shall take effect on December 1, 1994, as otherwise
3 provided by law, but with the following amendments:

4 (b) IN GENERAL.—Rule 32 of the Federal Rules of
5 Criminal Procedure is amended by—

6 (1) striking “and” following the semicolon in
7 subdivision (c)(3)(C);

8 (2) striking the period at the end of subdivision
9 (c)(3)(D) and inserting “; and”;

10 (3) inserting after subdivision (c)(3)(D) the
11 following:

12 “(E) if sentence is to be imposed for a
13 crime of violence or sexual abuse, address the
14 victim personally if the victim is present at the
15 sentencing hearing and determine if the victim
16 wishes to make a statement and to present any
17 information in relation to the sentence.”;

18 (4) in the second to last sentence of subdivision
19 (c)(3)(D), striking “equivalent opportunity” and in-
20 serting in lieu thereof “opportunity equivalent to
21 that of the defendant’s counsel”;

22 (5) in the last sentence of subdivision (c)(4) by
23 striking “and (D)” and inserting in lieu thereof
24 “(D), and (E)”;

1 (6) in the last sentence of subdivision (c)(4) in-
2 serting "the victim," before "or the attorney for the
3 Government."; and

4 (7) adding at the end the following:

5 “(f) DEFINITIONS.—For purposes of this rule—

6 “(1) ‘victim’ means any individual against
7 whom an offense for which a sentence is to be im-
8 posed has been committed, but the right of allocu-
9 tion under subdivision (c)(3)(D) may be exercised
10 instead by—

11 “(A) a parent or legal guardian in case the
12 victim is below the age of eighteen years or in-
13 competent; or

14 “(B) one or more family members or rel-
15 atives designated by the court in case the victim
16 is deceased or incapacitated;

17 if such person or persons are present at the sentenc-
18 ing hearing, regardless of whether the victim is
19 present; and

20 “(2) ‘crime of violence or sexual abuse’ means
21 a crime that involved the use or attempted or threat-
22 ened use of physical force against the person or
23 property of another, or a crime under chapter 109A
24 of title 18, United States Code.”.

1 (b) EFFECTIVE DATE.—The amendment made by
 2 subsection (a) shall become effective on December 1,
 3 1994.

4 **SEC. 102. SENSE OF THE SENATE CONCERNING THE RIGHT**
 5 **OF A VICTIM OF A VIOLENT CRIME OR SEX-**
 6 **UAL ABUSE TO SPEAK AT AN OFFENDER'S**
 7 **SENTENCING HEARING AND ANY PAROLE**
 8 **HEARING.**

9 It is the sense of the Senate that—

10 (1) the law of a State should provide for a vic-
 11 tim's right of allocution at a sentencing hearing and
 12 at any parole hearing if the offender has been con-
 13 victed of a crime of violence or sexual abuse;

14 (2) such a victim should have an opportunity
 15 equivalent to the opportunity accorded to the offend-
 16 er's counsel to address the sentencing court or pa-
 17 role board and to present information in relation to
 18 the sentence imposed or to the early release of the
 19 offender; and

20 (3) if the victim is not able to or chooses not
 21 to testify at a sentencing hearing or parole hearing,
 22 the victim's parents, legal guardian, or family mem-
 23 bers should have the right to address the court or
 24 board.

1 **Subtitle B—Crime Victims' Fund**

2 **SEC. 111. ALLOCATION OF FUNDS FOR COSTS AND GRANTS.**

3 (a) **GENERALLY.**—Section 1402(d) of the Victims of
4 Crime Act of 1984 (42 U.S.C. 10601(d)) is amended by—

5 (1) striking paragraph (2) and inserting the
6 following:

7 “(2) the next \$10,000,000 deposited in the
8 Fund shall be available for grants under section
9 1404A.”;

10 (2) striking paragraph (3) and inserting the
11 following:

12 “(3) Of the remaining amount deposited in the
13 Fund in a particular fiscal year—

14 “(A) 48.5 percent shall be available for
15 grants under section 1403;

16 “(B) 48.5 percent shall be available for
17 grants under section 1404(a); and

18 “(C) 3 percent shall be available for grants
19 under section 1404(c).”;

20 (3) striking paragraph (4) and inserting the
21 following:

22 “(4) The Director may retain any portion of
23 the Fund that was deposited during a fiscal year
24 that is in excess of 110 percent of the total amount
25 deposited in the Fund during the preceding fiscal

1 year as a reserve for use in a year in which the
2 Fund falls below the amount available in the pre-
3 vious year. Such reserve may not exceed
4 \$20,000,000.”; and

5 (4) striking paragraph (5).

6 (b) CONFORMING CROSS REFERENCE.—Section
7 1402(g)(1) of the Victims of Crime Act of 1984 (42
8 U.S.C. 10601(g)(1)) is amended by striking “(d)(2)(D)”
9 and inserting “(d)(2)”.

10 (c) AMOUNTS AWARDED AND UNSPENT.—Section
11 1402(e) of the Victims of Crime Act of 1984 (42 U.S.C.
12 10601(e)) is amended to read as follows:

13 “(e) AMOUNTS AWARDED AND UNSPENT.—Any
14 sums awarded as part of a grant under this chapter that
15 remain unspent at the end of a fiscal year in which such
16 grant is made may be expended for the purposes for which
17 such grant is made at any time during the next succeeding
18 2 fiscal years, at the end of which year any remaining
19 unobligated funds shall be returned to the Fund.”.

20 **SEC. 112. RELATIONSHIP OF CRIME VICTIM COMPENSA-**
21 **TION TO CERTAIN FEDERAL PROGRAMS.**

22 Section 1403 of the Victims of Crime Act of 1984
23 (42 U.S.C. 10602) is amended by adding at the end the
24 following new subsection:

1 “(e) Notwithstanding any other law, if the compensa-
2 tion paid by an eligible crime victim compensation pro-
3 gram would cover costs that a Federal program, or a fed-
4 erally financed State or local program, would otherwise
5 pay,—

6 “(1) such crime victim compensation program
7 shall not pay that compensation; and

8 “(2) the other program shall make its payments
9 without regard to the existence of the crime victim
10 compensation program.”.

11 **SEC. 113. ADMINISTRATIVE COSTS FOR CRIME VICTIM COM-**
12 **PENSATION.**

13 (a) **CREATION OF EXCEPTION.**—The final sentence
14 of section 1403(a)(1) of the Victims of Crime Act of 1984
15 (42 U.S.C. 10602(a)(1)) is amended by striking “A
16 grant” and inserting “Except as provided in paragraph
17 (3), a grant”.

18 (b) **REQUIREMENTS OF EXCEPTION.**—Section
19 1403(a) of the Victims of Crime Act of 1984 (42 U.S.C.
20 10602(a)) is amended by adding at the end the following
21 new paragraph:

22 “(3) Not more than 5 percent of a grant made under
23 this section may be used for the administration of the
24 State crime victim compensation program receiving the
25 grant.”.

1 **SEC. 114. GRANTS FOR DEMONSTRATION PROJECTS.**

2 Section 1404(c)(1)(A) of the Victims of Crime Act
3 of 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by insert-
4 ing "demonstration projects and" before "training".

5 **SEC. 115. ADMINISTRATIVE COSTS FOR CRIME VICTIM**
6 **ASSISTANCE.**

7 (a) **CREATION OF EXCEPTION.**—Section 1404(b)(2)
8 of the Victims of Crime Act of 1984 (42 U.S.C.
9 10603(b)(2)) is amended by striking "An eligible" and in-
10 serting "Except as provided in paragraph (3), an eligible".

11 (b) **REQUIREMENTS OF EXCEPTION.**—Section
12 1404(b) of the Victims of Crime Act of 1984 (42 U.S.C.
13 10603(b)) is amended by adding at the end the following
14 new subsection:

15 "(3) Not more than 5 percent of sums received under
16 subsection (a) may be used for the administration of the
17 State crime victim assistance program receiving such
18 sums."

19 **SEC. 116. MAINTENANCE OF EFFORT.**

20 Section 1407 of the Victims of Crime Act of 1984
21 (42 U.S.C. 10604) is amended by adding at the end the
22 following new subsection:

23 "(h) Each entity receiving sums made available under
24 this Act for administrative purposes shall certify that such
25 sums will not be used to supplant State or local funds,
26 but will be used to increase the amount of such funds that

1 would, in the absence of Federal funds, be made available
2 for these purposes.”

3 **SEC. 117. CHANGE OF DUE DATE FOR REQUIRED REPORT.**

4 Section 1407(g) of the Victims of Crime Act of 1984
5 (42 U.S.C. 10604(g)) is amended by striking “and on De-
6 cember 31 every two years thereafter”, and inserting “and
7 on June 30 every two years thereafter”.

8 **TITLE XXV—PROTECTIONS FOR**
9 **THE ELDERLY**

10 **SEC. 2001. MISSING ALZHEIMER'S DISEASE PATIENT ALERT**
11 **PROGRAM.**

12 (a) GRANT.—The Attorney General shall, subject to
13 the availability of appropriations, award a grant to an eli-
14 gible organization to assist the organization in paying for
15 the costs of planning, designing, establishing, and operat-
16 ing a Missing Alzheimer's Disease Patient Alert Program,
17 which shall be a locally based, proactive program to pro-
18 tect and locate missing patients with Alzheimer's disease
19 and related dementias.

20 (b) APPLICATION.—To be eligible to receive a grant
21 under subsection (a), an organization shall submit an ap-
22 plication to the Attorney General at such time, in such
23 manner, and containing such information as the Attorney
24 General may require, including, at a minimum, an assur-
25 ance that the organization will obtain and use assistance

1 from private nonprofit organizations to support the pro-
2 gram.

3 (c) ELIGIBLE ORGANIZATION.—The Attorney Gen-
4 eral shall award the grant described in subsection (a) to
5 a national voluntary organization that has a direct link
6 to patients, and families of patients, with Alzheimer's dis-
7 ease and related dementias.

8 (d) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated to carry out this section
10 \$_____ for each of fiscal years 1995, 1996, and 1997.

11 **SEC. 2002. CRIMES AGAINST THE ELDERLY.**

12 (a) IN GENERAL.—Pursuant to its authority under
13 the Sentencing Reform Act of 1984 and section 21 of the
14 Sentencing Act of 1987 (including its authority to amend
15 the sentencing guidelines and policy statements) and its
16 authority to make such amendments on an emergency
17 basis, the United States Sentencing Commission shall en-
18 sure that the applicable guideline range for a defendant
19 convicted of a crime of violence against an elderly victim
20 is sufficiently stringent to deter such a crime, to protect
21 the public from additional crimes of such a defendant, and
22 to adequately reflect the heinous nature of such an of-
23 fense.

24 (b) CRITERIA.—In carrying out subsection (a), the
25 United States Sentencing Commission shall ensure that—

1 (1) the guidelines provide for increasingly se-
2 vere punishment for a defendant commensurate with
3 the degree of physical harm caused to the elderly
4 victim;

5 (2) the guidelines take appropriate account of
6 the vulnerability of the victim; and

7 (3) the guidelines provide enhanced punishment
8 for a defendant convicted of a crime of violence
9 against an elderly victim who has previously been
10 convicted of a crime of violence against an elderly
11 victim, regardless of whether the conviction occurred
12 in Federal or State court.

13 (c) DEFINITIONS.—In this section—

14 “crime of violence” means an offense under sec-
15 tion 113, 114, 1111, 1112, 1113, 1117, 2241, 2242,
16 or 2244 of title 18, United States Code.

17 “elderly victim” means a victim who is 65 years
18 of age or older at the time of an offense.

19 **TITLE XXVI—SENIOR CITIZENS**
20 **AGAINST MARKETING SCAMS**

21 **SEC. 3901. SHORT TITLE.**

22 This Act may be cited as the “Senior Citizens
23 Against Marketing Scams Act of 1994”.

1 **SEC. 3902. ENHANCED PENALTIES FOR TELEMARKETING**
2 **FRAUD.**

3 (a) OFFENSE.—Part I of title 18, United States
4 Code, is amended—

5 (1) by redesignating chapter 113A as chapter
6 113B; and

7 (2) by inserting after chapter 113 the following
8 new chapter:

9 **“CHAPTER 113A—TELEMARKETING FRAUD**

“Sec.

“2325. Definition.

“2326. Enhanced penalties.

“2327. Mandatory restitution.

10 **“§ 2325. Definition**

11 “In this chapter, ‘telemarketing’—

12 “(1) means a plan, program, promotion, or
13 campaign that is conducted to induce—

14 “(A) purchases of goods or services; or

15 “(B) participation in a contest or sweep-
16 stakes,

17 by use of 1 or more interstate telephone calls initi-
18 ated either by a person who is conducting the plan,
19 program, promotion, or campaign or by a prospec-
20 tive purchaser or contest or sweepstakes participant;
21 but

22 “(2) does not include the solicitation of sales
23 through the mailing of a catalog that—

1 “(A) contains a written description or il-
2 lustration of the goods or services offered for
3 sale;

4 “(B) includes the business address of the
5 seller;

6 “(C) includes multiple pages of written
7 material or illustration; and

8 “(D) has been issued not less frequently
9 than once a year,

10 if the person making the solicitation does not solicit
11 customers by telephone but only receives calls initi-
12 ated by customers in response to the catalog and
13 during those calls take orders without further solici-
14 tation.

15 **“§ 2326. Enhanced penalties**

16 “An offender that is convicted of an offense under
17 1028, 1029, 1341, 1342, 1343, or 1344 in connection with
18 the conduct of telemarketing—

19 “(1) may be imprisoned for a term of up to 5
20 years in addition to any term of imprisonment im-
21 posed under any of those sections, respectively; and

22 “(2) in the case of an offense under any of
23 those sections that—

24 “(A) victimized ten or more persons over
25 the age of 55; or

1 “(B) targeted persons over the age of 55,
2 may be imprisoned for a term of up to 10 years in
3 addition to any term of imprisonment imposed under
4 any of those sections, respectively.

5 **“§ 2327. Mandatory restitution**

6 “(a) IN GENERAL.—Notwithstanding section 3663,
7 and in addition to any other civil or criminal penalty au-
8 thorized by law, the court shall order restitution for any
9 offense under this chapter.

10 “(b) SCOPE AND NATURE OF ORDER.—

11 “(1) DIRECTIONS.—The order of restitution
12 under this section shall direct that—

13 “(A) the defendant pay to the victim
14 (through the appropriate court mechanism) the
15 full amount of the victim’s losses as determined
16 by the court, pursuant to paragraph (2); and

17 “(B) the United States Attorney enforce
18 the restitution order by all available and reason-
19 able means.

20 “(2) ENFORCEMENT BY VICTIM.—An order of
21 restitution may be enforced by a victim named in the
22 order to receive the restitution as well as by the
23 United States Attorney, in the same manner as a
24 judgment in a civil action.

1 “(3) DEFINITION.—For purposes of this sub-
2 section, the term ‘full amount of the victim’s losses’
3 includes any costs incurred by the victim for—

4 “(A) medical services relating to physical,
5 psychiatric, or psychological care;

6 “(B) physical and occupational therapy or
7 rehabilitation;

8 “(C) necessary transportation, temporary
9 housing, and child care expenses;

10 “(D) lost income;

11 “(E) attorneys’ fees, experts’ fees, inves-
12 tigators’ fees, interpretive services, and court
13 costs; and

14 “(F) any other losses suffered by the vic-
15 tim as a proximate result of the offense.

16 “(4) ORDER MANDATORY.—(A) The issuance of
17 a restitution order under this section is mandatory.

18 “(B) A court may not decline to issue an order
19 under this section because of—

20 “(i) the economic circumstances of the
21 defendant; or

22 “(ii) the fact that a victim has, or is
23 entitled to, receive compensation for his or
24 her injuries from the proceeds of insurance
25 or any other source.

1 “(C)(i) Notwithstanding subparagraph (A), the
2 court may take into account the economic cir-
3 cumstances of the defendant in determining the
4 manner in which and the schedule according to
5 which the restitution is to be paid.

6 “(ii) For purposes of this subparagraph, the
7 term ‘economic circumstances’ includes—

8 “(I) the financial resources and other as-
9 sets of the defendant;

10 “(II) projected earnings, earning capacity,
11 and other income of the defendant; and

12 “(III) any financial obligations of the de-
13 fendant, including obligations to dependents.

14 “(D) Subparagraph (A) does not apply if—

15 “(i) the court finds on the record that
16 the economic circumstances of the defend-
17 ant do not allow for the payment of any
18 amount of a restitution order, and do not
19 allow for the payment of any amount of a
20 restitution order in the foreseeable future
21 (under any reasonable schedule of pay-
22 ments); and

23 “(ii) the court enters in its order the
24 amount of the victim’s losses, and provides
25 a nominal restitution award.

1 “(5) MORE THAN 1 OFFENDER.—When the
2 court finds that more than 1 offender has contrib-
3 uted to the loss of a victim, the court may make
4 each offender liable for payment of the full amount
5 of restitution or may apportion liability among the
6 offenders to reflect the level of contribution and eco-
7 nomic circumstances of each offender.

8 “(6) MORE THAN 1 VICTIM.—When the court
9 finds that more than 1 victim has sustained a loss
10 requiring restitution by an offender, the court shall
11 order full restitution of each victim but may provide
12 for different payment schedules to reflect the eco-
13 nomic circumstances of each victim.

14 “(7) PAYMENT SCHEDULE.—An order under
15 this section may direct the defendant to make a sin-
16 gle lump-sum payment or partial payments at speci-
17 fied intervals.

18 “(8) SETOFF.—Any amount paid to a victim
19 under this section shall be set off against any
20 amount later recovered as compensatory damages by
21 the victim from the defendant in—

22 “(A) any Federal civil proceeding; and

23 “(B) any State civil proceeding, to the ex-
24 tent provided by the law of the State.

1 “(9) EFFECT ON OTHER SOURCES OF COM-
2 PENSATION.—The issuance of a restitution order
3 shall not affect the entitlement of a victim to receive
4 compensation with respect to a loss from insurance
5 or any other source until the payments actually re-
6 ceived by the victim under the restitution order fully
7 compensate the victim for the loss.

8 “(10) CONDITION OF PROBATION OR SUPER-
9 VISED RELEASE.—Compliance with a restitution is-
10 sued under this section shall be a condition of any
11 probation or supervised release of a defendant. The
12 court may revoke probation or a term of supervised
13 release, modify the terms or conditions of probation
14 or a term of supervised release, hold the defendant
15 in contempt pursuant to section 3583(e), or suspend
16 the offender’s eligibility for any grant, contract,
17 loan, professional license, or commercial license pro-
18 vided by an agency of the United States or with ap-
19 propriated funds of the United States if the defend-
20 ant fails to comply with the order. In determining
21 whether to revoke probation or a term of supervised
22 release, modify the terms or conditions of probation
23 or supervised release or hold a defendant serving a
24 term of supervised release in contempt, the court
25 shall consider the defendant’s employment status,

1 earning ability and financial resources, the willful-
2 ness of the defendant's failure to comply, and any
3 other circumstances that may have a bearing on the
4 defendant's ability to comply.

5 “(c) PROOF OF CLAIM.—

6 “(1) AFFIDAVIT.—Within 60 days after convic-
7 tion and, in any event, not later than 10 days prior
8 to sentencing, the United States Attorney (or the
9 United States Attorney's delegee), after consulting
10 with the victim, shall prepare and file an affidavit
11 with the court listing the amounts subject to restitu-
12 tion under this section. The affidavit shall be signed
13 by the United States Attorney (or the United States
14 Attorney's delegee) and the victim. Should the victim
15 object to any of the information included in the affi-
16 davit, the United States Attorney (or the United
17 States Attorney's delegee) shall advise the victim
18 that the victim may file a separate affidavit and
19 shall provide the victim with an affidavit form which
20 may be used to do so.

21 “(2) OBJECTION.—If, after the defendant has
22 been notified of the affidavit, no objection is raised
23 by the defendant, the amounts attested to in the af-
24 fidavit filed pursuant to paragraph (1) shall be en-
25 tered in the court's restitution order. If objection is

1 raised, the court may require the victim or the Unit-
2 ed States Attorney (or the United States Attorney's
3 delegee) to submit further affidavits or other sup-
4 porting documents, demonstrating the victim's
5 losses.

6 “(3) ADDITIONAL DOCUMENTATION AND TESTI-
7 MONY.—If the court concludes, after reviewing the
8 supporting documentation and considering the de-
9 fendant's objections, that there is a substantial rea-
10 son for doubting the authenticity or veracity of the
11 records submitted, the court may require additional
12 documentation or hear testimony on those questions.
13 The privacy of any records filed, or testimony heard,
14 pursuant to this section shall be maintained to the
15 greatest extent possible, and such records may be
16 filed or testimony heard in camera.

17 “(4) FINAL DETERMINATION OF LOSSES.—If
18 the victim's losses are not ascertainable by the date
19 that is 10 days prior to sentencing as provided in
20 paragraph (1), the United States Attorney (or the
21 United States Attorney's delegee) shall so inform the
22 court, and the court shall set a date for the final de-
23 termination of the victim's losses, not to exceed 90
24 days after sentencing. If the victim subsequently dis-
25 covers further losses, the victim shall have 60 days

1 after discovery of those losses in which to petition
2 the court for an amended restitution order. Such
3 order may be granted only upon a showing of good
4 cause for the failure to include such losses in the ini-
5 tial claim for restitutionary relief.

6 “(d) MODIFICATION OF ORDER.—A victim or the of-
7 fender may petition the court at any time to modify a res-
8 titution order as appropriate in view of a change in the
9 economic circumstances of the offender.

10 “(e) REFERENCE TO MAGISTRATE OR SPECIAL MAS-
11 TER.—The court may refer any issue arising in connection
12 with a proposed order of restitution to a magistrate or
13 special master for proposed findings of fact and rec-
14 ommendations as to disposition, subject to a de novo de-
15 termination of the issue by the court.

16 “(f) DEFINITION.—For purposes of this section, the
17 term ‘victim’ includes the individual harmed as a result
18 of a commission of a crime under this chapter, including,
19 in the case of a victim who is under 18 years of age, in-
20 competent, incapacitated, or deceased, the legal guardian
21 of the victim or representative of the victim’s estate, an-
22 other family member, or any other person appointed as
23 suitable by the court, but in no event shall the defendant
24 be named as such representative or guardian.”

25 (b) TECHNICAL AMENDMENTS.—

1 (1) PART ANALYSIS.—The part analysis for
 2 part I of title 18, United States Code, is amended
 3 by striking the item relating to chapter 113A and
 4 inserting the following:

“113A. Telemarketing fraud 2325
 “113B. Terrorism 2331”.

5 (2) CHAPTER 113B.—The chapter heading for
 6 chapter 113B of title 18, United States Code, as re-
 7 designated by subsection (a)(1), is amended to read
 8 as follows:

9 **“CHAPTER 113B—TERRORISM”.**

10 **SEC. 3904. FORFEITURE OF FRAUD PROCEEDS.**

11 Section 982(a) of title 18, United States Code, is
 12 amended by adding at the end the following new para-
 13 graph:

14 “(6) The Court, in sentencing an offender
 15 under section 2326, shall order that the offender
 16 forfeit to the United States any real or personal
 17 property constituting or derived from proceeds that
 18 the offender obtained directly or indirectly as a
 19 result of the offense.”.

20 **SEC. 3905. INCREASED PENALTIES FOR FRAUD AGAINST**
 21 **OLDER VICTIMS.**

22 (a) REVIEW.—The United States Sentencing Com-
 23 mission shall review and, if necessary, amend the sentenc-
 24 ing guidelines to ensure that victim related adjustments

1 for fraud offenses against older victims over the age of
2 55 are adequate.

3 (b) REPORT.—Not later than 180 days after the date
4 of enactment of this Act, the Sentencing Commission shall
5 report to Congress the result of its review under sub-
6 section (a).

7 **SEC. 3906. REWARDS FOR INFORMATION LEADING TO**
8 **PROSECUTION AND CONVICTION.**

9 Section 3059 of title 18, United States Code, is
10 amended by adding at the end the following new sub-
11 section:

12 “(c)(1) In special circumstances and in the Attorney
13 General’s sole discretion, the Attorney General may make
14 a payment of up to \$10,000 to a person who furnishes
15 information unknown to the Government relating to a pos-
16 sible prosecution under section 2325 which results in a
17 conviction.

18 “(2) A person is not eligible for a payment under
19 paragraph (1) if—

20 “(A) the person is a current or former officer
21 or employee of a Federal, State, or local government
22 agency or instrumentality who furnishes information
23 discovered or gathered in the course of government
24 employment;

1 “(B) the person knowingly participated in the
2 offense;

3 “(C) the information furnished by the person
4 consists of an allegation or transaction that has been
5 disclosed to the public—

6 “(i) in a criminal, civil, or administrative
7 proceeding;

8 “(ii) in a congressional, administrative, or
9 General Accounting Office report, hearing,
10 audit, or investigation; or

11 “(iii) by the news media, unless the person
12 is the original source of the information; or

13 “(D) when, in the judgment of the Attorney
14 General, it appears that a person whose illegal ac-
15 tivities are being prosecuted or investigated could
16 benefit from the award.

17 “(3) For the purposes of paragraph (2)(C)(iii), the
18 term ‘original source’ means a person who has direct and
19 independent knowledge of the information that is fur-
20 nished and has voluntarily provided the information to the
21 Government prior to disclosure by the news media.

22 “(4) Neither the failure of the Attorney General to
23 authorize a payment under paragraph (1) nor the amount
24 authorized shall be subject to judicial review.”.

1 **SEC. 3907. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated for fiscal
3 year 1994 for the purposes of carrying out this Act and
4 the amendments made by this Act—

5 (1) \$_____ for the Federal Bu-
6 reau of Investigation to hire, equip, and train no
7 fewer than ____ special agents and support staff to
8 investigate telemarketing fraud cases;

9 (2) \$_____ to hire, equip, and
10 train no fewer than ____ Department of Justice at-
11 torneys, assistant United States Attorneys, and sup-
12 port staff to prosecute telemarketing fraud cases;
13 and

14 (3) \$_____ for the Department of
15 Justice to conduct, in cooperation with State and
16 local law enforcement agencies and senior citizen ad-
17 vocacy organizations, public awareness and preven-
18 tion initiatives for senior citizens, such as seminars
19 and training.

20 **SEC. 3908. BROADENING APPLICATION OF MAIL FRAUD**
21 **STATUTE.**

22 Section 1341 of title 18, United States Code, is
23 amended—

24 (1) by inserting “or deposits or causes to be de-
25 posited any matter or thing whatever to be sent or

1 delivered by any private or commercial interstate
2 carrier," after "Postal Service,"; and

3 (2) by inserting "or such carrier" after "causes
4 to be delivered by mail".

5 **SEC. 3909. FRAUD AND RELATED ACTIVITY IN CONNECTION**
6 **WITH ACCESS DEVICES.**

7 Section 1029 of title 18, United States Code, is
8 amended—

9 (1) in subsection (a)—

10 (A) by striking "or" at the end of para-
11 graph (3); and

12 (B) by inserting after paragraph (4) the
13 following new paragraphs:

14 "(5) knowingly and with intent to defraud ef-
15 fects transactions, with 1 or more access devices is-
16 sued to another person or persons, to receive pay-
17 ment or any other thing of value during any 1-year
18 period the aggregate value of which is equal to or
19 greater than \$1,000;

20 "(6) without the authorization of the issuer of
21 the access device, knowingly and with intent to de-
22 fraud solicits a person for the purpose of—

23 "(A) offering an access device; or

24 "(B) selling information regarding or an
25 application to obtain an access device; or

1 “(7) without the authorization of the credit
2 card system member or its agent, knowingly and
3 with intent to defraud causes or arranges for an-
4 other person to present to the member or its agent,
5 for payment, 1 or more evidences or records of
6 transactions made by an access device;”;

7 (2) in subsection (c)(1) by striking “(a)(2) or
8 (a)(3)” and inserting “(a) (2), (3), (5), (6), or (7)”;
9 and

10 (3) in subsection (e)—

11 (A) by striking “and” at the end of para-
12 graph (5);

13 (B) by striking the period at the end of
14 paragraph (6) and inserting “; and”; and

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

17 “(7) the term ‘credit card system member’
18 means a financial institution or other entity that is
19 a member of a credit card system, including an en-
20 tity, whether affiliated with or identical to the credit
21 card issuer, that is the sole member of a credit card
22 system.”.

1 **SEC. 3910. INFORMATION NETWORK.**

2 (a) **HOTLINE.**—The Attorney General shall, subject
3 to the availability of appropriations, establish a national
4 toll-free hotline for the purpose of—

5 (1) providing general information on
6 telemarketing fraud to interested persons; and

7 (2) gathering information related to possible
8 violations of this Act.

9 (b) **ACTION ON INFORMATION GATHERED.**—The At-
10 torney General shall work in cooperation with the Federal
11 Trade Commission to ensure that information gathered
12 through the hotline shall be acted on in an appropriate
13 manner.

14 **TITLE XXVII—COMMISSION MEM-**
15 **BERSHIP AND APPOINTMENT**

16 **SEC. 3026. COMMISSION MEMBERSHIP AND APPOINTMENT.**

17 (a) **MEMBERSHIP.**—Section 211(B)(f) of Public Law
18 101-515 (104 Stat. 2123) is amended to read as follows:

19 “(a) **NUMBER AND APPOINTMENT.**—The Commis-
20 sion shall be composed of 25 members as follows:

21 “(1) Seven individuals appointed from national
22 law enforcement organizations representing law en-
23 forcement officers, of whom—

24 “(A) two shall be appointed by the Speaker
25 of the House of Representatives;

1 “(B) two shall be appointed by the major-
2 ity leader of the Senate;

3 “(C) one shall be appointed by the minor-
4 ity leader of the House of Representatives;

5 “(D) one shall be appointed by the minor-
6 ity leader of the Senate; and

7 “(E) one shall be appointed by the Presi-
8 dent.

9 “(2) Seven individuals appointed from national
10 law enforcement organizations representing law en-
11 forcement management, of whom—

12 “(A) two shall be appointed by the Speaker
13 of the House of Representatives;

14 “(B) two shall be appointed by the major-
15 ity leader of the Senate;

16 “(C) one shall be appointed by the minor-
17 ity leader of the House of Representatives;

18 “(D) one shall be appointed by the minor-
19 ity leader of the Senate; and

20 “(E) one shall be appointed by the Presi-
21 dent.

22 “(3) Two individuals appointed with academic
23 expertise regarding law enforcement issues, of
24 whom—

1 “(A) one shall be appointed by the Speaker
2 of the House of Representatives and the major-
3 ity leader of the Senate; and

4 “(B) one shall be appointed by the minor-
5 ity leader of the Senate and the minority leader
6 of the House of Representatives.

7 “(4) Two Members of the House of Representa-
8 tives, appointed by the Speaker and the minority
9 leader of the House of Representatives.

10 “(5) Two Members of the Senate, appointed by
11 the majority leader and the minority leader of the
12 Senate.

13 “(6) One individual involved in Federal law en-
14 forcement from the Department of the Treasury, ap-
15 pointed by the President.

16 “(7) One individual from the Department of
17 Justice, appointed by the President.

18 “(8) One individual representing a State or
19 local governmental entity, such as a Governor,
20 mayor, or State attorney general, to be appointed by
21 the majority leader of the Senate.

22 “(9) One individual representing a State or
23 local governmental entity, such as a Governor,
24 mayor, or State attorney general, to be appointed by
25 the Speaker of the House of Representatives.

1 “(10) One individual representing a State or
2 local governmental entity, such as a Governor,
3 mayor, or State attorney general, to be appointed by
4 the President.”.

5 (b) REPORT.—Section 211(B)(p) of Public Law 101-
6 515 (104 Stat. 2124) is amended by striking “the expira-
7 tion” and all that follows through “this Act,” and insert-
8 ing “March 31, 1996,”.

9 **SEC. 3027. CONFORMING AMENDMENT.**

10 Section 3404(a) of Public Law 101-647 (42 U.S.C.
11 3721 note) is repealed.

12 **TITLE XXVIII—PRESIDENTIAL**
13 **SUMMIT ON VIOLENCE AND**
14 **NATIONAL COMMISSION ON**
15 **CRIME PREVENTION AND**
16 **CONTROL**

17 **SEC. ___01. PRESIDENTIAL SUMMIT.**

18 Congress calls on the President to convene a national
19 summit on violence in America prior to convening the
20 Commission established under this title.

21 **SEC. ___02. ESTABLISHMENT; COMMITTEES AND TASK**
22 **FORCES; REPRESENTATION.**

23 (a) ESTABLISHMENT AND APPOINTMENT OF MEM-
24 BERS.—There is established a commission to be known as
25 the “National Commission on Crime Control and Preven-

1 tion". The Commission shall be composed of 28 members
2 appointed as follows:

3 (1) 10 persons by the President, not more than
4 6 of whom shall be of the same major political party.

5 (2) 9 persons by the President pro tempore of
6 the Senate, 5 of whom shall be appointed on the rec-
7 ommendation of the Majority Leader of the Senate
8 and the chairman of the Committee on the Judiciary
9 of the Senate, and 4 of whom shall be appointed on
10 the recommendation of the Minority Leader of the
11 Senate and the ranking minority member of the
12 Committee on the Judiciary of the Senate.

13 (3) 9 persons appointed by the Speaker of the
14 House of Representatives, in consultation with the
15 chairman of the Committee on the Judiciary of the
16 House of Representatives, and 4 of whom shall be
17 appointed on the recommendation of the Minority
18 Leader of the House of Representatives, in consulta-
19 tion with the ranking member of the Committee on
20 the Judiciary.

21 (b) COMMITTEES AND TASK FORCES.—The Commis-
22 sion shall establish committees or task forces from among
23 its members for the examination of specific subject areas
24 and the carrying out of other functions or responsibilities
25 of the Commission, including committees or task forces

1 for the examination of the subject areas of crime and vio-
2 lence generally, the causes of the demand for drugs, vio-
3 lence in schools, and violence against women, as described
4 in subsections (b) through (e) of section ____04.

5 (c) REPRESENTATION.—(1) At least 1 member of the
6 Commission appointed by the President, at least 2 mem-
7 bers of the Commission appointed by the President pro
8 tempore of the Senate, and at least 2 members of the
9 Commission appointed by the Speaker of the House of
10 Representatives shall be persons well-qualified to partici-
11 pate in the Commission's examination of the subject area
12 of crime and violence generally, with education, training,
13 expertise, or experience in such areas as law enforcement,
14 law, sociology, psychology, social work, and ethnography
15 and urban poverty (including health care, housing, edu-
16 cation, and employment).

17 (2) At least 1 member of the Commission appointed
18 by the President, at least 2 members of the Commission
19 appointed by the President pro tempore of the Senate, and
20 at least 2 members of the Commission appointed by the
21 Speaker of the House of Representatives shall be persons
22 well-qualified to participate in the Commission's examina-
23 tion of the subject area of the causes of the demand for
24 drugs, with education, training, expertise, or experience in
25 such areas as addiction, biomedicine, sociology, psychol-

1 ogy, law, and ethnography and urban poverty (including
2 health care, housing, education, and employment).

3 (3) At least 1 member of the Commission appointed
4 by the President, at least 2 members of the Commission
5 appointed by the President pro tempore of the Senate, and
6 at least 2 members of the Commission appointed by the
7 Speaker of the House of Representatives shall be persons
8 well-qualified to participate in the Commission's examina-
9 tion of the subject area of violence in schools, with edu-
10 cation, training, expertise, or experience in such areas as
11 law enforcement, education, school governance policy and
12 teaching, law, sociology, psychology, and ethnography and
13 urban poverty (including health care, housing, education,
14 and employment).

15 (4) At least 1 member of the Commission appointed
16 by the President, at least 2 members of the Commission
17 appointed by the President pro tempore of the Senate, and
18 at least 2 members of the Commission appointed by the
19 Speaker of the House of Representatives shall be persons
20 well-qualified to participate in the Commission's examina-
21 tion of the subject area of violence against women, as sur-
22 vivors of violence, or as persons with education, training,
23 expertise, or experience in such areas as law enforcement,
24 law, judicial administration, prosecution, defense, victim
25 services or advocacy in sexual assault or domestic violence

1 cases (including medical services and counseling), and pro-
2 tection of victims' rights.

3 **SEC. ___03. PURPOSES.**

4 The purposes of the Commission are as follows:

5 (1) To develop a comprehensive proposal for
6 preventing and controlling crime and violence in the
7 United States, including cost estimates for imple-
8 menting any recommendations made by the Commis-
9 sion.

10 (2) To bring attention to successful models and
11 programs in crime prevention and crime control.

12 (3) To reach out beyond the traditional criminal
13 justice community for ideas for controlling and pre-
14 venting crime.

15 (4) To recommend improvements in the coordi-
16 nation of local, State, Federal, and international
17 crime control and prevention efforts, including ef-
18 forts relating to crime near international borders.

19 (5) To make a comprehensive study of the eco-
20 nomic and social factors leading to or contributing
21 to crime and violence, including the causes of illicit
22 drug use and other substance abuse, and to develop
23 specific proposals for legislative and administrative
24 actions to reduce crime and violence and the factors
25 that contribute to it.

1 (6) To recommend means of utilizing criminal
2 justice resources as effectively as possible, including
3 targeting finite correctional facility space to the
4 most serious and violent offenders, and considering
5 increased use of intermediate sanctions for offenders
6 who can be dealt with adequately by such means.

7 (7) To examine distinctive crime problems and
8 the impact of crime on members of minority groups,
9 Indians living on reservations, and other groups de-
10 fined by race, ethnicity, religion, age, disability, or
11 other characteristics, and to recommend specific re-
12 sponses to the distinctive crime problems of such
13 groups.

14 (8) To examine the problem of sexual assaults,
15 domestic violence, and other criminal and unlawful
16 acts that particularly affect women, and to rec-
17 ommend Federal, State, and local strategies for
18 more effectively preventing and punishing such
19 crimes and acts.

20 (9) To examine the treatment of victims in
21 Federal, State, and local criminal justice systems,
22 and to develop recommendations to enhance and
23 protect the rights of victims.

24 (10) To examine the ability of Federal, State,
25 and local criminal justice systems to administer

1 criminal law and criminal sanctions impartially with-
2 out discrimination on the basis of race, ethnicity, re-
3 ligion, gender, or other legally proscribed grounds,
4 and to make recommendations for correcting any de-
5 ficiencies in the impartial administration of justice
6 on these grounds.

7 (11) To examine the nature, scope, causes, and
8 complexities of violence in schools and to recommend
9 a comprehensive response to that problem.

10 **SEC. ____04. RESPONSIBILITIES OF THE COMMISSION.**

11 (a) **IN GENERAL.**—The responsibilities of the Com-
12 mission shall include such study and consultation as may
13 be necessary or appropriate to carry out the purposes set
14 forth in section ____03, including the specific measures
15 described in subsections (b) through (e) in relation to the
16 subject areas addressed in those subsections.

17 (b) **CRIME AND VIOLENCE GENERALLY.**—In address-
18 ing the subject of crime and violence generally, the activi-
19 ties of the Commission shall include the following:

20 (1) Reviewing the effectiveness of traditional
21 criminal justice approaches in preventing and con-
22 trolling crime and violence.

23 (2) Examining the impact that changes in Fed-
24 eral and State law have had in controlling crime and
25 violence.

1 (3) Examining the impact of changes in Fed-
2 eral immigration laws and policies and increased de-
3 velopment and growth along United States inter-
4 national borders on crime and violence in the United
5 States, particularly among the Nation's youth.

6 (4) Examining the problem of youth gangs and
7 providing recommendations as to how to reduce
8 youth involvement in violent crime.

9 (5) Examining the extent to which the use of
10 dangerous weapons in the commission of crime has
11 contributed to violence and murder in the United
12 States.

13 (6) Convening field hearings in various regions
14 of the country to receive testimony from a cross sec-
15 tion of criminal justice professionals, business lead-
16 ers, elected officials, medical doctors, and other per-
17 sons who wish to participate.

18 (7) Reviewing all segments of the Nation's
19 criminal justice systems, including the law enforce-
20 ment, prosecution, defense, judicial, and corrections
21 components in developing the crime control and pre-
22 vention proposal.

23 (c) CAUSES OF THE DEMAND FOR DRUGS.—In ad-
24 dressing the subject of the causes of the demand for drugs,

1 the activities of the Commission shall include the follow-
2 ing:

3 (1) Examining the root causes of illicit drug use
4 and abuse in the United States, including by compil-
5 ing existing research regarding those root causes,
6 and including consideration of the following factors:

7 (A) The characteristics of potential illicit
8 drug users and abusers or drug traffickers, in-
9 cluding age and social, economic, and edu-
10 cational backgrounds.

11 (B) Environmental factors that contribute
12 to illicit drug use and abuse, including the cor-
13 relation between unemployment, poverty, and
14 homelessness and drug experimentation and
15 abuse.

16 (C) The effects of substance use and abuse
17 by a relative or friend in contributing to the
18 likelihood and desire of an individual to experi-
19 ment with illicit drugs.

20 (D) Aspects of, and changes in cultural
21 values, attitudes and traditions that contribute
22 to illicit drug use and abuse.

23 (E) The physiological and psychological
24 factors that contribute to the desire for illicit
25 drugs.

1 (2) Evaluating Federal, State, and local laws
2 and policies on the prevention of drug abuse, control
3 of unlawful production, distribution and use of con-
4 trolled substances, and the efficacy of sentencing
5 policies with regard to those laws.

6 (3) Analyzing the allocation of resources among
7 interdiction of controlled substances entering the
8 United States, enforcement of Federal laws relating
9 to the unlawful production, distribution, and use of
10 controlled substances, education with regard to and
11 the prevention of the unlawful use of controlled sub-
12 stances, and treatment and rehabilitation of drug
13 abusers.

14 (4) Analyzing current treatment and rehabilita-
15 tion methods and making recommendations for im-
16 provements.

17 (5) Identifying any existing gaps in drug abuse
18 policy that result from the lack of attention to the
19 root causes of drug abuse.

20 (6) Assessing the needs of government at all
21 levels for resources and policies for reducing the
22 overall desire of individuals to experiment with and
23 abuse illicit drugs.

1 (7) Making recommendations regarding nec-
2 essary improvements in policies for reducing the use
3 of illicit drugs in the United States.

4 (d) VIOLENCE IN SCHOOLS.—In addressing the sub-
5 ject of violence in schools, the activities of the Commission
6 shall include the following:

7 (1) Defining the causes of violence in schools.

8 (2) Defining the scope of the national problem
9 of violence in schools.

10 (3) Providing statistics and data on the prob-
11 lem of violence in schools on a State-by-State basis.

12 (4) Investigating the problem of youth gangs
13 and their relation to violence in schools and provid-
14 ing recommendations on how to reduce youth in-
15 volvement in violent crime in schools.

16 (5) Examining the extent to which dangerous
17 weapons have contributed to violence and murder in
18 schools.

19 (6) Exploring the extent to which the school en-
20 vironment has contributed to violence in schools.

21 (7) Reviewing the effectiveness of current ap-
22 proaches in preventing violence in schools.

23 (e) VIOLENCE AGAINST WOMEN.—In addressing the
24 subject of sexual assault, domestic violence, and other
25 criminal and unlawful acts that particularly affect women,

1 the activities of the Commission shall include the follow-
2 ing:

3 (1) Evaluating the adequacy of, and making
4 recommendations regarding, current law enforce-
5 ment efforts at the Federal, State, and local levels
6 to reduce the incidence of such crimes and acts, and
7 to punish those responsible for such crimes and acts.

8 (2) Evaluating the adequacy of, and making
9 recommendations regarding, the responsiveness of
10 prosecutors and courts to such crimes and acts.

11 (3) Evaluating the adequacy of rules of evi-
12 dence, practice, and procedure to ensure the effective
13 prosecution and conviction of perpetrators of such
14 crimes and acts and to protect victims of such
15 crimes and acts from abuse in legal proceedings,
16 making recommendations, where necessary, to im-
17 prove those rules.

18 (4) Evaluating the adequacy of pretrial release,
19 sentencing, incarceration, and post-conviction release
20 in relation to such crimes and acts.

21 (5) Evaluating the adequacy of, and making
22 recommendations regarding, the adequacy of Federal
23 and State laws on sexual assault and the need for
24 a more uniform statutory response to sex offenses,
25 including sexual assaults and other sex offenses com-

1 mitted by offenders who are known or related by
2 blood or marriage to the victim.

3 (6) Evaluating the adequacy of, and making
4 recommendations regarding, the adequacy of Federal
5 and State laws on domestic violence and the need for
6 a more uniform statutory response to domestic vio-
7 lence.

8 (7) Evaluating the adequacy of, and making
9 recommendations regarding, the adequacy of current
10 education, prevention, and protective services for vic-
11 tims of such crimes and acts.

12 (8) Assessing the issuance, formulation, and en-
13 forcement of protective orders, whether or not relat-
14 ed to a criminal proceeding, and making rec-
15 ommendations for their more effective use in domes-
16 tic violence and stalking cases.

17 (9) Assessing the problem of stalking and rec-
18 ommending effective means of response to the prob-
19 lem.

20 (10) Evaluating the adequacy of, and making
21 recommendations regarding, programs for public
22 awareness and public dissemination of information
23 to prevent such crimes and acts.

24 (11) Evaluating the treatment of victims of
25 such crimes and acts in Federal, State, and local

1 criminal justice systems, and making recommenda-
2 tions designed to improve such treatment.

3 **SEC. ___04. ADMINISTRATIVE MATTERS.**

4 (a) CHAIR.—The President shall designate a member
5 of the Commission to chair the Commission.

6 (b) NO ADDITIONAL PAY OR BENEFITS; PER
7 DIEM.—Members of the Commission shall receive no pay
8 or benefits by reason of their service on the Commission,
9 but shall receive travel expenses, including per diem in lieu
10 of subsistence, at rates authorized for employees of agen-
11 cies under sections 5702 and 5703 of title 5, United
12 States Code.

13 (c) VACANCIES.—Vacancies on the Commission shall
14 be filled in the same manner as initial appointments.

15 (d) MEETINGS OPEN TO THE PUBLIC.—The Com-
16 mission shall be considered to be an agency for the pur-
17 poses of section 552b of title 5, United States Code, relat-
18 ing to the requirement that meetings of Federal agencies
19 be open to the public.

20 **SEC. ___05. STAFF AND SUPPORT SERVICES.**

21 (a) DIRECTOR.—With the approval of the Commis-
22 sion, the chairperson shall appoint a staff director for the
23 Commission. The staff director shall be paid at a rate not
24 to exceed the rate of basic pay for level V of the executive
25 schedule.

1 (b) STAFF.—With the approval of the Commission,
2 the staff director may appoint and fix the compensation
3 of staff personnel for the Commission. Such personnel
4 shall be compensated at levels not to exceed those payable
5 for comparable positions in the ~~Office of National Drug~~
6 ~~Control~~ but in no event shall any such personnel be com-
7 pensated at a rate greater than the rate of basic pay pay-
8 able for level ES-4 of the Senior Executive Service Sched-
9 ule under section 5382 of title 5, as adjusted for the Dis-
10 trict of Columbia under section 5304 of that title regard-
11 less of the locality in which an employee is employed.

12 (c) CIVIL SERVICE LAWS.—The staff of the Commis-
13 sion shall be appointed without regard to the provisions
14 of title 5, United States Code, governing appointments in
15 the competitive service, and may be paid without regard
16 to the provisions of chapter 51 and subchapter III of chap-
17 ter 53 of such title relating to classification and General
18 Schedule pay rates.

19 (d) CONSULTANTS.—With the approval of the Com-
20 mission, the staff director may procure temporary and
21 intermittent services under section 3109(b) of title 5,
22 United States Code.

23 (e) STAFF OF FEDERAL AGENCIES.—Upon the re-
24 quest of the Commission, the head of any Federal agency
25 may detail, on a reimbursable basis, personnel of that

1 agency to the Commission to assist in carrying out its du-
2 ties.

3 (f) PHYSICAL FACILITIES.—The Administrator of the
4 General Service Administration shall provide suitable of-
5 fice space for the operation of the Commission. The facili-
6 ties shall serve as the headquarters of the Commission and
7 shall include all necessary equipment and incidentals re-
8 quired for proper functioning.

9 SEC. ___06. POWERS.

10 (a) HEARINGS.—For the purposes of carrying out
11 this title, the Commission may conduct such hearings, sit
12 and act at such times and places, take such testimony,
13 and receive such evidence, as the Commission considers
14 appropriate. The Commission may administer oaths before
15 the Commission.

16 (b) DELEGATION.—Any committee, task force, mem-
17 ber, or agent, of the Commission may, if authorized by
18 the Commission, take any action that the Commission is
19 authorized to take under this title.

20 (c) ACCESS TO INFORMATION.—The Commission
21 may request directly from any Federal agency or entity
22 in the executive or legislative branch such information as
23 is needed to carry out its functions.

1 (d) MAIL.—The Commission may use the United
2 States mails in the same manner and under the same con-
3 ditions as other Federal agencies.

4 **SEC. ____07. REPORT; TERMINATION.**

5 Not later than 2 years after the date on which the
6 Commission is fully constituted under section ____01, the
7 Commission shall submit a detailed report to the Congress
8 and the President containing its findings and rec-
9 ommendations. The Commission shall terminate 30 days
10 after the submission of its report.

11 **SEC. ____08. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated
13 _____ to carry out this title.

14 **TITLE XXIX—SENTENCING**
15 **PROVISIONS**

16 **SEC. 2401. IMPOSITION OF SENTENCE.**

17 Section 3553(a)(4) of title 18, United States Code,
18 is amended to read as follows:

19 “(4) the kinds of sentence and the sentencing
20 range established for—

21 “(A) the applicable category of offense
22 committed by the applicable category of defend-
23 ant as set forth in the guidelines issued by the
24 Sentencing Commission pursuant to section
25 994(a)(1) of title 28, United States Code, and

1 that are in effect on the date the defendant is
2 sentenced; or

3 “(B) in the case of a violation of probation
4 or supervised release, the applicable guidelines
5 or policy statements issued by the Sentencing
6 Commission pursuant to section 994(a)(3) of
7 title 28, United States Code;”.

8 **SEC. 2402. TECHNICAL AMENDMENT TO MANDATORY CON-**
9 **DITIONS OF PROBATION.**

10 Section 3563(a)(3) of title 18, United States Code,
11 is amended by striking “possess illegal controlled sub-
12 stances” and inserting “unlawfully possess a controlled
13 substance”.

14 **SEC. 2409. DIRECTION TO UNITED STATES SENTENCING**
15 **COMMISSION REGARDING SENTENCING EN-**
16 **HANCEMENTS FOR HATE CRIMES.**

17 (a) **DEFINITION.**—In this section, “hate crime”
18 means a crime in which the defendant intentionally selects
19 a victim, or in the case of a property crime, the property
20 that is the object of the crime, because of the actual or
21 perceived race, color, religion, national origin, ethnicity,
22 gender, disability, or sexual orientation of any person.

23 (b) **SENTENCING ENHANCEMENT.**—Pursuant to sec-
24 tion 994 of title 28, United States Code, the United States
25 Sentencing Commission shall promulgate guidelines or

1 amend existing guidelines to provide sentencing enhance-
2 ments of not less than 3 offense levels for offenses that
3 the finder of fact at trial determines beyond a reasonable
4 doubt are hate crimes. In carrying out this section, the
5 United States Sentencing Commission shall ensure that
6 there is reasonable consistency with other guidelines, avoid
7 duplicative punishments for substantially the same of-
8 fense, and take into account any mitigating circumstances
9 that might justify exceptions.

10 **SEC. ____ . AUTHORIZATION OF PROBATION FOR PETTY OF-**
11 **FENSES IN CERTAIN CASES.**

12 Section 3561(a)(3) of title 18, United States Code,
13 is amended by inserting "that is not a petty offense" be-
14 fore the period.

15 **SEC. 5152. EXTENSION OF FULL-TIME STATUS OF MEMBERS**
16 **OF THE UNITED STATES SENTENCING COM-**
17 **MISSION.**

18 Section 992(c) of title 28, United States Code, is
19 amended in the second sentence by striking "six years"
20 and inserting "nine years and four months".

21 **TITLE XXX—COMPUTER CRIME**

22 **SEC. 2601. COMPUTER ABUSE AMENDMENTS ACT OF 1994.**

23 (a) **SHORT TITLE.**—This subtitle may be cited as the
24 "Computer Abuse Amendments Act of 1994".

1 (b) PROHIBITION.—Section 1030(a)(5) of title 18,
2 United States Code, is amended to read as follows:

3 “(5)(A) through means of a computer used in
4 interstate commerce or communications, knowingly
5 causes the transmission of a program, information,
6 code, or command to a computer or computer sys-
7 tem if—

8 “(i) the person causing the transmission
9 intends that such transmission will—

10 “(I) damage, or cause damage to, a
11 computer, computer system, network, in-
12 formation, data, or program; or

13 “(II) withhold or deny, or cause the
14 withholding or denial, of the use of a com-
15 puter, computer services, system or net-
16 work, information, data or program; and

17 “(ii) the transmission of the harmful com-
18 ponent of the program, information, code, or
19 command—

20 “(I) occurred without the knowledge
21 and authorization of the persons or entities
22 who own or are responsible for the com-
23 puter system receiving the program, infor-
24 mation, code, or command; and

1 “(II)(aa) causes loss or damage to one
2 or more other persons of value aggregating
3 \$1,000 or more during any 1-year period;
4 or

5 “(bb) modifies or impairs, or poten-
6 tially modifies or impairs, the medical ex-
7 amination, medical diagnosis, medical
8 treatment, or medical care of one or more
9 individuals; or

10 “(B) through means of a computer used in
11 interstate commerce or communication, knowingly
12 causes the transmission of a program, information,
13 code, or command to a computer or computer
14 system—

15 “(i) with reckless disregard of a substan-
16 tial and unjustifiable risk that the transmission
17 will—

18 “(I) damage, or cause damage to, a
19 computer, computer system, network, in-
20 formation, data or program; or

21 “(II) withhold or deny or cause the
22 withholding or denial of the use of a com-
23 puter, computer services, system, network,
24 information, data or program; and

1 “(ii) if the transmission of the harmful
2 component of the program, information, code,
3 or command—

4 “(I) occurred without the knowledge
5 and authorization of the persons or entities
6 who own or are responsible for the com-
7 puter system receiving the program, infor-
8 mation, code, or command; and

9 “(II)(aa) causes loss or damage to one
10 or more other persons of a value aggregat-
11 ing \$1,000 or more during any 1-year pe-
12 riod; or

13 “(bb) modifies or impairs, or poten-
14 tially modifies or impairs, the medical ex-
15 amination, medical diagnosis, medical
16 treatment, or medical care of one or more
17 individuals;”.

18 (c) PENALTY.—Section 1030(c) of title 18, United
19 States Code is amended—

20 (1) in paragraph (2)(B) by striking “and” after
21 the semicolon;

22 (2) in paragraph (3)(A) by inserting “(A)”
23 after “(a)(5)”; and

24 (3) in paragraph (3)(B) by striking the period
25 at the end thereof and inserting “; and”; and

1 (4) by adding at the end the following new
2 paragraph:

3 “(4) a fine under this title or imprisonment for
4 not more than 1 year, or both, in the case of an of-
5 fense under subsection (a)(5)(B).”.

6 (d) CIVIL ACTION.—Section 1030 of title 18, United
7 States Code, is amended by adding at the end thereof the
8 following new subsection:

9 “(g) Any person who suffers damage or loss by rea-
10 son of a violation of the section, other than a violation
11 of subsection (a)(5)(B), may maintain a civil action
12 against the violator to obtain compensatory damages and
13 injunctive relief or other equitable relief. Damages for
14 violations of any subsection other than subsection
15 (a)(5)(A)(ii)(II)(bb) or (a)(5)(B)(ii)(II)(bb) are limited to
16 economic damages. No action may be brought under this
17 subsection unless such action is begun within 2 years of
18 the date of the act complained of or the date of the discov-
19 ery of the damage.”.

20 (e) REPORTING REQUIREMENTS.—Section 1030 of
21 title 18 United States Code, is amended by adding at the
22 end the following new subsection:

23 “(h) The Attorney General and the Secretary of the
24 Treasury shall report to the Congress annually, during the
25 first 3 years following the date of the enactment of this

1 subsection, concerning investigations and prosecutions
2 under section 1030(a)(5) of title 18, United States
3 Code.”.

4 (f) PROHIBITION.—Section 1030(a)(3) of title 18,
5 United States Code, is amended by inserting “adversely”
6 before “affects the use of the Government’s operation of
7 such computer”.

8 **TITLE XXXI—VIOLENT CRIME**
9 **REDUCTION TRUST FUND**

10 **SEC. 1353. CREATION OF VIOLENT CRIME REDUCTION**
11 **TRUST FUND.**

12 (a) ESTABLISHMENT.—

13 (1) IN GENERAL.—Chapter 11 of title 31,
14 United States Code, is amended by inserting at the
15 end the following new section:

16 **“§ 1120. Violent crime reduction trust fund**

17 “(a) ESTABLISHMENT.—There is established a sepa-
18 rate account in the Treasury, known as the ‘Violent Crime
19 Reduction Trust Fund’, into which shall be transferred,
20 in accordance with subsection (b), savings realized from
21 implementation of section 5 of the Federal Workforce Re-
22 structuring Act of 1994 (5 U.S.C. 3101 note; Public Law
23 103–226).

24 “(b) TRANSFERS.—On the first day of the following
25 fiscal years, the following amounts shall be transferred

1 from the general fund to the Violent Crime Reduction
2 Trust Fund:

3 “(1) Fiscal year 1995, \$2,423,000,000.

4 “(2) Fiscal year 1996, \$4,287,000,000.

5 “(3) Fiscal year 1997, \$5,000,000,000.

6 “(4) Fiscal year 1998, \$5,500,000,000.

7 “(5) Fiscal year 1999, \$6,500,000,000.

8 “(6) Fiscal year 2000, \$6,500,000,000.

9 “(c) USE.—The amounts in the Violent Crime Re-
10 duction Trust Fund may be appropriated exclusively for
11 the purposes authorized in the Violent Crime Control and
12 Law Enforcement Act of 1994.

13 “(d) BUDGET TREATMENT.—

14 “(1) IN GENERAL.—Except as provided in sec-
15 tion 302 and 602 of the Congressional Budget Act
16 of 1974, the amounts in the Violent Crime Reduc-
17 tion Trust Fund and appropriations under sub-
18 section (c) shall be excluded from, and shall not be
19 taken into account for purposes of, any budget en-
20 forcement procedures under the Congressional
21 Budget Act of 1974 or the Balanced Budget and
22 Emergency Deficit Control Act of 1985.

23 “(2) DEFINITION.—In paragraph (1), ‘appro-
24 priations under subsection (c)’ means amounts of
25 budget authority not to exceed the balances of the

1 Violent Crime Reduction Trust Fund and amounts
2 of outlays that flow from budget authority actually
3 appropriated.”.

4 (2) TECHNICAL AMENDMENTS.—

5 (A) The chapter analysis for chapter 11 of
6 title 31, United States Code, is amended by
7 adding at the end the following new item:

“1120. Violent Crime Reduction Trust Fund.”.

8 (B) Section 1321(a) of title 31, United
9 States Code, is amended by adding at the end
10 the following new paragraph:

11 “(91) Violent Crime Reduction Trust Fund.”.

12 (b) STATUS REPORTS.—Section 1105(a) of title 31,
13 United States Code, is amended by adding at the end the
14 following new paragraphs:

15 “(30) information about the Violent Crime Re-
16 duction Trust Fund, including a separate statement
17 of amounts in that trust fund.

18 “(31) an analysis displaying by agency pro-
19 posed reductions in full-time equivalent positions
20 compared to the current year’s level in order to com-
21 ply with section 5 of the Federal Workforce Restruc-
22 turing Act of 1994.”.

23 (d) ALLOCATION AND SUBALLOCATION OF AMOUNTS
24 IN THE VIOLENT CRIME REDUCTION TRUST FUND.—

1 (1) IN GENERAL.—Section 602(a) of the Con-
2 gressional Budget Act of 1974 (2 U.S.C. 665a) is
3 amended—

4 (A) in paragraph (1)—

5 (i) by striking “and” at the end of
6 subparagraph (A)(ii);

7 (ii) by striking the semicolon at the
8 end of subparagraph (A)(iii) and inserting
9 “; and”; and

10 (iii) by adding at the end the follow-
11 ing new clause:

12 “(iv) new budget authority amounts in
13 the Violent Crime Reduction Trust
14 Fund;”;

15 (B) in paragraph (2)—

16 (i) by striking “and” at the end of
17 subparagraph (B); and

18 (iii) by adding “and” at the end of
19 subparagraph (C); and

20 (2) by adding at the end the following new sub-
21 paragraph:

22 “(D) new budget authority amounts in the
23 Violent Crime Reduction Trust Fund;”.

24 (2) FISCAL YEAR 1995.—Upon the enactment of
25 this Act, the amount transferred from the general

1 fund into the Violent Crime Reduction Trust Fund
2 for fiscal year 1995 shall be deemed to be
3 allocated—

4 (A) to the Committee on Appropriations of
5 the House of Representatives under section
6 602(a)(1)(A)(iv) of the Congressional Budget
7 Act of 1974, as added by paragraph (1); and

8 (B) to the Committee on Appropriations of
9 the Senate under section 602(a)(2)(D) of the
10 Congressional Budget Act of 1974, as added by
11 paragraph (1).

12 **SEC. 1354. CONFORMING REDUCTION IN DISCRETIONARY**
13 **SPENDING LIMITS.**

14 Upon enactment of this Act, the discretionary spend-
15 ing limits set forth in section 601(a)(2) of the Congres-
16 sional Budget Act of 1974 (2 U.S.C. 665(a)(2)) (as ad-
17 justed in conformance with section 251 of the Balanced
18 Budget and Emergency Deficit Control Act of 1985 and,
19 in the Senate, with section 24 of House Concurrent Reso-
20 lution 218 (103d Congress)) for fiscal years 1995 through
21 1998 are reduced as follows:

22 (1) For fiscal year 1995, for the discretionary
23 category: \$2,423,000,000 in new budget authority
24 and \$703,000,000 in outlays.

1 (2) For fiscal year 1996, for the discretionary
 2 category: \$4,287,000,000 in new budget authority
 3 and \$2,334,000,000 in outlays.

4 (3) For fiscal year 1997, for the discretionary
 5 category: \$5,000,000,000 in new budget authority
 6 and \$3,936,000,000 in outlays.

7 (4) For fiscal year 1998, for the discretionary
 8 category: \$5,500,000,000 in new budget authority
 9 and \$4,904,000,000 in outlays.

10 **TITLE XXXII—MISCELLANEOUS**
 11 **Subtitle A—Increases in Penalties**

12 **SEC. 2901. INCREASED PENALTIES FOR ASSAULT.**

13 (a) CERTAIN OFFICERS AND EMPLOYEES.—Section
 14 111 of title 18, United States Code, is amended—

15 (1) in subsection (a) by inserting “, where the
 16 acts in violation of this section constitute only simple
 17 assault, be fined under this title or imprisoned not
 18 more than one year, or both, and in all other cases,”
 19 after “shall”;

20 (2) in subsection (b) by inserting “or inflicts
 21 bodily injury” after “weapon”.

22 (b) FOREIGN OFFICIALS, OFFICIAL GUESTS, AND
 23 INTERNATIONALLY PROTECTED PERSONS.—Section
 24 112(a) of title 18, United States Code, is amended—

1 (1) by striking “not more than \$5,000” and in-
2 sserting “under this title”;

3 (2) by inserting “, or inflicts bodily injury,”
4 after “weapon”; and

5 (3) by striking “not more than \$10,000” and
6 inserting “under this title”.

7 (c) MARITIME AND TERRITORIAL JURISDICTION.—
8 Section 113 of title 18, United States Code, is amended—

9 (1) in subsection (c)—

10 (A) by striking “of not more than \$1,000”
11 and inserting “under this title”; and

12 (B) by striking “five” and inserting “ten”;
13 and

14 (2) in subsection (e)—

15 (A) by striking “of not more than \$300”
16 and inserting “under this title”; and

17 (B) by striking “three” and inserting
18 “six”.

19 (d) CONGRESS, CABINET, OR SUPREME COURT.—
20 Section 351(e) of title 18, United States Code, is
21 amended—

22 (1) by striking “not more than \$5,000,” and in-
23 sserting “under this title”;

24 (2) by inserting “the assault involved in the use
25 of a dangerous weapon, or” after “if”;

1 (3) by striking “not more than \$10,000” and
2 inserting “under this title”; and
3 (4) by striking “for”.

4 (e) PRESIDENT AND PRESIDENT’S STAFF.—Section 7
5 1751(e) of title 18, United States Code, is amended—

6 (1) by striking “not more than \$10,000,” both
7 places it appears and inserting “under this title,”;

8 (2) by striking “not more than \$5,000,” and in-
9 serting “under this title,”; and

10 (3) by inserting “the assault involved the use of
11 a dangerous weapon, or” after “if”.

12 **SEC. 2902. INCREASED PENALTIES FOR MANSLAUGHTER.**

13 Section 1112 of title 18, United States Code, is
14 amended—

15 (1) in subsection (b)—

16 (A) by inserting “fined under this title or”
17 after “shall be” in the first undesignated para-
18 graph; and

19 (B) by inserting “, or both” after “years”;

20 (2) by striking “not more than \$1,000” and in-
21 serting “under this title”; and

22 (3) by striking “three” and inserting “six”.

1 **SEC. 2903. INCREASED PENALTIES FOR CIVIL RIGHTS VIO-**
2 **LATIONS.**

3 (a) **CONSPIRACY AGAINST RIGHTS.**—Section 241 of
4 title 18, United States Code, is amended—

5 (1) by striking “not more than \$10,000” and
6 inserting “under this title”;

7 (2) by inserting “from the acts committed in
8 violation of this section or if such acts include kid-
9 napping or an attempt to kidnap, aggravated sexual
10 abuse or an attempt to commit aggravated sexual
11 abuse, or an attempt to kill” after “results”;

12 (3) by striking “subject to imprisonment” and
13 inserting “fined under this title or imprisoned”; and

14 (4) by inserting “, or both” after “life”.

15 (b) **DEPRIVATION OF RIGHTS.**—Section 242 of title
16 18, United States Code, is amended—

17 (1) by striking “not more than \$1,000” and in-
18 sserting “under this title”;

19 (2) by inserting “from the acts committed in
20 violation of this section or if such acts include the
21 use, attempted use, or threatened use of a dangerous
22 weapon, explosives, or fire,” after “bodily injury re-
23 sults”;

24 (3) by inserting “from the acts committed in
25 violation of this section or if such acts include kid-
26 napping or an attempt to kidnap, aggravated sexual

1 abuse, or an attempt to commit aggravated sexual
2 abuse, or an attempt to kill, shall be fined under this
3 title, or" after "death results";

4 (4) by striking "shall be subject to imprison-
5 ment" and inserting "imprisoned"; and

6 (5) by inserting ", or both" after "life".

7 (c) **FEDERALLY PROTECTED ACTIVITIES.**—Section
8 245(b) of title 18, United States Code, is amended in the
9 matter following paragraph (5)—

10 (1) by striking "not more than \$1,000" and in-
11 serting "under this title";

12 (2) by inserting "from the acts committed in
13 violation of this section or if such acts include the
14 use, attempted use, or threatened use of a dangerous
15 weapon, explosives, or fire" after "bodily injury re-
16 sults;

17 (3) by striking "not more than \$10,000" and
18 inserting "under this title";

19 (4) by inserting "from the acts committed in
20 violation of this section or if such acts include kid-
21 napping or an attempt to kidnap, aggravated sexual
22 abuse or an attempt to commit aggravated sexual
23 abuse, or an attempt to kill," after "death results";

24 (5) by striking "subject to imprisonment" and
25 inserting "fined under this title or imprisoned"; and

1 (6) by inserting “, or both” after “life”.

2 (d) DAMAGE TO RELIGIOUS PROPERTY.—Section
3 247 of title 18, United States Code, is amended—

4 (1) in subsection (c)(1) by inserting “from acts
5 committed in violation of this section or if such acts
6 include kidnapping or an attempt to kidnap, aggra-
7 vated sexual abuse or an attempt to commit aggra-
8 vated sexual abuse, or an attempt to kill” after
9 “death results”;

10 (2) in subsection (c)(2)—

11 (A) by striking “serious”; and

12 (B) by inserting “from the acts committed
13 in violation of this section or if such acts in-
14 clude the use, attempted use, or threatened use
15 of a dangerous weapon, explosives, or fire”
16 after “bodily injury results”; and

17 (3) by amending subsection (e) to read as fol-
18 lows:

19 “(e) As used in this section, the term ‘religious prop-
20 erty’ means any church, synagogue, mosque, religious
21 cemetery, or other religious property.”.

22 (e) FAIR HOUSING ACT.—Section 901 of the Fair
23 Housing Act (42 U.S.C. 3631) is amended—

24 (1) in the caption by striking “bodily injury;
25 death;”;

1 (2) by striking “not more than \$1,000,” and in-
2 serting “under this title”;

3 (3) by inserting “from the acts committed in
4 violation of this section or if such acts include the
5 use, attempted use, or threatened use of a dangerous
6 weapon, explosives, or fire” after “bodily injury re-
7 sults”;

8 (4) by striking “not more than \$10,000,” and
9 inserting “under this title”;

10 (5) by inserting “from the acts committed in
11 violation of this section or if such acts include kid-
12 napping or an attempt to kidnap, aggravated sexual
13 abuse or an attempt to commit aggravated sexual
14 abuse, or an attempt to kill,” after “death results”;

15 (6) by striking “subject to imprisonment” and
16 inserting “fined under this title or imprisoned”; and

17 (7) by inserting “, or both” after “life”.

18 **SEC. 2904. PENALTIES FOR TRAFFICKING IN COUNTERFEIT**
19 **GOODS AND SERVICES.**

20 (a) **IN GENERAL.**—Section 2320(a) of title 18, Unit-
21 ed States Code, is amended—

22 (1) in the first sentence—

23 (A) by striking “\$250,000 or imprisoned
24 not more than five years” and inserting

1 “\$2,000,000 or imprisoned not more than 10
2 years”; and

3 (B) by striking “\$1,000,000” and insert-
4 ing “\$5,000,000”;

5 (2) in the second sentence—

6 (A) by striking “\$1,000,000 or imprisoned
7 not more than fifteen years” and inserting
8 “\$5,000,000 or imprisoned not more than 20
9 years”; and

10 (B) by striking “\$5,000,000” and insert-
11 ing “\$15,000,000”.

12 (b) LAUNDERING MONETARY INSTRUMENTS.—Sec-
13 tion 1956(e)(7)(D) of title 18, United States Code, is
14 amended by striking “or section 2319 (relating to copy-
15 right infringement),” and inserting “section 2319 (relat-
16 ing to copyright infringement), or section 2320 (relating
17 to trafficking in counterfeit goods and services),”.

18 **SEC. 2905. INCREASED PENALTY FOR CONSPIRACY TO COM-**
19 **MIT MURDER FOR HIRE.**

20 Section 1958(a) of title 18, United States Code, is
21 amended by inserting “or who conspires to do so” before
22 “shall be fined” the first place it appears.

23 **SEC. 2906. INCREASED PENALTIES FOR ARSON.**

24 Section 844 of title 18, United States Code, is
25 amended—

1 (1) in subsection (f)—

2 (A) by striking “not more than ten years,
3 or fined not more than \$10,000” and inserting
4 “not more than 20 years, fined the greater of
5 \$100,000 or the cost of repairing or replacing
6 any property that is damaged or destroyed”;
7 and

8 (B) by striking “not more than twenty
9 years, or fined not more than \$10,000” and in-
10 sserting “not more than 40 years, fined the
11 greater of \$200,000 or the cost of repairing or
12 replacing any property that is damaged or de-
13 stroyed”;

14 (2) in subsection (h)—

15 (A) in the first sentence by striking “five
16 years” and inserting “5 years but not more
17 than 15 years”; and

18 (B) in the second sentence by striking “ten
19 years” and inserting “10 years but not more
20 than 25 years”; and

21 (3) in subsection (i)—

22 (A) by striking “not more than ten years
23 or fined not more than \$10,000” and inserting
24 “not more than 20 years, fined the greater of
25 \$100,000 or the cost of repairing or replacing

1 any property that is damaged or destroyed”;
2 and

3 (B) by striking “not more than twenty
4 years or fined not more than \$20,000” and in-
5 serting “not more than 40 years, fined the
6 greater of \$200,000 or the cost of repairing or
7 replacing any property that is damaged or de-
8 stroyed”.

9 **SEC. 616. INCREASED PENALTIES FOR DRUG TRAFFICKING**

10 **NEAR PUBLIC HOUSING.**

11 Section 419 of the Controlled Substances Act (21
12 U.S.C. 860) is amended—

13 (1) in subsection (a) by striking “playground,
14 or within” and inserting “playground, or housing fa-
15 cility owned by a public housing authority, or with-
16 in”; and

17 (2) in subsection (b) by striking “playground,
18 or within” and inserting “playground, or housing fa-
19 cility owned by a public housing authority, or with-
20 in”.

1 **Subtitle B—Extension of**
 2 **Protection of Civil Rights Statutes**

3 **SEC. 2911. EXTENSION OF PROTECTION OF CIVIL RIGHTS**
 4 **STATUTES.**

5 (a) CONSPIRACY AGAINST RIGHTS.—Section 241 of
 6 title 18, United States Code, is amended by striking “in-
 7 habitant of” and inserting “person in”.

8 (b) DEPRIVATION OF RIGHTS UNDER COLOR OF
 9 LAW.—Section 242 of title 18, United States Code, is
 10 amended—

11 (1) by striking “inhabitant of” and inserting
 12 “person in”; and

13 (2) by striking “such inhabitant” and inserting
 14 “such person”.

15 **Subtitle C—Audit and Report**

16 **SEC. 2921. AUDIT REQUIREMENT FOR STATE AND LOCAL**
 17 **LAW ENFORCEMENT AGENCIES RECEIVING**
 18 **FEDERAL ASSET FORFEITURE FUNDS.**

19 (a) STATE REQUIREMENT.—Section 524(c)(7) of
 20 title 28, United States Code, is amended to read as fol-
 21 lows:

22 “(7)(A) The Fund shall be subject to annual
 23 audit by the Comptroller General.

24 “(B) The Attorney General shall require that
 25 any State or local law enforcement agency receiving

1 funds conduct an annual audit detailing the uses
 2 and expenses to which the funds were dedicated and
 3 the amount used for each use or expense and report
 4 the results of the audit to the Attorney General.”.

5 (b) INCLUSION IN ATTORNEY GENERAL’S REPORT.—
 6 Section 524(c)(6)(C) of title 28, United States Code, is
 7 amended by adding at the end the following flush sen-
 8 tence: “The report should also contain all annual audit
 9 reports from State and local law enforcement agencies re-
 10 quired to be reported to the Attorney General under sub-
 11 paragraph (B) of paragraph (7).”.

12 **SEC. 2922. REPORT TO CONGRESS ON ADMINISTRATIVE**
 13 **AND CONTRACTING EXPENSES.**

14 Section 524(c)(6) of title 28, United States Code, is
 15 amended—

16 (1) by striking “and” at the end of subpara-
 17 graph (B);

18 (2) by striking the period at the end of sub-
 19 paragraph (C) and inserting “; and”; and

20 (3) by adding at the end the following new sub-
 21 paragraph:

22 “(D) a report for such fiscal year containing a
 23 description of the administrative and contracting ex-
 24 penses paid from the Fund under paragraph
 25 (1)(A).”.

1 **SUBTITLE D—COORDINATION**

2 **SEC. 5166. COORDINATION OF SUBSTANCE ABUSE TREAT-**
3 **MENT AND PREVENTION PROGRAMS.**

4 The Attorney General shall consult with the Sec-
5 retary of the Department of Health and Human Services
6 in establishing and carrying out the substance abuse treat-
7 ment and prevention components of the programs author-
8 ized under this Act, to assure coordination of programs,
9 eliminate duplication of efforts and enhance the effective-
10 ness of such services.

11 **Subtitle E—Gambling**

12 **SEC. 2932. CLARIFYING AMENDMENT REGARDING SCOPE**
13 **OF PROHIBITION AGAINST GAMBLING ON**
14 **SHIPS IN INTERNATIONAL WATERS.**

15 (a) The paragraph of section 1081 of title 18, United
16 States Code, defining the term “gambling ship” is amend-
17 ed by adding at the end the following: “Such term does
18 not include a vessel with respect to gambling aboard such
19 vessel beyond the territorial waters of the United States
20 during a covered voyage (as defined in section 4472 of
21 the Internal Revenue Code of 1986 as in effect on January
22 1, 1994).”.

1 **Subtitle F—White Collar Crime**
2 **Amendments**

3 **SEC. 2941. RECEIVING THE PROCEEDS OF EXTORTION OR**
4 **KIDNAPPING.**

5 (a) **PROCEEDS OF EXTORTION.**—Chapter 41 of title
6 18, United States Code, is amended—

7 (1) by adding at the end the following new sec-
8 tion:

9 **“§ 880. Receiving the proceeds of extortion**

10 “A person who receives, possesses, conceals, or dis-
11 poses of any money or other property which was obtained
12 from the commission of any offense under this chapter
13 that is punishable by imprisonment for more than 1 year,
14 knowing the same to have been unlawfully obtained, shall
15 be imprisoned not more than 3 years, fined under this
16 title, or both.”; and

17 (2) in the table of sections, by adding at the
18 end the following new item:

“880. Receiving the proceeds of extortion.”.

19 (b) **RANSOM MONEY.**—Section 1202 of title 18, Unit-
20 ed States Code, is amended—

21 (1) by designating the existing matter as sub-
22 section “(a)”; and

23 (2) by adding the following new subsections:

1 “(b) A person who transports, transmits, or transfers
2 in interstate or foreign commerce any proceeds of a kid-
3 napping punishable under State law by imprisonment for
4 more than 1 year, or receives, possesses, conceals, or dis-
5 poses of any such proceeds after they have crossed a State
6 or United States boundary, knowing the proceeds to have
7 been unlawfully obtained, shall be imprisoned not more
8 than 10 years, fined under this title, or both.

9 “(c) For purposes of this section, the term ‘State’ has
10 the meaning set forth in section 245(d) of this title.”.

11 **SEC. 2942. RECEIVING THE PROCEEDS OF A POSTAL ROB-**
12 **BERY.**

13 Section 2114 of title 18, United States Code, is
14 amended—

15 (1) by striking “whoever” and inserting:

16 “(a) ASSAULT.—A person who”; and

17 (2) by adding at the end the following new
18 subsection:

19 “(b) RECEIPT, POSSESSION, CONCEALMENT, OR DIS-
20 POSAL OF PROPERTY.—A person who receives, possesses,
21 conceals, or disposes of any money or other property that
22 has been obtained in violation of this section, knowing the
23 same to have been unlawfully obtained, shall be impris-
24 oned not more than 10 years, fined under this title, or
25 both.”.

1 **Subtitle G—Safer Streets and**
 2 **Neighborhoods**

3 **SEC. 2951. SHORT TITLE.**

4 This subtitle may be cited as the “Safer Streets and
 5 Neighborhoods Act of 1994”.



6 **SEC. 2952. LIMITATION ON GRANT DISTRIBUTION.**

7 (a) **AMENDMENT.**—Section 510(b) of title I of the
 8 Omnibus Crime Control and Safe Streets Act of 1968 (42
 9 U.S.C. 3760(b)) is amended by inserting “non-Federal”
 10 after “with”.

11 (b) **EFFECTIVE DATE.**—The amendment made by
 12 subsection (a) shall take effect on October 1, 1994.



13 **Subtitle H—Other Provisions**

14 **SEC. 2965. WIRETAPS.**

15 Section 2511(1) of title 18, United States Code, is
 16 amended—

17 (1) by striking “or” at the end of paragraph

18 (c);

19 (2) by inserting “or” at the end of paragraph

20 (d); and

21 (3) by adding after paragraph (d) the following
 22 new paragraph:

23 “(e)(i) intentionally discloses, or endeavors to
 24 disclose, to any other person the contents of any
 25 wire, oral, or electronic communication, intercepted

1 by means authorized by sections 2511(2)(A)(ii),
2 2511(b)–(c), 2511(e), 2516, and 2518 of this sub-
3 chapter, (ii) knowing or having reason to know that
4 the information was obtained through the intercep-
5 tion of such a communication in connection with a
6 criminal investigation, (iii) having obtained or re-
7 ceived the information in connection with a criminal
8 investigation, and (iv) with intent to improperly ob-
9 struct, impede, or interfere with a duly authorized
10 criminal investigation.”

11 **SEC. 2966. THEFT OF MAJOR ARTWORK.**

12 (a) OFFENSE.—Chapter 31 of title 18, United States
13 Code, is amended by adding at the end the following new
14 section:

15 **“§ 668. Theft of major artwork**

16 “(a) DEFINITIONS.—In this section—

17 “‘museum’ means an organized and permanent
18 institution, the activities of which affect interstate or
19 foreign commerce, that—

20 “(A) is situated in the United States;

21 “(B) is established for an essentially edu-
22 cational or aesthetic purpose;

23 “(C) has a professional staff; and

1 “(D) owns, utilizes, and cares for tangible
2 objects that are exhibited to the public on a
3 regular schedule.

4 “‘object of cultural heritage’ means an object of
5 art or cultural significance that is registered with
6 the International Foundation for Art Research or an
7 equivalent registry.”

8 “(b) OFFENSES.—A person who—

9 “(1) steals or obtains by fraud from the care,
10 custody, or control of a museum any object of cul-
11 tural heritage; or

12 “(2) knowing that an object of cultural heritage
13 has been stolen or obtained by fraud, if in fact the
14 object was stolen or obtained from the care, custody,
15 or control of a museum (whether or not that fact is
16 known to the person), receives, conceals, exhibits, or
17 disposes of the object,

18 shall be fined under this title, imprisoned not more than
19 10 years, or both.”

20 (b) PERIOD OF LIMITATION.—Chapter 213 of title
21 18, United States Code, is amended by adding at the end
22 the following new section:

23 “§ 3294. **Theft of major artwork**

24 “No person shall be prosecuted, tried, or punished
25 for a violation of or conspiracy to violate section 668 un-

1 less the indictment is returned or the information is filed
2 within 20 years after the commission of the offense.”.

3 (d) TECHNICAL AMENDMENTS.—

4 (1) CHAPTER 31.—The chapter analysis for
5 chapter 31 of title 18, United States Code, is
6 amended by adding at the end the following new
7 item:

“668. Theft of major artwork.”.

8 (2) CHAPTER 213.—The chapter analysis for
9 chapter 31 of title 18, United States Code, is
10 amended by adding at the end the following new
11 item:

“3294. Theft of major artwork.”.

12 **SEC. 2969. ADDITION OF ATTEMPTED ROBBERY, KIDNAP-**
13 **PING, SMUGGLING, AND PROPERTY DAMAGE**
14 **OFFENSES TO ELIMINATE INCONSISTENCIES**
15 **AND GAPS IN COVERAGE.**

16 (a) ROBBERY AND BURGLARY.—(1) Section 2111 of
17 title 18, United States Code, is amended by inserting “or
18 attempts to take” after “takes”.

19 (2) Section 2112 of title 18, United States Code, is
20 amended by inserting “or attempts to rob” after “robs”.

21 (3) Section 2114 of title 18, United States Code, is
22 amended by inserting “or attempts to rob” after “robs”.

23 (b) KIDNAPPING.—Section 1201(d) of title 18,
24 United States Code, is amended by striking “Whoever at-

1 tempts to violate subsection (a)(4) or (a)(5)” and insert-
2 ing “Whoever attempts to violate subsection (a)”.

3 (c) SMUGGLING.—Section 545 of title 18, United
4 States Code, is amended by inserting “or attempts to
5 smuggle or clandestinely introduce” after “smuggles, or
6 clandestinely introduces”.

7 (d) MALICIOUS MISCHIEF.—(1) Section 1361 of title
8 18, United States Code, is amended—

9 (A) by inserting “or attempts to commit any of
10 the foregoing offenses” before “shall be punished”,
11 and

12 (B) by inserting “or attempted damage” after
13 “damage” each place it appears.

14 (2) Section 1362 of title 18, United States Code, is
15 amended by inserting “or attempts willfully or maliciously
16 to injure or destroy” after “willfully or maliciously injures
17 or destroys”.

18 (3) Section 1366 of title 18, United States Code, is
19 amended—

20 (A) by inserting “or attempts to damage” after
21 “damages” each place it appears;

22 (B) by inserting “or attempts to cause” after
23 “causes”; and

1 (C) by inserting “or would if the attempted of-
2 fense had been completed have exceeded” after “ex-
3 ceeds” each place it appears.

4 **SEC. 2972. GUN-FREE SCHOOL ZONES.**

5 (a) AMENDMENT OF TITLE 18, UNITED STATES
6 CODE.—Section 922(q) of title 18 , United States Code,
7 is amended—

8 (1) by redesignating paragraphs (1), (2), and
9 (3) as paragraphs (2), (3), and (4), respectively; and
10 (2) by inserting after “(q)” the following new
11 paragraph:

12 “(1) The Congress finds and declares that—

13 “(A) crime, particularly crime involving drugs
14 and guns, is a pervasive, nationwide problem;

15 “(B) crime at the local level is exacerbated by
16 the interstate movement of drugs, guns, and crimi-
17 nal gangs;

18 “(C) firearms and ammunition move easily in
19 interstate commerce and have been found in increas-
20 ing numbers in and around schools, as documented
21 in numerous hearings in both the Judiciary Commit-
22 tee of the House of Representatives and Judiciary
23 Committee of the Senate;

24 “(D) in fact, even before the sale of a firearm,
25 the gun, its component parts, ammunition, and the

1 raw materials from which they are made have con-
2 siderably moved in interstate commerce;

3 “(E) while criminals freely move from State to
4 State, ordinary citizens and foreign visitors may fear
5 to travel to or through certain parts of the country
6 due to concern about violent crime and gun violence,
7 and parents may decline to send their children to
8 school for the same reason;

9 “(F) the occurrence of violent crime in school
10 zones has resulted in a decline in the quality of edu-
11 cation in our country;

12 “(G) this decline in the quality of education has
13 an adverse impact on interstate commerce and the
14 foreign commerce of the United States;

15 “(H) States, localities, and school systems find
16 it almost impossible to handle gun-related crime by
17 themselves; even States, localities, and school sys-
18 tems that have made strong efforts to prevent, de-
19 tect, and punish gun-related crime find their efforts
20 unavailing due in part to the failure or inability of
21 other States or localities to take strong measures;
22 and

23 “(I) Congress has power, under the interstate
24 commerce clause and other provisions of the Con-
25 stitution, to enact measures to ensure the integrity

1 and safety of the Nation's schools by enactment of
2 this subsection."

3 **SEC. 5105. TASK FORCE AND CRIMINAL PENALTIES RELAT-**
4 **ING TO THE INTRODUCTION OF**
5 **NONINDIGENOUS SPECIES.**

6 (a) TASK FORCE.—

7 (1) IN GENERAL.—The Attorney General is au-
8 thorized to convene a law enforcement task force in
9 Hawaii to facilitate the prosecution of violations of
10 Federal laws, and laws of the State of Hawaii, relat-
11 ing to the wrongful conveyance, sale, or introduction
12 of nonindigenous plant and animal species.

13 (2) MEMBERSHIP.—(A) The task force shall be
14 composed of representatives of—

15 (i) the Office of the United States Attor-
16 ney for the District of Hawaii;

17 (ii) the United States Customs Service;

18 (iii) the Animal and Plant Health Inspec-
19 tion Service;

20 (iv) the Fish and Wildlife Service;

21 (v) the National Park Service;

22 (vi) the United States Forest Service;

23 (vii) the Military Customs Inspection Of-
24 fice of the Department of Defense;

25 (viii) the United States Postal Service;

1 (ix) the office of the Attorney General of
2 the State of Hawaii;

3 (x) the Hawaii Department of Agriculture;

4 (xi) the Hawaii Department of Land and
5 Natural Resources; and

6 (xii) such other individuals as the Attorney
7 General deems appropriate.

8 (B) The Attorney General shall, to the extent
9 practicable, select individuals to serve on the task
10 force who have experience with the enforcement of
11 laws relating to the wrongful conveyance, sale, or in-
12 troduction of nonindigenous species.

13 (3) DUTIES.—The task force shall—

14 (A) provide mutual assistance to Federal
15 and State law enforcement agencies in the pros-
16 ecution of violations of laws relating to the con-
17 veyance, sale, or introduction of nonindigenous
18 species into Hawaii; and

19 (B) make recommendations on ways to
20 strengthen Federal and State laws and law en-
21 forcement strategies designed to prevent the in-
22 troduction of nonindigenous species.

23 (4) REPORT.—The task force shall report to
24 the Attorney General and to the Committee on the
25 Judiciary and Committee on Agriculture, Nutrition,

1 and Forestry of the Senate and the Committee on
2 the Judiciary, Committee on Agriculture, and Com-
3 mittee on Merchant Marine and Fisheries of the
4 House of Representatives on—

5 (A) the progress of its enforcement efforts;
6 and

7 (B) the adequacy of existing Federal laws
8 and laws of the State of Hawaii that relate to
9 the introduction of nonindigenous species.

10 Thereafter, the task force shall make such reports as
11 the task force deems appropriate.

12 (5) CONSULTATION.—The task force shall con-
13 sult with Hawaii agricultural interests and rep-
14 resentatives of Hawaii conservation organizations
15 about methods of preventing the wrongful convey-
16 ance, sale, or introduction of nonindigenous plant
17 and animal species into Hawaii.

18 (b) CRIMINAL PENALTY.—

19 (1) IN GENERAL.—Chapter 83 of title 18, Unit-
20 ed States Code, is amended by inserting after sec-
21 tion 1716C the following new section:

1 **“§ 1716D. Nonmailable injurious animals, plant pests,**
 2 **plants, and illegally taken fish, wildlife,**
 3 **and plants**

4 “A person who knowingly deposits for mailing or de-
 5 livery, or knowingly causes to be delivered by mail, accord-
 6 ing to the direction thereon, or at any place at which it
 7 is directed to be delivered by the person to whom it is
 8 addressed, anything that section 3015 of title 39 declares
 9 to be nonmailable matter shall be fined under this title,
 10 imprisoned not more than 1 year, or both.”

11 (2) **TECHNICAL AMENDMENT.**—The chapter
 12 analysis for chapter 83 of title 18, United States
 13 Code, is amended by inserting after the item relating
 14 to section 1716C the following new item:

“1716D. Nonmailable injurious animals, plant pests, plants, and illegally taken
 fish, wildlife, and plants.”

15 **SEC. 5109. INTERSTATE WAGERING.**

16 Section 1301 of title 18, United States Code, is
 17 amended by inserting “or, being engaged in the business
 18 of procuring for a person in 1 State such a ticket, chance,
 19 share, or interest in a lottery, gift, enterprise or similar
 20 scheme conducted by another State (unless that business
 21 is permitted under an agreement between the States in
 22 question or appropriate authorities of those States), know-
 23 ingly transmits in interstate or foreign commerce informa-

1 tion to be used for the purpose of procuring such a ticket,
2 chance, share, or interest;" after "scheme;".

3 **SEC. 5130. SOLICITATION OF MINOR TO COMMIT CRIME.**

4 (a) **DIRECTIVE TO SENTENCING COMMISSION.—**(1)

5 The United States Sentencing Commission shall promul-
6 gate guidelines or amend existing guidelines to provide
7 that a defendant 21 years of age or older who has been
8 convicted of an offense shall receive an appropriate sen-
9 tence enhancement if the defendant involved a minor in
10 the commission of the offense.

11 (2) The Commission shall provide that the guideline
12 enhancement promulgate pursuant to paragraph (1) shall
13 apply for any offense in relation to which the defendant
14 has solicited, procured, recruited, counseled, encouraged,
15 trained, directed, commanded, intimidated, or otherwise
16 used or attempted to use any person less than 18 years
17 of age with the intent that the minor would commit a Fed-
18 eral offense.

19 (b) **RELEVANT CONSIDERATIONS.—**In implementing
20 the directive in subsection (a), the Sentencing Commission
21 shall consider—

22 (1) the severity of the crime that the defendant
23 intended the minor to commit;

24 (2) the number of minors that the defendant
25 used or attempted to use in relation to the offense;

1 (3) the fact that involving a minor in a crime
 2 of violence is frequently of even greater seriousness
 3 than involving a minor in a drug trafficking offense,
 4 for which the guidelines already provide a two-level
 5 enhancement; and

6 (4) the possible relevance of the proximity in
 7 age between the offender and the minor(s) involved
 8 in the offense.

9 **SEC. 1534. ADVERTISING.**

10 Section 403 of the Controlled Substances Act (21
 11 U.S.C. 843) is amended—

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

14 (2) by inserting after subsection (b) the follow-
 15 ing new subsection:

16 “(c) It shall be unlawful for any person to place in
 17 any newspaper, magazine, handbill, or other publications,
 18 any written advertisement knowing that it has the purpose
 19 of seeking or offering illegally to receive, buy, or distribute
 20 a Schedule I controlled substance. As used in this section
 21 the term ‘advertisement’ includes, in addition to its ordi-
 22 nary meaning, such advertisements as those for a catalog
 23 of Schedule I controlled substances and any similar writ-
 24 ten advertisement that has the purpose of seeking or offer-
 25 ing illegally to receive, buy, or distribute a Schedule I con-

1 trolled substance. The term 'advertisement' does not in-
2 clude material which merely advocates the use of a similar
3 material, which advocates a position or practice, and does
4 not attempt to propose or facilitate an actual transaction
5 in a Schedule I controlled substance.”.

6 **SEC. 3005. SENSE OF CONGRESS WITH RESPECT TO VIO-**
7 **LENCE AGAINST TRUCKERS.**

8 It is the sense of Congress that—

9 (1) when there is Federal jurisdiction, Federal
10 authorities should prosecute to the fullest extent of
11 the law murders, rapes, burglaries, kidnappings and
12 assaults committed against commercial truckers; and

13 (2) appropriate Federal agencies should ac-
14 knowledge this problem and place a priority on eval-
15 uating how best to prevent these crimes and appre-
16 hend those involved, and continue to coordinate their
17 activities with multi-jurisdictional authorities to
18 combat violent crimes committed against truckers..

19 **SEC. 5148. SENSE OF THE SENATE REGARDING A STUDY ON**
20 **OUT-OF-WEDLOCK BIRTHS.**

21 It is the sense of the Senate that—

22 (1) the Secretary of Health and Human Serv-
23 ices, in consultation with the National Center for
24 Health Statistics, should prepare an analysis of the
25 causes of the increase in out-of-wedlock births, and

1 determine whether there is any historical precedent
2 for such increase, as well as any equivalent among
3 foreign nations, and

4 (2) the Secretary of Health and Human Serv-
5 ices should report to Congress within 12 months
6 after the date of the enactment of this Act on the
7 Secretary's analysis of the out-of-wedlock problem
8 and its causes, as well as possible remedial measures
9 that could be taken.

10 **SEC. 5106. SENSE OF THE SENATE REGARDING THE ROLE**
11 **OF THE UNITED NATIONS IN INTERNATIONAL**
12 **ORGANIZED CRIME CONTROL.**

13 It is the sense of the Senate that—

14 (1) the United States should encourage the de-
15 velopment of a United Nations Convention on Orga-
16 nized Crime; and

17 (2) the United Nations should—

18 (A) provide significant additional resources
19 to the Commission on Crime Prevention and
20 Criminal Justice;

21 (B) consider an expansion of the Commis-
22 sion's role and authority; and

23 (C) seek a cohesive approach to the inter-
24 national organized crime problem.

1 **SEC. 2961. OPTIONAL VENUE FOR ESPIONAGE AND RELAT-**
2 **ED OFFENSES.**

3 (a) **IN GENERAL.**—Chapter 211 of title 18, United
4 States Code, is amended by inserting after section 3238
5 the following new section:

6 **“§ 3239. Optional venue for espionage and related of-**
7 **fenses**

8 “The trial for any offense involving a violation, begun
9 or committed upon the high seas or elsewhere out of the
10 jurisdiction of any particular State or district, of—

11 “(1) section 793, 794, 798, or section
12 1030(a)(1) of this title;

13 “(2) section 601 of the National Security Act of
14 1947 (50 U.S.C. 421); or

15 “(3) section 4(b) or 4(c) of the Subversive Ac-
16 tivities Control Act of 1950 (50 U.S.C. 783 (b) or
17 (c));

18 may be in the District of Columbia or in any other district
19 authorized by law.”.

20 (b) **TECHNICAL AMENDMENT.**—The item relating to
21 section 3239 in the table of sections of chapter 211 of
22 title 18, United States Code, is amended to read as
23 follows:

“3239. Optional venue for espionage and related offense.”.

1 **SEC. 2962. UNDERCOVER OPERATIONS.**

2 (a) **IN GENERAL.**—Chapter 1 of title 18, United
3 States Code, is amended by adding at the end the follow-
4 ing new section:

5 **“§ 21. Stolen or counterfeit nature of property for**
6 **certain crimes defined**

7 “(a) Wherever in this title it is an element of an of-
8 fense that—

9 “(1) any property was embezzled, robbed, sto-
10 len, converted, taken, altered, counterfeited, falsely
11 made, forged, or obliterated; and

12 “(2) the defendant knew that the property was
13 of such character;

14 such element may be established by proof that the defend-
15 ant, after or as a result of an official representation as
16 to the nature of the property, believed the property to be
17 embezzled, robbed, stolen, converted, taken, altered, coun-
18 terfeited, falsely made, forged, or obliterated.

19 “(b) For purposes of this section, the term ‘official
20 representation’ means any representation made by a Fed-
21 eral law enforcement officer (as defined in section 115)
22 or by another person at the direction or with the approval
23 of such an officer.”.

24 (b) **TECHNICAL AMENDMENT.**—The table of sections
25 of chapter 1 of title 18, United States Code, is amended
26 by adding at the end the following new item:

“21. Stolen or counterfeit nature of property for certain crimes defined.”.

1 **SEC. 5167. JUVENILE ANTI-DRUG AND ANTI-GANG GRANTS**
2 **IN FEDERALLY ASSISTED LOW-INCOME HOUS-**
3 **ING.**

4 Grants authorized in this Act to reduce or prevent
5 juvenile drug and gang-related activity in “public hous-
6 ing” may be used for such purposes in federally assisted,
7 low-income housing.

8 **SEC. 2968. MISUSE OF INITIALS “DEA”.**

9 (a) **AMENDMENT.**—Section 709 of title 18, United
10 States Code, is amended—

11 (1) in the thirteenth unnumbered paragraph by
12 striking “words—” and inserting “words; or”; and

13 (2) by inserting after the thirteenth unnum-
14 bered paragraph the following new paragraph:

15 “A person who, except with the written permission
16 of the Administrator of the Drug Enforcement Adminis-
17 tration, knowingly uses the words ‘Drug Enforcement Ad-
18 ministration’ or the initials ‘DEA’ or any colorable imita-
19 tion of such words or initials, in connection with any ad-
20 vertisement, circular, book, pamphlet, software or other
21 publication, play, motion picture, broadcast, telecast, or
22 other production, in a manner reasonably calculated to
23 convey the impression that such advertisement, circular,
24 book, pamphlet, software or other publication, play, mo-
25 tion picture, broadcast, telecast, or other production is ap-

1 proved, endorsed, or authorized by the Drug Enforcement
2 Administration;”.

3 (b) EFFECTIVE DATE.—The amendment made by
4 subsection (a) shall become effective on the date that is
5 90 days after the date of enactment of this Act.

6 **SEC. 2970. DEFINITION OF LIVESTOCK.**

7 Section 2311 of title 18, United States Code, is
8 amended by inserting after the second paragraph relating
9 to the definition of “cattle” the following new paragraph:

10 “‘Livestock’ means any domestic animals raised for
11 home use, consumption, or profit, such as horses, pigs,
12 goats, fowl, sheep, and cattle, or the carcasses thereof.”.

13 **SEC. 5155. ASSET FORFEITURE.**

14 (a) AMENDMENT.—Section 524(c)(1) of title 28,
15 United States Code, is amended—

16 (1) by redesignating subparagraph (H) as sub-
17 paragraph (I); and

18 (2) by inserting after subparagraph (G) the fol-
19 lowing new subparagraph:

20 “(H) the payment of State and local property taxes
21 on forfeited real property that accrued between the date
22 of the violation giving rise to the forfeiture and the date
23 of the forfeiture order; and”.

24 (b) APPLICATION OF AMENDMENT.—The amendment
25 made by subsection (a) shall apply to all claims pending

1 at the time of or commenced subsequent to the date of
2 enactment of this Act.

3 **SEC. 5156. CLARIFICATION OF DEFINITION OF A "COURT OF**
4 **THE UNITED STATES" TO INCLUDE THE DIS-**
5 **TRICT COURTS FOR GUAM, THE NORTHERN**
6 **MARIANA ISLANDS, AND THE VIRGIN IS-**
7 **LANDS.**

8 (a) IN GENERAL.—Chapter 1 of title 18, United
9 States Code, is amended by adding at the end the follow-
10 ing new section:

11 **"§ 23. Court of the United States defined**

12 As used in this title, except where otherwise expressly
13 provided the term 'court of the United States' includes
14 the District Court of Guam, the District Court for the
15 Northern Mariana Islands, and the District Court of the
16 Virgin Islands."

17 (b) TECHNICAL AMENDMENT.—The chapter analysis
18 for chapter 1 of title 18, United States Code, is amended
19 by adding at the end the following new item:

"23. Court of the United States defined."

20 **SEC. 5164. LAW ENFORCEMENT PERSONNEL.**

21 It is the sense of the Senate that law enforcement
22 personnel should not be reduced and calls upon the Presi-
23 dent of the United States to exempt Federal law enforce-
24 ment positions from Executive Order 12839 and other Ex-

1 ecutive memoranda mandating reductions in the Federal
2 workforce.

3 **SEC. 3041. AUTHORITY TO INVESTIGATE VIOLENT CRIMES**
4 **AGAINST TRAVELERS.**

5 (a) VIOLENT CRIMES AGAINST TRAVELERS.—

6 (1) IN GENERAL.—Chapter 33 of title 28, Unit-
7 ed States Code, is amended by adding at the end the
8 following new section:

9 **“§ 540A. Investigation of violent crimes against trav-**
10 **elers**

11 “(a) IN GENERAL.—At the request of an appropriate
12 law enforcement official of a State or political subdivision,
13 the Attorney General and Director of the Federal Bureau
14 of Investigation may assist in the investigation of a felony
15 crime of violence in violation of the law of any State in
16 which the victim appears to have been selected because
17 he or she is a traveler.

18 “(b) FOREIGN TRAVELERS.—In a case in which the
19 traveler who is a victim of a crime described in subsection
20 (a) is from a foreign nation, the Attorney General and
21 Director of the Federal Bureau of Investigation, and,
22 when appropriate, the Secretary of State shall assist the
23 prosecuting and law enforcement officials of a State or
24 political subdivision to the fullest extent possible in secur-
25 ing from abroad such evidence or other information as

1 may be needed for the effective investigation and prosecu-
2 tion of the crime.

3 “(c) DEFINITIONS.—In this section—

4 “‘felony crime of violence’ means an offense
5 punishable by more than one year in prison that has
6 as an element the use, attempted use, or threatened
7 use of physical force against the person of another.

8 “‘State’ means a State, the District of Colum-
9 bia, and any commonwealth, territory, or possession
10 of the United States.

11 “‘traveler’ means a victim of a crime of vio-
12 lence who is not a resident of the State in which the
13 crime of violence occurred.”

14 (2) TECHNICAL AMENDMENT.—The chapter
15 analysis for chapter 33 of title 28, United States
16 Code, is amended by adding at the end the following
17 new item:

“540A. Investigation of violence crimes against travelers.”

18 **SEC. 621. GANG INVESTIGATION COORDINATION AND IN-**
19 **FORMATION COLLECTION.**

20 (a) COORDINATION.—The Attorney General (or the
21 Attorney General’s designee), in consultation with the Sec-
22 retary of the Treasury (or the Secretary’s designee), shall
23 develop a national strategy to coordinate gang-related in-
24 vestigations by Federal law enforcement agencies.

1 (b) DATA COLLECTION.—The Director of the Federal
2 Bureau of Investigation shall acquire and collect informa-
3 tion on incidents of gang violence for inclusion in an an-
4 nual uniform crime report.

5 (c) REPORT.—The Attorney General shall prepare a
6 report on national gang violence outlining the strategy de-
7 veloped under subsection (a) to be submitted to the Presi-
8 dent and Congress by January 1, 1996.

9 (d) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to carry out this section
11 \$1,000,000 for fiscal year 1995.

12 **SEC. 3056. MILITARY MEDALS AND DECORATIONS.**

13 Section 704 of title 18, United States Code, is
14 amended—

15 (1) by striking “Whoever” and inserting (a) IN
16 GENERAL.—Whoever”;

17 (2) by striking “not more than \$250” and in-
18 serting “under this title”; and

19 (3) by adding at the end the following new sub-
20 section:

21 “(b) CONGRESSIONAL MEDAL OF HONOR.—

22 “(1) IN GENERAL.—If a decoration or medal in-
23 volved in an offense under subsection (a) is a Con-
24 gressional Medal of Honor, in lieu of the punishment
25 provided in that subsection, the offender shall be

1 fined under this title, imprisoned not more than 1
2 year, or both.

3 “(2) DEFINITIONS.—(A) As used in subsection
4 (a) with respect to a Congressional Medal of Honor,
5 ‘sells’ includes trades, barter, or exchanges for any-
6 thing of value.

7 “(B) As used in this subsection, ‘Congressional
8 Medal of Honor’ means a medal awarded under sec-
9 tion 3741 of title 10.”

10 **SEC. 2971. EXTENSION OF STATUTE OF LIMITATIONS FOR**
11 **ARSON.**

12 (a) IN GENERAL.—Section 844(i) of title 18, United
13 States Code, is amended by adding at the end the follow-
14 ing: “No person shall be prosecuted, tried, or punished
15 for any noncapital offense under this subsection unless the
16 indictment is found or the information is instituted within
17 10 years after the date on which the offense was commit-
18 ted.”

19 (b) APPLICATION OF AMENDMENT.—The amendment
20 made by subsection (a) shall not apply to any offense de-
21 scribed in the amendment that was committed more than
22 5 years prior to the date of enactment of this Act.

23 **SEC. 3092. COCAINE PENALTY STUDY.**

24 Not later than December 31, 1994, the United States
25 Sentencing Commission shall submit a report to Congress

1 on issues relating to sentences applicable to offenses in-
 2 volving the possession or distribution of all forms of co-
 3 caine. The report shall address the differences in penalty
 4 levels that apply to different forms of cocaine and include
 5 any recommendations that the Commission may have for
 6 retention or modification of such differences in penalty
 7 levels.

8 **SEC. 1603. SENSE OF CONGRESS CONCERNING CHILD CUS-**
 9 **TODY AND VISITATION RIGHTS.**

10 It is the sense of the Congress that in determining
 11 child custody and visitation rights, the courts should take
 12 into consideration the history of drunk driving that any
 13 person involved in the determination may have.

14 **SEC. 3048. EDWARD BYRNE MEMORIAL FORMULA GRANT**
 15 **PROGRAM.**

16 Nothing in this Act shall be construed to prohibit or
 17 exclude the expenditure of appropriations to grant recipi-
 18 ents that would have been or are eligible to receive grants
 19 under subpart 1 of part E of the Omnibus Crime Control
 20 and Safe Streets Act of 1968.

21 **SEC. 5127. LAW DAY U.S.A.**

22 ~~(a) FINDINGS. The Senate finds that—~~
 23 ~~(1) the first day of May of each year has been~~
 24 ~~designated as "Law Day U.S.A." and set aside as~~
 25 ~~a special day to advance equality and justice under~~

NOTE:
 All findings
 to be
 moved to
 sep report

1 law, to encourage citizen support for law enforce-
 2 ment and law observance, and to foster respect for
 3 law and an understanding of the essential place of
 4 law in the life of every citizen of the United States;

5 (2) each day, police officers and other law en-
 6 forcement personnel perform their duties unflinch-
 7 ingly and without hesitation;

8 (3) each year tens of thousands of law enforce-
 9 ment personnel are injured or assaulted in the
 10 course of duty and many are killed;

11 (4) law enforcement personnel are devoted to
 12 their jobs, are underpaid for their efforts, and are
 13 tireless in their work; and

14 (5) law enforcement personnel perform their
 15 duties without adequate recognition.

16 (b) EXPRESSION OF GRATITUDE.—In celebration of
 17 "Law Day, U.S.A.", May 1, 1995 the grateful people of
 18 this Nation give special emphasis to all law enforcement
 19 personnel of the United States, and acknowledge the un-
 20 flinching and devoted service law enforcement personnel
 21 perform as such personnel help preserve domestic tran-
 22 quillity and guarantee the legal rights of all individuals
 23 of this Nation.

1 **SEC. 3236. FIRST TIME DOMESTIC VIOLENCE OFFENDER**
2 **REHABILITATION PROGRAM.**

3 (a) SENTENCE OF PROBATION.—Section 3561 of title
4 18, United States Code, is amended—

5 (1) by redesignating subsection (b) as sub-
6 section (c); and

7 (2) by inserting the following new subsection
8 after subsection (a):

9 “(b) DOMESTIC VIOLENCE OFFENDERS.—A defend-
10 ant who has been convicted for the first time of a domestic
11 violence crime shall be sentenced to a term of probation
12 if not sentenced to a term of imprisonment. The term ‘do-
13 mestic violence crime’ means a crime of violence for which
14 the defendant may be prosecuted in a court of the United
15 States in which the victim or intended victim is the spouse,
16 former spouse, intimate partner, former intimate partner,
17 child, or former child of the defendant, or any relative de-
18 fendant, child, or former child of the defendant, or any
19 other relative of the defendant.”.

20 (b) CONDITIONS OF PROBATION.—Section 3563(a) of
21 title 18, United States Code, is amended by—

22 (1) striking “and” at the end of paragraph (2);

23 (2) striking the period at the end of paragraph

24 (3) and inserting “; and”; and

25 (3) by inserting the following new paragraph:

1 “(4) for a domestic violence crime as defined in
2 section 3561(b) by a defendant convicted of such an
3 offense for the first time that the defendant attend
4 a public, private, or private non-profit offender reha-
5 bilitation program that has been approved by the
6 court, in consultation with a State Coalition Against
7 Domestic Violence or other appropriate experts, if
8 an approved program is readily available within a
9 50-mile radius of the legal residence of the defend-
10 ant.”.

11 (c) SUPERVISED RELEASE.—Section 3583 of title 18,
12 United States Code, is amended—

13 (1) in subsection (a) by inserting “or if the de-
14 fendant has been convicted for the first time of a do-
15 mestic violence crime as defined in section 3561(b)”
16 after “statute”; and

17 (2) in subsection (d) by inserting the following
18 after the first sentence: “The court shall order as an
19 explicit condition of supervised release for a defend-
20 ant convicted for the first time of a domestic vio-
21 lence crime as defined in section 3561(b) that the
22 defendant attend a public, private, or private non-
23 profit offender rehabilitation program that has been
24 approved by the court, in consultation with a State
25 Coalition Against Domestic Violence or other appro-

1 priate experts, if an approved program is readily
2 available within a 50-mile radius of the legal resi-
3 dence of the defendant.”.

4 **SEC. 1098. MULTIJURISDICTIONAL GANG TASK FORCES.**

5 Section 504(f) of title I of the Omnibus Crime Con-
6 trol and Safe Streets Act of 1968 is amended by inserting
7 “victims assistance programs, or multijurisdictional gang
8 task forces” after “drug task forces”.

9 **SEC. 3001. DISPLAY OF FLAGS AT HALF STAFF.**

10 (a) PUBLIC LAW 87-726.—The first section of Pub-
11 lic Law 87-726 (36 U.S.C. 167) is amended—

12 (1) by striking “(2)” and inserting “(3)”;

13 (2) by inserting after clause (1) the following
14 new clause: “(2) directing the officials of the Gov-
15 ernment to display at half-staff the flag of the Unit-
16 ed States on all Government buildings on such day,
17 as provided by section 3(m) of the Act of June 22,
18 1942 (Chapter 435; 56 Stat. 377; 36 U.S.C. 175),”;

19 (3) by striking “(3)” and inserting “(4)”;

20 (4) by inserting in paragraph (4) “, including
21 the display at half-staff of the flag of the United
22 States” after “activities”.

23 (b) ACT OF JUNE 22, 1942.—Section 3(m) of the Act
24 of June 22, 1942 (Chapter 435; 56 Stat. 377; 36 U.S.C.
25 175) is amended by inserting “The flag shall be flown at

1 half-staff on Peace Officers Memorial Day, unless that day
2 is also Armed Forces Day.” after “a Member of Con-
3 gress.”.

4 **SEC. 3011. FINANCIAL INSTITUTION FRAUD.**

5 Section 528 of Public Law 101-509, approved No-
6 vember 5, 1990, is amended by striking “with the author-
7 ity of the Resolution Trust Corporation or its successor”
8 at the end of subsection (b)(2) and inserting “on Decem-
9 ber 31, 2004”.