

1 (b) MANDATORY REVOCATION.—Section 3565(b) of
2 title 18, United States Code, is amended to read as fol-
3 lows:

4 “(b) MANDATORY REVOCATION FOR POSSESSION OF
5 CONTROLLED SUBSTANCE OR FIREARM OR REFUSAL TO
6 COMPLY WITH DRUG TESTING.—If the defendant—

7 “(1) possesses a controlled substance in viola-
8 tion of the condition set forth in section 3563(a)(3);

9 “(2) possesses a firearm, as such term is de-
10 fined in section 921 of this title, in violation of Fed-
11 eral law, or otherwise violates a condition of proba-
12 tion prohibiting the defendant from possessing a
13 firearm; or

14 “(3) refuses to comply with drug testing, there-
15 by violating the condition imposed by section
16 3563(a)(4),

17 the court shall revoke the sentence of probation and
18 resentence the defendant under subchapter A to a sen-
19 tence that includes a term of imprisonment.”

20 **SEC. 110507. INCREASED PENALTY FOR KNOWINGLY MAK-**
21 **ING FALSE, MATERIAL STATEMENT IN CON-**
22 **NECTION WITH THE ACQUISITION OF A FIRE-**
23 **ARM FROM A LICENSED DEALER.**

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

1 (1) in subsection (a)(1)(B) by striking
2 "(a)(6)," and
3 (2) in subsection (a)(2) by inserting "(a)(6),"
4 after "subsections".

5 **SEC. 110508. POSSESSION OF EXPLOSIVES BY FELONS AND**
6 **OTHERS.**

7 Section 842(i) of title 18, United States Code, is
8 amended by inserting "or possess" after "to receive".

9 **SEC. 110509. SUMMARY DESTRUCTION OF EXPLOSIVES SUB-**
10 **JECT TO FORFEITURE.**

11 Section 844(c) of title 18, United States Code, is
12 amended—

13 (1) by inserting "(1)" after "(c)"; and
14 (2) by adding at the end the following new
15 paragraphs:

16 "(2) Notwithstanding paragraph (1), in the case of
17 the seizure of any explosive materials for any offense for
18 which the materials would be subject to forfeiture in which
19 it would be impracticable or unsafe to remove the mate-
20 rials to a place of storage or would be unsafe to store
21 them, the seizing officer may destroy the explosive mate-
22 rials forthwith. Any destruction under this paragraph shall
23 be in the presence of at least 1 credible witness. The seiz-
24 ing officer shall make a report of the seizure and take
25 samples as the Secretary may by regulation prescribe.

1 “(3) Within 60 days after any destruction made pur-
2 suant to paragraph (2), the owner of (including any per-
3 son having an interest in) the property so destroyed may
4 make application to the Secretary for reimbursement of
5 the value of the property. If the claimant establishes to
6 the satisfaction of the Secretary that—

7 “(A) the property has not been used or involved
8 in a violation of law; or

9 “(B) any unlawful involvement or use of the
10 property was without the claimant’s knowledge, con-
11 sent, or willful blindness,

12 the Secretary shall make an allowance to the claimant not
13 exceeding the value of the property destroyed.”

14 **SEC. 110510. ELIMINATION OF OUTMODED LANGUAGE RE-**
15 **LATING TO PAROLE.**

16 (a) SECTION 924(e)(1) OF TITLE 18.—Section
17 924(e)(1) of title 18, United States Code, is amended by
18 striking “, and such person shall not be eligible for parole
19 with respect to the sentence imposed under this sub-
20 section”.

21 (b) SECTION 924(c)(1) OF TITLE 18.—Section
22 924(c)(1) of title 18, United States Code, is amended by
23 striking “No person sentenced under this subsection shall
24 be eligible for parole during the term of imprisonment im-
25 posed under this subsection.”

1 **SEC. 10511. PROHIBITION AGAINST TRANSACTIONS INVOLV-**
2 **ING STOLEN FIREARMS WHICH HAVE MOVED**
3 **IN INTERSTATE OR FOREIGN COMMERCE.**

4 Section 922(j) of title 18, United States Code, is
5 amended to read as follows:

6 “(j) It shall be unlawful for any person to receive,
7 possess, conceal, store, barter, sell, or dispose of any stolen
8 firearm or stolen ammunition, or pledge or accept as secu-
9 rity for a loan any stolen firearm or stolen ammunition,
10 which is moving as, which is a part of, which constitutes,
11 or which has been shipped or transported in, interstate
12 or foreign commerce, either before or after it was stolen,
13 knowing or having reasonable cause to believe that the
14 firearm or ammunition was stolen.”

15 **SEC. 110512. USING A FIREARM IN THE COMMISSION OF**
16 **COUNTERFEITING OR FORGERY.**

17 Pursuant to its authority under section 994 of title
18 28, United States Code, the United States Sentencing
19 Commission shall amend its sentencing guidelines to pro-
20 vide an appropriate enhancement of the punishment for
21 a defendant convicted of a felony under chapter 25 of title
22 18, United States Code, if the defendant used or carried
23 a firearm (as defined in section 921(a)(3) of title 18,
24 United States Code) during and in relation to the felony.

1 **SEC. 110513. ENHANCED PENALTIES FOR FIREARMS POS-**
2 **SESSION BY VIOLENT FELONS AND SERIOUS**
3 **DRUG OFFENDERS.**

4 Pursuant to its authority under section 994 of title
5 28, United States Code, the United States Sentencing
6 Commission shall amend its sentencing guidelines to—

7 (1) appropriately enhance penalties in cases in
8 which a defendant convicted under section 922(g) of
9 title 18, United States Code, has 1 prior conviction
10 by any court referred to in section 922(g)(1) of title
11 18 for a violent felony (as defined in section
12 924(e)(2)(B) of that title) or a serious drug offense
13 (as defined in section 924(e)(2)(A) of that title); and

14 (2) appropriately enhance penalties in cases in
15 which such a defendant has 2 prior convictions for
16 a violent felony (as so defined) or a serious drug of-
17 fense (as so defined).

18 **SEC. 110514. RECEIPT OF FIREARMS BY NONRESIDENT.**

19 Section 922(a) of title 18, United States Code, is
20 amended—

21 (1) by striking “and” at the end of paragraph
22 (7);

23 (2) by striking the period at the end of para-
24 graph (8) and inserting “; and”; and

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

1 “(9) for any person, other than a licensed im-
2 porter, licensed manufacturer, licensed dealer, or li-
3 censed collector, who does not reside in any State to
4 receive any firearms unless such receipt is for lawful
5 sporting purposes.”

6 **SEC. 110515. THEFT OF FIREARMS OR EXPLOSIVES FROM**
7 **LICENSEE.**

8 (a) **FIREARMS.**—Section 924 of title 18, United
9 States Code, as amended by section 110504(a), is amend-
10 ed by adding at the end the following new subsection:

11 “(1) A person who steals any firearm from a licensed
12 importer, licensed manufacturer, licensed dealer, or li-
13 censed collector shall be fined under this title, imprisoned
14 not more than 10 years, or both.”

15 (b) **EXPLOSIVES.**—Section 844 of title 18, United
16 States Code, as amended by section 110204(b), is amend-
17 ed by adding at the end the following new subsection:

18 “(1) A person who steals any explosive material from
19 a licensed importer, licensed manufacturer, or licensed
20 dealer, or from any permittee shall be fined under this
21 title, imprisoned not more than 10 years, or both.”

22 **SEC. 110516. DISPOSING OF EXPLOSIVES TO PROHIBITED**
23 **PERSONS.**

24 Section 842(d) of title 18, United States Code, is
25 amended by striking “licensee” and inserting “person”.

1 **SEC. 110517. INCREASED PENALTY FOR INTERSTATE GUN**
2 **TRAFFICKING.**

3 Section 924 of title 18, United States Code, as
4 amended by section 110515(a), is amended by adding at
5 the end the following new subsection:

6 “(m) A person who, with the intent to engage in con-
7 duct that constitutes a violation of section 922(a)(1)(A),
8 travels from any State or foreign country into any other
9 State and acquires, or attempts to acquire, a firearm in
10 such other State in furtherance of such purpose shall be
11 imprisoned for not more than 10 years.”

12 **SEC. 110518. FIREARMS AND EXPLOSIVES CONSPIRACY.**

13 (a) **FIREARMS.**—Section 924 of title 18, United
14 States Code, as amended by section 110517(a), is amend-
15 ed by adding at the end the following new subsection:

16 “(n) A person who conspires to commit an offense
17 under subsection (c) shall be imprisoned for not more than
18 20 years, fined under this title, or both; and if the firearm
19 is a machinegun or destructive device, or is equipped with
20 a firearm silencer or muffler, shall be imprisoned for any
21 term of years or life.”

22 (b) **EXPLOSIVES.**—Section 844 of title 18, United
23 States Code, as amended by section 110515(b), is amend-
24 ed by adding at the end the following new subsection:

1 “(m) A person who conspires to commit an offense
2 under subsection (h) shall be imprisoned for any term of
3 years not exceeding 20, fined under this title, or both.

4 **SEC. 110519. DEFINITION OF ARMOR PIERCING AMMUNI-**
5 **TION.**

6 Section 921(a)(17) of title 18, United States Code,
7 is amended by revising subparagraph (B) and adding a
8 new subparagraph (C) to read as follows:

9 “(B) The term ‘armor piercing ammunition’
10 means—

11 “(i) a projectile or projectile core which
12 may be used in a handgun and which is con-
13 structed entirely (excluding the presence of
14 traces of other substances) from one or a com-
15 bination of tungsten alloys, steel, iron, brass,
16 bronze, beryllium copper, or depleted uranium;
17 or

18 “(ii) a full jacketed projectile larger than
19 .22 caliber designed and intended for use in a
20 handgun and whose jacket has a weight of more
21 than 25 percent of the total weight of the pro-
22 jectile.

23 “(C) The term ‘armor piercing ammunition’
24 does not include shotgun shot required by Federal or
25 State environmental or game regulations for hunting

1 purposes, a frangible projectile designed for target
2 shooting, a projectile which the Secretary finds is
3 primarily intended to be used for sporting purposes,
4 or any other projectile or projectile core which the
5 Secretary finds is intended to be used for industrial
6 purposes, including a charge used in an oil and gas
7 well perforating device.”.

8 **TITLE XII—TERRORISM**

9 **SEC. 120001. EXTENSION OF THE STATUTE OF LIMITATION** 10 **FOR CERTAIN TERRORISM OFFENSES.**

11 (a) IN GENERAL.—Chapter 213 of title 18, United
12 States Code, is amended by inserting after section 3285
13 the following new section:

14 **“§ 3286. Extension of statute of limitation for certain** 15 **terrorism offenses**

16 “Notwithstanding section 3282, no person shall be
17 prosecuted, tried, or punished for any offense involving a
18 violation of section 32 (aircraft destruction), section 36
19 (airport violence), section 112 (assaults upon diplomats),
20 section 351 (crimes against Congressmen or Cabinet offi-
21 cers), section 1116 (crimes against diplomats), section
22 1203 (hostage taking), section 1361 (willful injury to gov-
23 ernment property), section 1751 (crimes against the Presi-
24 dent), section 2280 (maritime violence), section 2281
25 (maritime platform violence), section 2331 (terrorist acts

1 abroad against United States nationals), section 2339 (use
2 of weapons of mass destruction), or section 2340A (tor-
3 ture) of this title or section 46502, 46504, 46505, or
4 46506 of title 49, United States Code, unless the indict-
5 ment is found or the information is instituted within 8
6 years after the offense was committed.”.

7 (b) APPLICATION OF AMENDMENT.—The amendment
8 made by subsection (a) shall not apply to any offense com-
9 mitted more than 5 years prior to the date of enactment
10 of this Act.

11 (c) TECHNICAL AMENDMENT.—The chapter analysis
12 for chapter 213 of title 18, United States Code, is amend-
13 ed by inserting after the item relating to section 3285 the
14 following new item:

“3286. Extension of statute of limitation for certain terrorism offenses.”.

15 **SEC. 120002. JURISDICTION OVER CRIMES AGAINST UNITED**
16 **STATES NATIONALS ON CERTAIN FOREIGN**
17 **SHIPS.**

18 Section 7 of title 18, United States Code (relating
19 to the special maritime and territorial jurisdiction of the
20 United States), is amended by inserting at the end thereof
21 the following new paragraph:

22 “(8) To the extent permitted by international law,
23 any foreign vessel during a voyage having a scheduled de-
24 parture from or arrival in the United States with respect

1 to an offense committed by or against a national of the
2 United States.”

3 **SEC. 120003. COUNTERFEITING UNITED STATES CURRENCY**

4 **ABROAD.**

5 (a) **IN GENERAL.**—Chapter 25 of title 18, United
6 States Code, is amended by adding before section 471 the
7 following new section:

8 **“§ 470. Counterfeit acts committed outside the**
9 **United States**

10 “A person who, outside the United States, engages
11 in the act of—

12 “(1) making, dealing, or possessing any coun-
13 terfeit obligation or other security of the United
14 States; or

15 “(2) making, dealing, or possessing any plate,
16 stone, or other thing, or any part thereof, used to
17 counterfeit such obligation or security,

18 if such act would constitute a violation of section 471, 473,
19 or 474 if committed within the United States, shall be
20 fined under this title, imprisoned not more than 20 years,
21 or both.”

22 (b) **TECHNICAL AMENDMENTS.**—

23 (1) **CHAPTER ANALYSIS.**—The chapter analysis
24 for chapter 25 of title 18, United States Code, is

1 amended by adding before section 471 the following
2 new item:

“470. Counterfeit acts committed outside the United States.”

3 (2) PART ANALYSIS.—The part analysis for
4 part I of title 18, United States Code, is amended
5 by amending the item for chapter 25 to read as fol-
6 lows:

“25. Counterfeiting and forgery 470”.

7 **SEC. 120004. SENTENCING GUIDELINES INCREASE FOR TER-**
8 **RORIST CRIMES.**

9 The United States Sentencing Commission is directed
10 to amend its sentencing guidelines to provide an appro-
11 priate enhancement for any felony, whether committed
12 within or outside the United States, that involves or is
13 intended to promote international terrorism, unless such
14 involvement or intent is itself an element of the crime.

15 **SEC. 120005. PROVIDING MATERIAL SUPPORT TO TERROR-**
16 **ISTS.**

17 (a) OFFENSE.—Chapter 113A of title 18, United
18 States Code, is amended by adding the following new sec-
19 tion:

20 **“§ 2339A. Providing material support to terrorists**

21 “(a) DEFINITION.—In this section, ‘material support
22 or resources’ means currency or other financial securities,
23 financial services, lodging, training, safehouses, false doc-
24 umentation or identification, communications equipment,

1 facilities, weapons, lethal substances, explosives, person-
2 nel, transportation, and other physical assets, but does not
3 include humanitarian assistance to persons not directly in-
4 volved in such violations.

5 “(b) OFFENSE.—A person who, within the United
6 States, provides material support or resources or conceals
7 or disguises the nature, location, source, or ownership of
8 material support or resources, knowing or intending that
9 they are to be used in preparation for, or in carrying out,
10 a violation of section 32, 36, 351, 844 (f) or (i), 1114,
11 1116, 1203, 1361, 1363, 1751, 2280, 2281, 2331, or
12 2339 of this title or section 902(i) of the Federal Aviation
13 Act of 1958 (49 U.S.C. App. 1472(i)), or in preparation
14 for or carrying out the concealment of an escape from the
15 commission of any such violation, shall be fined under this
16 title, imprisoned not more than 10 years, or both.

17 “(c) INVESTIGATIONS.—

18 “(1) IN GENERAL.—Within the United States,
19 an investigation may be initiated or continued under
20 this section only when facts reasonably indicate
21 that—

22 “(A) in the case of an individual, the indi-
23 vidual knowingly or intentionally engages, has
24 engaged, or is about to engage in the violation
25 of this or any other Federal criminal law; and

1 “(B) in the case of a group of individuals,
2 the group knowingly or intentionally engages,
3 has engaged, or is about to engage in the viola-
4 tion of this or any other Federal criminal law.

5 “(2) ACTIVITIES PROTECTED BY THE FIRST
6 AMENDMENT.—An investigation may not be initiated
7 or continued under this section based on activities
8 protected by the First Amendment to the Constitu-
9 tion, including expressions of support or the provi-
10 sion of financial support for the nonviolent political,
11 religious, philosophical, or ideological goals or beliefs
12 of any person or group.”

13 (b) TECHNICAL AMENDMENT.—The chapter analysis
14 for chapter 113A of title 18, United States Code, is
15 amended by adding the following new item:

“2339A. Providing material support to terrorists.”

16 **TITLE XIII—CRIMINAL ALIENS**
17 **AND IMMIGRATION ENFORCE-**
18 **MENT**

19 **SEC. 130001. ENHANCEMENT OF PENALTIES FOR FAILING**
20 **TO DEPART, OR REENTERING, AFTER FINAL**
21 **ORDER OF DEPORTATION.**

22 (a) FAILURE TO DEPART.—Section 242(e) of the Im-
23 migration and Nationality Act (8 U.S.C. 1252(e)) is
24 amended—

1 (1) by striking “paragraph (2), (3), or (4) of”
2 the first time it appears; and

3 (2) by striking “shall be imprisoned not more
4 than ten years” and inserting “shall be imprisoned
5 not more than four years, or shall be imprisoned not
6 more than ten years if the alien is a member of any
7 of the classes described in paragraph (1)(E), (2),
8 (3), or (4) of section 241(a).”.

9 (b) REENTRY.—Section 276(b) of the Immigration
10 and Nationality Act (8 U.S.C. 1326(b)) is amended—

11 (1) in paragraph (1)—

12 (A) by inserting after “commission of” the
13 following: “three or more misdemeanors involv-
14 ing drugs, crimes against the person, or both,
15 or”; and

16 (B) by striking “5” and inserting “10”;

17 (2) in paragraph (2), by striking “15” and in-
18 serting “20”; and

19 (3) by adding at the end the following sentence:
20 “For the purposes of this subsection, the term ‘deporta-
21 tion’ includes any agreement in which an alien stipulates
22 to deportation during a criminal trial under either Federal
23 or State law.”.

1 **SEC. 130002. CRIMINAL ALIEN TRACKING CENTER.**

2 (a) OPERATION.—The Attorney General shall, under
3 the authority of section 242(a)(3)(A) of the Immigration
4 and Nationality Act (8 U.S.C. 1252(a)(3)(A)), operate a
5 criminal alien tracking center.

6 (b) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to carry out this
8 section—

9 (1) \$ _____ for fiscal
10 year 1995;

11 (2) \$ _____ for fiscal
12 year 1996;

13 (3) \$ _____ for fiscal
14 year 1997;

15 (4) \$ _____ for fiscal
16 year 1998;

17 (5) \$ _____ for fiscal
18 year 1999; and

19 (6) \$ _____ for fiscal
20 year 2000.

21 **SEC. 130003. ALIEN WITNESS COOPERATION AND**
22 **COUNTERTERRORISM INFORMATION.**

23 (a) ESTABLISHMENT OF NEW NONIMMIGRANT CLAS-
24 SIFICATION.—Section 101(a)(15) of the Immigration and
25 Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

1 (1) by striking “or” at the end of subparagraph
2 (Q),

3 (2) by striking the period at the end of sub-
4 paragraph (R) and inserting “; or”, and

5 (3) by adding at the end the following new sub-
6 paragraph:

7 “(S) subject to section 214(j), an alien—

8 “(i) who the Attorney General
9 determines—

10 “(I) is in possession of critical reliable
11 information concerning a criminal organi-
12 zation or enterprise;

13 “(II) is willing to supply or has sup-
14 plied such information to Federal or State
15 law enforcement authorities or a Federal
16 or State court; and

17 “(III) whose presence in the United
18 States the Attorney General determines is
19 essential to the success of an authorized
20 criminal investigation or the successful
21 prosecution of an individual involved in the
22 criminal organization or enterprise; or

23 “(ii) who the Secretary of State and the
24 Attorney General jointly determine—

1 “(I) is in possession of critical reliable
2 information concerning a terrorist organi-
3 zation, enterprise, or operation;

4 “(II) is willing to supply or has sup-
5 plied such information to Federal law en-
6 forcement authorities or a Federal court;

7 “(III) will be or has been placed in
8 danger as a result of providing such infor-
9 mation; and

10 “(IV) is eligible to receive a reward
11 under section 36(a) of the State Depart-
12 ment Basic Authorities Act of 1956,

13 and, if the Attorney General (or with respect to
14 clause (ii), the Secretary of State and the Attorney
15 General jointly) considers it to be appropriate, the
16 spouse, married and unmarried sons and daughters,
17 and parents of an alien described in clause (i) or (ii)
18 if accompanying, or following to join, the alien.”

19 (b) CONDITIONS OF ENTRY.—

20 (1) WAIVER OF GROUNDS FOR EXCLUSION.—

21 Section 212(d) of the Immigration and Nationality
22 Act (8 U.S.C. 1182(d)) is amended by inserting at
23 the beginning the following new paragraph:

24 “(1) The Attorney General shall determine whether
25 a ground for exclusion exists with respect to a non-

1 immigrant described in section 101(a)(15)(S). The Attor-
2 ney General, in the Attorney General's discretion, may
3 waive the application of subsection (a) (other than para-
4 graph (3)(E)) in the case of a nonimmigrant described in
5 section 101(a)(15)(S), if the Attorney General considers
6 it to be in the national interest to do so. Nothing in this
7 section shall be regarded as prohibiting the Immigration
8 and Naturalization Service from instituting deportation
9 proceedings against an alien admitted as a nonimmigrant
10 under section 101(a)(15)(S) for conduct committed after
11 the alien's admission into the United States, or for con-
12 duct or a condition that was not disclosed to the Attorney
13 General prior to the alien's admission as a nonimmigrant
14 under section 101(a)(15)(S).”

15 (2) NUMERICAL LIMITATIONS; PERIOD OF AD-
16 MISSION; ETC.—Section 214 of the Immigration and
17 Nationality Act (8 U.S.C. 1184) is amended by add-
18 ing at the end the following new subsection:

19 “(j)(1) The number of aliens who may be provided
20 a visa as nonimmigrants under section 101(a)(15)(S)(i)
21 in any fiscal year may not exceed 100. The number of
22 aliens who may be provided a visa as nonimmigrants
23 under section 101(a)(15)(S)(ii) in any fiscal year may not
24 exceed 25.

1 “(2) No alien may be admitted into the United States
2 as such a nonimmigrant more than 5 years after the date
3 of the enactment of this subsection.

4 “(3) The period of admission of an alien as such a
5 nonimmigrant may not exceed 3 years. Such period may
6 not be extended by the Attorney General.

7 “(4) As a condition for the admission, and continued
8 stay in lawful status, of such a nonimmigrant, the
9 nonimmigrant—

10 “(A) shall report not less often than quarterly
11 to the Attorney General such information concerning
12 the alien’s whereabouts and activities as the Attor-
13 ney General may require;

14 “(B) may not be convicted of any criminal of-
15 fense punishable by a term of imprisonment of 1
16 year or more after the date of such admission;

17 “(C) must have executed a form that waives the
18 nonimmigrant’s right to contest, other than on the
19 basis of an application for withholding of deporta-
20 tion, any action for deportation of the alien insti-
21 tuted before the alien obtains lawful permanent resi-
22 dent status; and

23 “(D) shall abide by any other condition, limita-
24 tion, or restriction imposed by the Attorney General.

1 “(5) The Attorney General shall submit a report an-
2 nually to the Committee on the Judiciary of the House
3 of Representatives and the Committee on the Judiciary
4 of the Senate concerning—

5 “(A) the number of such nonimmigrants admit-
6 ted;

7 “(B) the number of successful criminal prosecu-
8 tions or investigations resulting from cooperation of
9 such aliens;

10 “(C) the number of terrorist acts prevented or
11 frustrated resulting from cooperation of such aliens;

12 “(D) the number of such nonimmigrants whose
13 admission or cooperation has not resulted in success-
14 ful criminal prosecution or investigation or the pre-
15 vention or frustration of a terrorist act; and

16 “(E) the number of such nonimmigrants who
17 have failed to report quarterly (as required under
18 paragraph (4)) or who have been convicted of crimes
19 in the United States after the date of their admis-
20 sion as such a nonimmigrant.”.

21 (3) PROHIBITION OF CHANGE OF STATUS.—
22 Section 248(1) of the Immigration and Naturaliza-
23 tion Act (8 U.S.C. 1258(1)) is amended by striking
24 “or (K)” and inserting “(K), or (S)”.

1 (c) ADJUSTMENT TO PERMANENT RESIDENT STA-
2 TUS.—

3 (1) IN GENERAL.—Section 245 of the Immigra-
4 tion and Nationality Act (8 U.S.C. 1255) is amend-
5 ed by adding at the end the following new sub-
6 section:

7 “(i)(1) If, in the opinion of the Attorney General—

8 “(A) a nonimmigrant admitted into the United
9 States under section 101(a)(15)(S)(i) has supplied
10 information described in subclause (I) of such sec-
11 tion; and

12 “(B) the provision of such information has sub-
13 stantially contributed to the success of an authorized
14 criminal investigation or the prosecution of an indi-
15 vidual described in subclause (III) of that section,

16 the Attorney General may adjust the status of the alien
17 (and the spouse, married and unmarried sons and daugh-
18 ters, and parents of the alien if admitted under that sec-
19 tion) to that of an alien lawfully admitted for permanent
20 residence if the alien is not described in section
21 212(a)(3)(E).

22 “(2) If, in the sole discretion of the Attorney
23 General—

24 “(A) a nonimmigrant admitted into the United
25 States under section 101(a)(15)(S)(ii) has supplied

1 information described in subclause (I) of such sec-
2 tion, and

3 “(B) the provision of such information has sub-
4 stantially contributed to—

5 “(i) the prevention or frustration of an act
6 of terrorism against a United States person or
7 United States property, or

8 “(ii) the success of an authorized criminal
9 investigation of, or the prosecution of, an indi-
10 vidual involved in such an act of terrorism, and

11 “(C) the nonimmigrant has received a reward
12 under section 36(a) of the State Department Basic
13 Authorities Act of 1956,

14 the Attorney General may adjust the status of the alien
15 (and the spouse, married and unmarried sons and daugh-
16 ters, and parents of the alien if admitted under such sec-
17 tion) to that of an alien lawfully admitted for permanent
18 residence if the alien is not described in section
19 212(a)(3)(E).

20 “(3) Upon the approval of adjustment of status under
21 paragraphs (1) or (2), the Attorney General shall record
22 the alien’s lawful admission for permanent residence as
23 of the date of such approval and the Secretary of State
24 shall reduce by one the number of visas authorized to be

1 issued under sections 201(d) and 203(b)(4) for the fiscal
2 year then current.”

3 (2) EXCLUSIVE MEANS OF ADJUSTMENT.—Sec-
4 tion 245(c) of the Immigration and Nationality Act
5 (8 U.S.C. 1255(c)) is amended by striking “or” be-
6 fore “(4)” and by inserting before the period at the
7 end the following: “; or (5) an alien who was admit-
8 ted as a nonimmigrant described in section
9 101(a)(15)(S)”.

10 (d) EXTENSION OF PERIOD OF DEPORTATION FOR
11 CONVICTION OF A CRIME.—Section 241(a)(2)(A)(i)(I) of
12 the Immigration and Nationality Act (8 U.S.C.
13 1251(a)(2)(A)(i)(I)) is amended by inserting “(or 10
14 years in the case of an alien provided lawful permanent
15 resident status under section 245(i))” after “five years”.

16 **SEC. 130004. DEPORTATION PROCEDURES FOR CERTAIN**
17 **CRIMINAL ALIENS WHO ARE NOT PERMA-**
18 **NENT RESIDENTS.**

19 (a) ELIMINATION OF ADMINISTRATIVE HEARING FOR
20 CERTAIN CRIMINAL ALIENS.—Section 242A of the Immi-
21 gration and Nationality Act (8 U.S.C. 1252a) is amended
22 by adding at the end the following new subsection:

23 “(b) DEPORTATION OF ALIENS WHO ARE NOT PER-
24 MANENT RESIDENTS.—

1 “(1) The Attorney General may, in the case of
2 an alien described in paragraph (2), determine the
3 deportability of such alien under section
4 241(a)(2)(A)(iii) (relating to conviction of an aggra-
5 vated felony) and issue an order of deportation pur-
6 suant to the procedures set forth in this subsection
7 or section 242(b).

8 “(2) An alien is described in this paragraph if
9 the alien—

10 “(A) was not lawfully admitted for perma-
11 nent residence at the time at which proceedings
12 under this section commenced; and

13 “(B) is not eligible for any relief from de-
14 portation under this Act.

15 “(3) The Attorney General may not execute any
16 order described in paragraph (1) until 30 calendar
17 days have passed from the date that such order was
18 issued, unless waived by the alien, in order that the
19 alien has an opportunity to apply for judicial review
20 under section 106.

21 “(4) Proceedings before the Attorney General
22 under this subsection shall be in accordance with
23 such regulations as the Attorney General shall pre-
24 scribe. The Attorney General shall provide that—

1 “(A) the alien is given reasonable notice of
2 the charges and of the opportunity described in
3 subparagraph (C);

4 “(B) the alien shall have the privilege of
5 being represented (at no expense to the govern-
6 ment) by such counsel, authorized to practice in
7 such proceedings, as the alien shall choose;

8 “(C) the alien has a reasonable oppor-
9 tunity to inspect the evidence and rebut the
10 charges;

11 “(D) the determination of deportability is
12 supported by clear, convincing, and unequivocal
13 evidence and a record is maintained for judicial
14 review; and

15 “(E) the final order of deportation is not
16 entered by the same person who issues the
17 charges.”

18 (b) LIMITED JUDICIAL REVIEW.—Section 106 of the
19 Immigration and Nationality Act (8 U.S.C. 1105a) is
20 amended—

21 (1) in the first sentence of subsection (a), by in-
22 serting “or pursuant to section 242A” after “under
23 section 242(b)”;

1 (2) in subsection (a)(1) and subsection (a)(3),
2 by inserting “(including an alien described in section
3 242A)” after “aggravated felony”; and

4 (3) by adding at the end the following new sub-
5 section:

6 “(d)(1) A petition for review or for habeas corpus on
7 behalf of an alien against whom a final order of deporta-
8 tion has been issued pursuant to section 242A(b) may
9 challenge only—

10 “(A) whether the alien is in fact the alien de-
11 scribed in the order;

12 “(B) whether the alien is in fact an alien de-
13 scribed in section 242A(b)(2);

14 “(C) whether the alien has been convicted of an
15 aggravated felony and such conviction has become
16 final; and

17 “(D) whether the alien was afforded the proce-
18 dures required by section 242A(b)(5).

19 “(2) No court shall have jurisdiction to review any
20 issue other than an issue described in paragraph (1).”

21 (c) TECHNICAL AMENDMENTS.—Section 242A of the
22 Immigration and Nationality Act (8 U.S.C. 1252a) is
23 amended—

24 (1) by amending the heading to read as follows:

1 "EXPEDITED DEPORTATION OF ALIENS CONVICTED OF
2 COMMITTING AGGRAVATED FELONIES";

3 (2) in subsection (a), as designated prior to en-
4 actment of this Act, by striking "(a) IN GENERAL.—
5 " and inserting the following:

6 "(a) DEPORTATION OF CRIMINAL ALIENS.—

7 "(1) IN GENERAL.—";

8 (3) in subsection (b), as designated prior to en-
9 actment of this Act, by striking "(b) IMPLEMENTA-
10 TION.—" and inserting "(2) IMPLEMENTATION.—";

11 (4) by striking subsection (c);

12 (5) in subsection (d)—

13 (A) by striking "(d) EXPEDITED PRO-
14 CEEDINGS.—(1)" and inserting "(3) EXPE-
15 DITED PROCEEDINGS.—(A)"; and

16 (B) by striking "(2)" and inserting "(B)";

17 and

18 (6) in subsection (e)—

19 (A) by striking "(e) REVIEW.—(1)" and
20 inserting "(4) REVIEW.—(A)";

21 (B) by striking the second sentence; and

22 (C) by striking "(2)" and inserting "(B)".

23 (d) EFFECTIVE DATE.—The amendments made by
24 this section shall apply to all aliens against whom deporta-

1 tion proceedings are initiated after the date of enactment
2 of this Act.

3 **SEC. 130005. EXPEDITIOUS DEPORTATION FOR DENIED ASY-**
4 **LUM APPLICANTS.**

5 (a) IN GENERAL.—The Attorney General may pro-
6 vide for the expeditious adjudication of asylum claims and
7 the expeditious deportation of asylum applicants whose
8 applications have been finally denied, unless the applicant
9 remains in an otherwise valid nonimmigrant status.

10 (b) EMPLOYMENT AUTHORIZATION.—Section 208 of
11 the Immigration and Nationality Act (8 U.S.C. 1158) is
12 amended by adding at the end the following new sub-
13 section:

14 “(e) An applicant for asylum is not entitled to em-
15 ployment authorization except as may be provided by regu-
16 lation in the discretion of the Attorney General.”

17 (c) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to carry out this
19 section—

20 (1) \$ _____ for fiscal
21 year 1995;

22 (2) \$ _____ for fiscal
23 year 1996;

24 (3) \$ _____ for fiscal
25 year 1997;

- 1 (4) \$ _____ for fiscal
- 2 year 1998;
- 3 (5) \$ _____ for fiscal
- 4 year 1999; and
- 5 (6) \$ _____ for fiscal
- 6 year 2000.

7 **SEC. 130006. IMPROVING BORDER CONTROLS.**

8 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There
9 are authorized to be appropriated for the Immigration and
10 Naturalization Service to increase ~~the number of agent po-~~
11 ~~sitions (and necessary support personnel positions) in the~~
12 ~~Border Patrol and to increase~~ the resources for the Border
13 Patrol, the Inspections Program, and the Deportation
14 Branch to apprehend illegal aliens who attempt clandes-
15 tine entry into the United States or entry into the United
16 States with fraudulent documents or who remain in the
17 country after their nonimmigrant visas expire—

(1) \$228,000,000 for fiscal year 1995, of which \$181,000,000 is authorized to be appropriated from the Violent Crime Reduction Trust Fund established by this Act, and \$47,000,000 is authorized from the General Fund of the Treasury;

(2) \$185,000,000 for fiscal year 1996, of which \$137,000,000 is authorized to be appropriated from the Violent Crime Reduction Trust Fund established by this Act, and \$48,000,000 is authorized from the General Fund of the Treasury;

(3) \$204,000,000 for fiscal year 1997, of which \$156,000,000 is authorized to be appropriated from the Violent Crime Reduction Trust Fund established by this Act, and \$48,000,000 is authorized from the General Fund of the Treasury; and

(4) \$58,000,000 for fiscal year 1998, of which \$10,000,000 is authorized to be appropriated from the Violent Crime Reduction Trust Fund established by this Act, and \$48,000,000 is authorized from the General Fund of the Treasury.

Of the sums authorized in this section, all necessary funds shall, subject to the availability of appropriations, be allocated to increase the number of agent positions (and necessary support personnel positions) in the Border Patrol by not less than 1,000 full-time equivalent positions in each of fiscal years 1995, 1996, 1997, and 1998 beyond the number funded as of October 1, 1994.

1 ~~(5) \$ _____ for fiscal~~
2 ~~year 1999, and~~
3 ~~(6) \$ _____ for fiscal~~
4 ~~year 2000.~~

5 (b) REPORT.—By September 30, 1996 and Septem-
6 ber 30, 1998, the Attorney General shall report to the
7 Congress on the programs described in this section. The
8 report shall include an evaluation of the programs, an out-
9 come-based measurement of performance, and an analysis
10 of the cost effectiveness of the additional resources pro-
11 vided under this Act.

12 **SEC. 130007. EXPANDED SPECIAL DEPORTATION PROCEED-**
13 **INGS.**

14 (a) IN GENERAL.—Subject to the availability of ap-
15 propriations, the Attorney General may expand the pro-
16 gram authorized by section 242A(d) and 242(i) of the Im-
17 migration and Nationality Act to ensure that such aliens
18 are immediately deportable upon their release from incar-
19 ceration.

20 (b) DETENTION AND REMOVAL OF CRIMINAL
21 ALIENS.—Subject to the availability of appropriations, the
22 Attorney General may—

23 (1) construct or contract for the construction of
24 2 Immigration and Naturalization Service Process-
25 ing Centers to detain criminal aliens; and

1 (2) provide for the detention and removal of
2 such aliens.

3 (c) REPORT.—By September 30, 1996, and Septem-
4 ber 30, 1998 the Attorney General shall report to the Con-
5 gress on the programs referred to in subsections (a) and
6 (b). The report shall include an evaluation of the pro-
7 grams, an outcome-based measurement of performance,
8 and an analysis of the cost effectiveness of the additional
9 resources provided under this Act.

10 (d) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to carry out this
12 section—

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

15 (2) \$ _____ for fiscal
16 year 1996;

17 (3) \$ _____ for fiscal
18 year 1997;

19 (4) \$ _____ for fiscal
20 year 1998;

21 (5) \$ _____ for fiscal
22 year 1999; and

23 (6) \$ _____ for fiscal
24 year 2000.

1 **SEC. 130008. AUTHORITY TO ACCEPT CERTAIN ASSISTANCE.**

2 (a) **IN GENERAL.**—Subject to subsection (b) and not-
3 withstanding any other provision of law, the Attorney Gen-
4 eral, in the discretion of the Attorney General, may accept,
5 hold, administer, and utilize gifts of property and services
6 (which may not include cash assistance) from State and
7 local governments for the purpose of assisting the Immi-
8 gration and Naturalization Service in the transportation
9 of deportable aliens who are arrested for misdemeanor or
10 felony crimes under State or Federal law and who are ei-
11 ther unlawfully within the United States or willing to sub-
12 mit to voluntary departure under safeguards. Any prop-
13 erty acquired pursuant to this section shall be acquired
14 in the name of the United States.

15 (b) **LIMITATION.**—The Attorney General shall termi-
16 nate or rescind the exercise of the authority under sub-
17 section (a) if the Attorney General determines that the
18 exercise of such authority has resulted in discrimination
19 by law-enforcement officials on the basis of race, color,
20 or national origin.

21 **SEC. 130009. PASSPORT AND VISA OFFENSES PENALTIES**

22 **IMPROVEMENT.**

23 (a) **IN GENERAL.**—Chapter 75 of title 18, United
24 States Code, is amended—

25 (1) in section 1541 by striking “not more than
26 \$500 or imprisoned not more than one year” and in-

1 serting “under this title, imprisoned not more than
2 10 years”;

3 (2) in each of sections 1542, 1543, and 1544
4 by striking “not more than \$2,000 or imprisoned
5 not more than five years” and inserting “under this
6 title, imprisoned not more than 10 years”;

7 (3) in section 1545 by striking “not more than
8 \$2,000 or imprisoned not more than three years”
9 and inserting “under this title, imprisoned not more
10 than 10 years”;

11 (4) in section 1546(a) by striking “five years”
12 and inserting “10 years”;

13 (5) in section 1546(b) by striking “in accord-
14 ance with this title, or imprisoned not more than two
15 years” and inserting “under this title, imprisoned
16 not more than 5 years”; and

17 (6) by adding at the end the following new sec-
18 tion:

19 **“§ 1547. Alternative imprisonment maximum for cer-
20 tain offenses**

21 “Notwithstanding any other provision of this title,
22 the maximum term of imprisonment that may be imposed
23 for an offense under this chapter (other than an offense
24 under section 1545)—

1 “(1) if committed to facilitate a drug traffick-
2 ing crime (as defined in 929(a)) is 15 years; and

3 “(2) if committed to facilitate an act of inter-
4 national terrorism (as defined in section 2331) is 20
5 years.”.

6 (b) TECHNICAL AMENDMENT.—The chapter analysis
7 for chapter 75 of title 18, United States Code, is amended
8 by adding at the end the following new item:

 “1547. Alternative imprisonment maximum for certain offenses.”.

9 **SEC. 130010. ASYLUM.**

10 (a) FINDINGS.—The Senate finds that—

11 (1) in the last decade applications for asylum
12 have greatly exceeded the original 5,000 annual limit
13 provided in the Refugee Act of 1980, with more than
14 150,000 asylum applications filed in fiscal year
15 1993, and the backlog of cases growing to 340,000;

16 (2) this flood of asylum claims has swamped
17 the system, creating delays in the processing of ap-
18 plications of up to several years;

19 (3) the delay in processing asylum claims due
20 to the overwhelming numbers has contributed to nu-
21 merous problems, including—

22 (A) an abuse of the asylum laws by fraud-
23 ulent applicants whose primary interest is ob-
24 taining work authority in the United States

1 while their claim languishes in the backlogged
2 asylum processing system;

3 (B) the growth of alien smuggling oper-
4 ations, often involving organized crime;

5 (C) a drain on limited resources resulting
6 from the high cost of processing frivolous asy-
7 lum claims through our multilayered system;
8 and

9 (D) an erosion of public support for asy-
10 lum, which is a treaty obligation.

11 (4) asylum, a safe haven protection for aliens
12 abroad who cannot return home, has been perverted
13 by some aliens who use asylum claims to circumvent
14 our immigration and refugee laws and procedures;
15 and

16 (5) a comprehensive revision of our asylum law
17 and procedures is required to address these prob-
18 lems.

19 (b) POLICY.—It is the sense of the Senate that—

20 (1) asylum is a process intended to protect
21 aliens in the United States who cannot safely return
22 home;

23 (2) persons outside their country of nationality
24 who have a well-founded fear of persecution if they

1 return should apply for refugee status at one of our
2 refugee processing offices abroad; and

3 (3) the immigration, refugee and asylum laws
4 of the United States should be reformed to
5 provide—

6 (A) a procedure for the expeditious exclu-
7 sion of any asylum applicant who arrives at a
8 port-of-entry with fraudulent documents, or no
9 documents, and makes a noncredible claim of
10 asylum; and

11 (B) the immigration, refugee and asylum
12 laws of the United States should be reformed to
13 provide for a streamlined affirmative asylum
14 processing system for asylum applicants who
15 make their application after they have entered
16 the United States.

17 **TITLE XIV—YOUTH VIOLENCE**

18 **SEC. 140001. PROSECUTION AS ADULTS OF CERTAIN JUVENILES FOR CRIMES OF VIOLENCE.**

19
20 The 4th undesignated paragraph of section 5032 of
21 title 18, United States Code, is amended by striking “;
22 however” and inserting “. In the application of the preced-
23 ing sentence, if the crime of violence is an offense under
24 section 113(a), 113(b), 113(c), 1111, 1113, or, if the juve-
25 nile possessed a firearm during the offense, section 2111,

1 2113, 2241(a), or 2241(c), 'thirteen' shall be substituted
2 for 'fifteen' and 'thirteenth' shall be substituted for 'fif-
3 teenth'. Notwithstanding sections 1152 and 1153, no per-
4 son subject to the criminal jurisdiction of an Indian tribal
5 government shall be subject to the preceding sentence for
6 any offense the Federal jurisdiction for which is predi-
7 cated solely on Indian country (as defined in section
8 1151), and which has occurred within the boundaries of
9 such Indian country, unless the governing body of the
10 tribe has elected that the preceding sentence have effect
11 over land and persons subject to its criminal jurisdiction.
12 However".

13 **SEC. 140002. COMMENCEMENT OF JUVENILE PROCEEDING.**

14 Section 5032 of title 18, United States Code, is
15 amended by striking "Any proceedings against a juvenile
16 under this chapter or as an adult shall not be commenced
17 until" and inserting "A juvenile shall not be transferred
18 to adult prosecution nor shall a hearing be held under sec-
19 tion 5037 (disposition after a finding of juvenile delin-
20 quency) until".

21 **SEC. 140003. SEPARATION OF JUVENILE FROM ADULT OF-**
22 **FENDERS.**

23 Section 5039 of title 18, United States Code, is
24 amended by inserting ", whether pursuant to an adjudica-

1 tion of delinquency or conviction for an offense," after
2 "committed" the first place it appears.

3 **SEC. 140004. BINDOVER SYSTEM FOR CERTAIN VIOLENT JU-**
4 **VENILES.**

5 Section 501(b) of title I of the Omnibus Crime Con-
6 trol and Safe Streets Act of 1968 (42 U.S.C. 3751), as
7 amended by section 100003, is amended—

8 (1) by striking "and" at the end of paragraph
9 (21);

10 (2) by striking the period at the end of para-
11 graph (22) and inserting "; and"; and

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

14 "(23) programs that address the need for effec-
15 tive bindover systems for the prosecution of violent
16 16- and 17-year-old juveniles in courts with jurisdic-
17 tion over adults for the crimes of—

18 "(A) murder in the first degree;

19 "(B) murder in the second degree;

20 "(C) attempted murder;

21 "(D) armed robbery when armed with a
22 firearm;

23 "(E) aggravated battery or assault when
24 armed with a firearm;

1 “(F) criminal sexual penetration when
2 armed with a firearm; and

3 “(G) drive-by shootings as described in
4 section 36 of title 18, United States Code.”.

5 **SEC. 140005. AMENDMENT CONCERNING RECORDS OF**
6 **CRIMES COMMITTED BY JUVENILES.**

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

9 (1) by striking subsection (d) and inserting the
10 following:

11 “(d) Whenever a juvenile has been found guilty of
12 committing an act which if committed by an adult would
13 be an offense described in clause (3) of the first paragraph
14 of section 5032 of this title, the juvenile shall be
15 fingerprinted and photographed, and the fingerprints shall
16 be sent to the Federal Bureau of Investigation. The court
17 shall also transmit to the Federal Bureau of Investigation
18 the information concerning the adjudication, including
19 name, date of adjudication, court, offenses, and sentence,
20 along with the notation that the matter was a juvenile ad-
21 judication. The fingerprints, photograph, and other
22 records and information relating to a juvenile described
23 in this subsection shall be made available for criminal jus-
24 tice purposes in the manner applicable to adult defend-
25 ants.”;

1 (2) in subsection (e) by adding the following at
2 the end: "Fingerprints and photographs of a juvenile
3 who is prosecuted as an adult shall be made avail-
4 able in the manner applicable to adult defendants.";
5 and

6 (3) by striking subsection (f).

7 **SEC. 140006. INCREASED PENALTIES FOR EMPLOYING**
8 **CHILDREN TO DISTRIBUTE DRUGS NEAR**
9 **SCHOOLS AND PLAYGROUNDS.**

10 Section 419 of the Controlled Substances Act (21
11 U.S.C. 860) 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) Notwithstanding any other law, any person at
17 least 21 years of age who knowingly and intentionally—

18 “(1) employs, hires, uses, persuades, induces,
19 entices, or coerces a person under 18 years of age
20 to violate this section; or

21 “(2) employs, hires, uses, persuades, induces,
22 entices, or coerces a person under 18 years of age
23 to assist in avoiding detection or apprehension for
24 any offense under this section by any Federal, State,
25 or local law enforcement official,

1 is punishable by a term of imprisonment, a fine, or both,
2 up to triple those authorized by section 401.”.

3 **SEC. 140007. INCREASED PENALTIES FOR TRAVEL ACT**
4 **CRIMES INVOLVING VIOLENCE AND CONSPIR-**
5 **ACY TO COMMIT CONTRACT KILLINGS.**

6 (a) **TRAVEL ACT PENALTIES.**—Section 1952(a) of
7 title 18, United States Code, is amended by striking “and
8 thereafter performs or attempts to perform any of the acts
9 specified in subparagraphs (1), (2), and (3), shall be fined
10 not more than \$10,000 or imprisoned for not more than
11 five years, or both.” and inserting “and thereafter per-
12 forms or attempts to perform—

13 “(A) an act described in paragraph (1) or (3)
14 shall be fined under this title, imprisoned not more
15 than 5 years, or both; or

16 “(B) an act described in paragraph (2) shall be
17 fined under this title, imprisoned for not more than
18 20 years, or both, and if death results shall be im-
19 prisoned for any term of years or for life.”.

20 (b) **MURDER CONSPIRACY PENALTIES.**—Section
21 1958(a) of title 18, United States Code, is amended by
22 inserting “or who conspires to do so” before “shall be
23 fined” the first place it appears.

1 **SEC. 140008. SOLICITATION OF MINOR TO COMMIT CRIME.**

2 (a) **DIRECTIVE TO SENTENCING COMMISSION.—(1)**

3 The United States Sentencing Commission shall promul-
4 gate guidelines or amend existing guidelines to provide
5 that a defendant 21 years of age or older who has been
6 convicted of an offense shall receive an appropriate sen-
7 tence enhancement if the defendant involved a minor in
8 the commission of the offense.

9 (2) The Commission shall provide that the guideline
10 enhancement promulgate pursuant to paragraph (1) shall
11 apply for any offense in relation to which the defendant
12 has solicited, procured, recruited, counseled, encouraged,
13 trained, directed, commanded, intimidated, or otherwise
14 used or attempted to use any person less than 18 years
15 of age with the intent that the minor would commit a Fed-
16 eral offense.

17 (b) **RELEVANT CONSIDERATIONS.—**In implementing
18 the directive in subsection (a), the Sentencing Commission
19 shall consider—

20 (1) the severity of the crime that the defendant
21 intended the minor to commit;

22 (2) the number of minors that the defendant
23 used or attempted to use in relation to the offense;

24 (3) the fact that involving a minor in a crime
25 of violence is frequently of even greater seriousness
26 than involving a minor in a drug trafficking offense,

1 for which the guidelines already provide a two-level
2 enhancement; and

3 (4) the possible relevance of the proximity in
4 age between the offender and the minor(s) involved
5 in the offense.

6 **TITLE XV—CRIMINAL STREET**
7 **GANGS**

8 **SEC. 150001. CRIMINAL STREET GANGS.**

9 (a) IN GENERAL.—Part I of title 18, United States
10 Code, is amended by inserting after chapter 25 the follow-
11 ing new chapter:

12 **“CHAPTER 26—CRIMINAL STREET GANGS**

13 **“§ 521. Criminal street gangs**

14 “(a) DEFINITIONS.—

15 “ ‘conviction’ includes a finding, under State or
16 Federal law, that a person has committed an act of
17 juvenile delinquency involving a violent or controlled
18 substances felony.

19 “ ‘criminal street gang’ means an ongoing
20 group, club, organization, or association of 5 or
21 more persons—

22 “(A) that has as 1 of its primary purposes
23 the commission of 1 or more of the criminal of-
24 fenses described in subsection (c);

1 “(B) the members of which engage, or
2 have engaged within the past 5 years, in a con-
3 tinuing series of offenses described in sub-
4 section (c); and

5 “(C) the activities of which affect inter-
6 state or foreign commerce.

7 “(b) PENALTY.—The sentence of a person convicted
8 of an offense described in subsection (c) shall be increased
9 by up to 10 years if the offense is committed under the
10 circumstances described in subsection (d).

11 “(c) OFFENSES.—The offenses described in this sec-
12 tion are—

13 “(1) a Federal felony involving a controlled sub-
14 stance (as defined in section 102 of the Controlled
15 Substances Act (21 U.S.C. 802)) for which the max-
16 imum penalty is not less than 5 years;

17 “(2) a Federal felony crime of violence that has
18 as an element the use or attempted use of physical
19 force against the person of another; and

20 “(3) a conspiracy to commit an offense de-
21 scribed in paragraph (1) or (2).

22 “(d) CIRCUMSTANCES.—The circumstances described
23 in this section are that the offense described in subsection
24 (c) was committed by a person who—

1 “(1) participates in a criminal street gang with
2 knowledge that its members engage in or have en-
3 gaged in a continuing series of offenses described in
4 subsection (c);

5 “(2) intends to promote or further the felonious
6 activities of the criminal street gang or maintain or
7 increase his or her position in the gang; and

8 “(3) has been convicted within the past 5 years
9 for—

10 “(A) an offense described in subsection (c);

11 “(B) a State offense—

12 “(i) involving a controlled substance
13 (as defined in section 102 of the Controlled
14 Substances Act (21 U.S.C. 802)) for which
15 the maximum penalty is not less than 5
16 years’ imprisonment; or

17 “(ii) that is a felony crime of violence
18 that has as an element the use or at-
19 tempted use of physical force against the
20 person of another;

21 “(C) any Federal or State felony offense
22 that by its nature involves a substantial risk
23 that physical force against the person of an-
24 other may be used in the course of committing
25 the offense; or

1 “(D) a conspiracy to commit an offense de-
2 scribed in subparagraph (A), (B), or (C).”

3 (b) TECHNICAL AMENDMENT.—The part analysis for
4 part I of title 18, United States Code, is amended by in-
5 serting after the item relating to chapter 25 the following
6 new item:

“26. Criminal street gangs 521”

7 **SEC. 150002. ADULT PROSECUTION OF SERIOUS JUVENILE**
8 **OFFENDERS.**

9 Section 5032 of title 18, United States Code, is
10 amended—

11 (1) in the first undesignated paragraph by
12 striking “922(p)” and inserting “924(b), (g), or
13 (h)”;

14 (2) in the fourth undesignated paragraph by in-
15 serting “or in section 924(b), (g), or (h) of this
16 title,” before “criminal prosecution” the first place
17 it appears; and

18 (3) in the fifth undesignated paragraph by add-
19 ing at the end the following: “In considering the na-
20 ture of the offense, as required by this paragraph,
21 the court shall consider the extent to which the juve-
22 nile played a leadership role in an organization, or
23 otherwise influenced other persons to take part in
24 criminal activities, involving the use or distribution
25 of controlled substances or firearms. Such a factor,

1 if found to exist, shall weigh in favor of a transfer
2 to adult status, but the absence of this factor shall
3 not preclude such a transfer.”

4 **SEC. 150003. ADDITION OF ANTI-GANG BYRNE GRANT FUND-**
5 **ING OBJECTIVE.**

6 Section 501(b) of title I of the Omnibus Crime Con-
7 trol and Safe Streets Act of 1968 (42 U.S.C. 3751(4)),
8 as amended by section 140004, is amended—

9 (1) by striking “and” at the end of paragraph
10 (22);

11 (2) by striking the period at the end of para-
12 graph (23) and inserting “; and”; and

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

15 “(24) law enforcement and prevention programs
16 relating to gangs, or to youth who are involved or
17 at risk of involvement in gangs.”

18 **SEC. 150004. JUVENILE DRUG TRAFFICKING AND GANG**
19 **PREVENTION GRANTS.**

20 Part D of title II of the Juvenile Justice and Delin-
21 quency Prevention Act of 1974 (42 U.S.C. 5631 et seq.)
22 is amended—

23 (1) by redesignating subpart III as subpart IV;

24 (2) by redesignating section 283 as section 284;

25 and

1 (3) by inserting after subpart II the following
2 new subpart:

3 "Subpart III—Juvenile Drug Trafficking and Gang
4 Prevention Grants

5 "FORMULA GRANTS

6 "SEC. 283. (a) AUTHORIZATION.—The Adminis-
7 trator may make grants to States, units of general local
8 government, private not-for-profit anticrime organizations,
9 or combinations thereof to assist them in planning, estab-
10 lishing, operating, coordinating, and evaluating projects,
11 directly or through grants and contracts with public and
12 private agencies, for the development of more effective
13 programs including prevention and enforcement programs
14 to reduce—

15 "(1) the formation or continuation of juvenile
16 gangs; and

17 "(2) the use and sale of illegal drugs by juve-
18 niles.

19 "(b) PARTICULAR PURPOSES.—The grants made
20 under this section can be used for any of the following
21 specific purposes:

22 "(1) To reduce the participation of juveniles in
23 drug-related crimes (including drug trafficking and
24 drug use), particularly in and around elementary
25 and secondary schools.

1 “(2) To reduce juvenile involvement in orga-
2 nized crime, drug and gang-related activity, particu-
3 larly activities that involve the distribution of drugs
4 by or to juveniles.

5 “(3) To develop within the juvenile justice sys-
6 tem, including the juvenile corrections system, inno-
7 vative means to address the problems of juveniles
8 convicted of serious drug-related and gang-related
9 offenses.

10 “(4) To reduce juvenile drug and gang-related
11 activity in public housing projects.

12 “(5) To develop and provide parenting classes
13 to parents of at-risk youth, giving parents the skills
14 they need to provide adequate care and supervision
15 of such youth and to counteract the influences lead-
16 ing youth to a life of gangs, crime, and drugs.

17 “(6) To develop and provide training in meth-
18 ods of nonviolent dispute resolution to youth of jun-
19 ior high school and high school age.

20 “(7) To reduce and prevent juvenile drug and
21 gang-related activity in rural areas.

22 “(8) To provide technical assistance and train-
23 ing to personnel and agencies responsible for the ad-
24 judicatory and corrections components of the juve-
25 nile justice system to—

1 “(A) identify drug-dependent or gang-in-
2 volved juvenile offenders; and

3 “(B) provide appropriate counseling and
4 treatment to such offenders.

5 “(9) To promote the involvement of all juveniles
6 in lawful activities, including in-school and after-
7 school programs for academic, athletic, or artistic
8 enrichment that also teach that drug and gang in-
9 volvement are wrong.

10 “(10) To facilitate Federal and State coopera-
11 tion with local school officials to develop education,
12 prevention, and treatment programs for juveniles
13 who are likely to participate in drug trafficking,
14 drug use, or gang-related activities.

15 “(11) To prevent juvenile drug and gang in-
16 volvement in public housing projects through pro-
17 grams establishing youth sports and other activities,
18 including girls’ and boys’ clubs, scout troops, and lit-
19 tle leagues.

20 “(12) To provide pre- and post-trial drug abuse
21 treatment to juveniles in the juvenile justice system
22 with the highest possible priority to providing drug
23 abuse treatment to drug-dependent pregnant juve-
24 niles and drug-dependent juvenile mothers.

1 “(13) To provide education and treatment pro-
2 grams for juveniles exposed to severe violence in
3 their homes, schools, or neighborhoods.

4 “(14) To establish sports mentoring and coach-
5 ing programs in which athletes serve as role models
6 for juveniles to teach that athletics provides a posi-
7 tive alternative to drug and gang involvement.

8 “AUTHORIZATION OF APPROPRIATIONS

9 “SEC. 283A. There is authorized to be appropriated
10 to carry out this subpart—

11 “(1) \$ _____ for fiscal
12 year 1995;

13 “(2) \$ _____ for fiscal
14 year 1996;

15 “(3) \$ _____ for fiscal
16 year 1997;

17 “(4) \$ _____ for fiscal
18 year 1998;

19 “(5) \$ _____ for fiscal
20 year 1999; and

21 “(6) \$ _____ for fiscal
22 year 2000.

23 “APPLICATION

24 “SEC. 283B. (a) IN GENERAL.—Each State or entity
25 applying for a grant under section 283 shall submit an

1 application to the Administrator in such form and contain-
2 ing such information as the Administrator shall prescribe.

3 “(b) REGULATIONS.—To the extent practicable, the
4 Administrator shall prescribe regulations governing appli-
5 cations for this subpart that are substantially similar to
6 the regulations governing applications required under part
7 D, including the regulations relating to competition.

8 “MENTAL HEALTH SCREENING

9 “SEC. 283C. (a) SENSE OF THE CONGRESS.—It is
10 the sense of the Congress that no child should have to
11 be incarcerated in a State youth center or detention facil-
12 ity solely in order to receive mental health treatment.

13 “(b) IN GENERAL.—Not later than 2 years after the
14 date of enactment of this subpart, the Attorney General,
15 acting through the Administrator of the Office of Juvenile
16 Justice and Delinquency Prevention, in collaboration with
17 the Secretary of Health and Human Services, acting
18 through the Administrator of the Substance Abuse and
19 Mental Health Services Administration, shall, subject to
20 the availability of appropriations—

21 “(1) study the nature and prevalence of mental
22 illness among youth in the juvenile justice system at
23 several different points in the system, including the
24 arrest stage, the adjudication, and dispositional
25 stage, and the commitment stage, such study to be
26 based on the best available data and include reviews

1 of existing studies by the Government Accounting
2 Office, the Inspector General's office, and such other
3 interested parties as are appropriate;

4 “(2) develop a model system that the States
5 can use to assess, diagnose, and treat the mental
6 health needs of youth who come in contact with the
7 juvenile justice system; and

8 “(3) disseminate the results of the study and
9 the model to each State's Juvenile Justice Advisory
10 Group.

11 “(c) STUDY.—The study should include analysis of—

12 “(1) national prevalence of rates of the dif-
13 ferent clinical categories of mental illness for youth
14 who come in contact with the juvenile justice system;

15 “(2) the prevalence of multiple mental disorders
16 among youth who have come in contact with the ju-
17 venile justice system;

18 “(3) recommendations to the Committee on the
19 Judiciary of the Senate and the Committee on Edu-
20 cation and Labor of the House of Representatives on
21 the appropriateness and need for further Federal ac-
22 tion; and

23 “(4) such other analysis as is appropriate.

24 “(d) MODEL.—The model should provide—

1 “(1) guidelines for accurate and timely assess-
2 ment, diagnosis, and treatment at several different
3 points in the juvenile justice system including the ar-
4 rest stage, the adjudication and dispositional stage,
5 and the commitment stage;

6 “(2) a method for fostering collaboration be-
7 tween the mental health agencies, juvenile justice
8 agencies, educational agencies, social services agen-
9 cies, substance abuse treatment agencies, police, and
10 families;

11 “(3) a funding mechanism for implementing the
12 model; and

13 “(4) such other guidelines as are appropriate.”.

14 **SEC. 150005. GRANTS FOR YOUTH DEVELOPMENT CENTERS.**

15 Part B of title II of the Juvenile Justice and Delin-
16 quency Prevention Act of 1974 (42 U.S.C. 5631 et seq.),
17 is amended—

18 (1) by inserting before section 221 the following
19 heading:

20 “Subpart I—Juvenile Justice and Delinquency
21 Prevention Formula Grant Program”;

22 and

23 (2) by adding at the end the following new sub-
24 part:

1 "Subpart II—Youth Violence Prevention Block Grants

2 "SEC. 232. (a) IN GENERAL.—The Administrator of
3 the Office of Juvenile Justice and Delinquency Prevention
4 shall subject to availability of appropriations make grants
5 to States to assist the States in planning, establishing, op-
6 erating, coordinating, and evaluating programs directly or
7 through grants and contracts with public and private
8 agencies for the development of more effective education,
9 training, research, prevention, diversion, treatment, and
10 rehabilitation programs in the area of juvenile violence.

11 "(b) ISSUES TO BE ADDRESSED.—A program fund-
12 ed under subsection (a) shall address issues identified as
13 contributing to youth violence, which may include—

14 "(1) conflict resolution programs in schools;

15 "(2) alternatives to school suspension;

16 "(3) juvenile court diversion programs; and

17 "(4) other innovative projects.

18 "(c) ALLOCATION OF FUNDS.—The amount appro-
19 priated under this section for a fiscal year shall be allo-
20 cated among the States by allocating to each State an
21 amount that bears the same proportion to the amount ap-
22 propriated as the number of residents of the State under
23 the age of 18 years bears to the number of residents of
24 all of the States under the age of 18 years.

1 “(d) ADMINISTRATION.—Grants made under this sec-
2 tion shall be administered by the State office designated
3 under section 507 of the Omnibus Crime Control and Safe
4 Streets Act of 1968 (42 U.S.C. 3757).

5 “(e) APPLICATIONS BY PUBLIC AND PRIVATE AGEN-
6 CIES.—

7 “(1) IN GENERAL.—A public or private agency
8 desiring to receive a grant or enter into a contract
9 under this subpart shall submit an application at
10 such time, in such manner, and containing such in-
11 formation as the office described in subsection (d)
12 may prescribe.

13 “(2) CONTENTS.—In accordance with guide-
14 lines established by the office described in subsection
15 (d), an application under paragraph (1) shall—

16 “(A) set forth a program or activity for
17 carrying out 1 or more of the purposes de-
18 scribed in subsections (a) and (b) and specifi-
19 cally identify each such purpose that the pro-
20 gram or activity is designed to carry out;

21 “(B) provide that the program or activity
22 will be administered by or under the supervision
23 of the applicant;

24 “(C) provide for the proper and efficient
25 administration of the program or activity;

1 “(D) provide for regular evaluation of the
2 program or activity;

3 “(E) provide an assurance that the pro-
4 posed program or activity will supplement, not
5 supplant, similar programs and activities al-
6 ready available in the community;

7 “(F) describe how the program or activity
8 will be coordinated with programs, activities,
9 and services available locally;

10 “(G) provide that regular reports on such
11 program or activity shall be sent to the admin-
12 istering office named in subsection (d); and

13 “(H) provide for such fiscal control and
14 fund accounting procedures as may be nec-
15 essary to ensure prudent use, proper disburse-
16 ment, and accurate accounting of funds re-
17 ceived under this subpart.

18 “(f) MATCHING FUNDS REQUIREMENTS.—

19 “(1) FUNDS RECEIVED UNDER THIS SUB-
20 PART.—Funds received through a grant under this
21 section may not be expended for more than 75 per-
22 cent of the cost of any program that is so funded.

23 “(2) FUNDS FROM OTHER SOURCES.—In pro-
24 viding for the 25 percent share of the cost of a pro-
25 gram from other sources, a State—

1 “(A) shall provide for such share through
2 a payment in cash or in kind, fairly evaluated,
3 including facilities, equipment, or services; and

4 “(B) may provide for such share through
5 State sources, local sources, private sources,
6 nonprofit sources, other Federal sources, or any
7 combination of these sources.

8 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated to carry out this
10 section—

11 “(1) \$ _____ for fiscal
12 year 1995;

13 “(2) \$ _____ for fiscal
14 year 1996;

15 “(3) \$ _____ for fiscal
16 year 1997;

17 “(4) \$ _____ for fiscal
18 year 1998;

19 “(5) \$ _____ for fiscal
20 year 1999; and

21 “(6) \$ _____ for fiscal
22 year 2000.”

1 **SEC. 150006. MENTORING PROGRAM.**

2 Section 288C of part G of title II of the Juvenile Jus-
3 tice and Delinquency Prevention Act of 1974 is amended
4 to read as follows:

5 "REGULATIONS AND GUIDELINES

6 "SEC. 288C. (a) PROGRAM GUIDELINES.—The Ad-
7 ministrator shall issue program guidelines to imple-
8 ment this part. The program guidelines shall be effective only
9 after a period for public notice and comment.

10 "(b) MODEL SCREENING GUIDELINES.—The Admin-
11 istrator shall develop and distribute to program partici-
12 pants specific model guidelines for the screening of pro-
13 spective program mentors."

14 **SEC. 150007. JUVENILE ANTI-DRUG AND ANTI-GANG**
15 **GRANTS IN FEDERALLY ASSISTED LOW-IN-**
16 **COME HOUSING.**

17 Grants authorized in this Act to reduce or prevent
18 juvenile drug and gang-related activity in "public hous-
19 ing" may be used for such purposes in federally assisted,
20 low-income housing.

21 **SEC. 150008. GANG INVESTIGATION COORDINATION AND IN-**
22 **FORMATION COLLECTION.**

23 (a) COORDINATION.—The Attorney General (or the
24 Attorney General's designee), in consultation with the Sec-
25 retary of the Treasury (or the Secretary's designee), shall

1 develop a national strategy to coordinate gang-related in-
2 vestigations by Federal law enforcement agencies.

3 (b) DATA COLLECTION.—The Director of the Federal
4 Bureau of Investigation shall acquire and collect informa-
5 tion on incidents of gang violence for inclusion in an an-
6 nual uniform crime report.

7 (c) REPORT.—The Attorney General shall prepare a
8 report on national gang violence outlining the strategy de-
9 veloped under subsection (a) to be submitted to the Presi-
10 dent and Congress by January 1, 1996.

11 (d) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to carry out this
13 section—

14 (1) \$ _____ for fiscal
15 year 1995;

16 (2) \$ _____ for fiscal
17 year 1996;

18 (3) \$ _____ for fiscal
19 year 1997;

20 (4) \$ _____ for fiscal
21 year 1998;

22 (5) \$ _____ for fiscal
23 year 1999; and

24 (6) \$ _____ for fiscal
25 year 2000.

1 **SEC. 150009. MULTIJURISDICTIONAL GANG TASK FORCES.**

2 Section 504(f) of title I of the Omnibus Crime Con-
3 trol and Safe Streets Act of 1968 is amended by inserting
4 “victims assistance programs, or multijurisdictional gang
5 task forces” after “drug task forces”.

6 **TITLE XVI—CHILD**
7 **PORNOGRAPHY**

8 **SEC. 160001. PENALTIES FOR INTERNATIONAL TRAFFICK-**
9 **ING IN CHILD PORNOGRAPHY.**

10 (a) **IMPORT RELATED OFFENSE.**—Chapter 110 of
11 title 18, United States Code, is amended by adding at the
12 end the following new section:

13 **“§ 2258. Production of sexually explicit depictions of**
14 **a minor for importation into the United**
15 **States**

16 **“(a) USE OF MINOR.**—A person who, outside the
17 United States, employs, uses, persuades, induces, entices,
18 or coerces any minor to engage in, or who has a minor
19 assist any other person to engage in, or who transports
20 any minor with the intent that the minor engage in any
21 sexually explicit conduct for the purpose of producing any
22 visual depiction of such conduct, intending that the visual
23 depiction will be imported into the United States or into
24 waters within 12 miles of the coast of the United States,
25 shall be punished as provided in subsection (c).

1 “(b) USE OF VISUAL DEPICTION.—A person who,
2 outside the United States, knowingly receives, transports,
3 ships, distributes, sells, or possesses with intent to trans-
4 port, ship, sell, or distribute any visual depiction of a
5 minor engaging in sexually explicit conduct (if the produc-
6 tion of the visual depiction involved the use of a minor
7 engaging in sexually explicit conduct), intending that the
8 visual depiction will be imported into the United States
9 or into waters within a distance of 12 miles of the coast
10 of the United States, shall be punished as provided in sub-
11 section (c).

12 “(c) PENALTIES.—A person who violates subsection
13 (a) or (b), or conspires or attempts to do so—

14 “(1) shall be fined under this title, imprisoned
15 not more than 10 years, or both; and

16 “(2) if the person has a prior conviction under
17 this chapter or chapter 109A, shall be fined under
18 this title, imprisoned not more than 20 years, or
19 both.”.

20 (b) TECHNICAL AMENDMENT.—

21 (1) CHAPTER ANALYSIS.—The chapter analysis
22 for chapter 110 of title 18, United States Code, is
23 amended by adding at the end the following new
24 item:

“2258. Production of sexually explicit depictions of a minor for importation into
the United States.”.

1 (2) FINE PROVISIONS.—Section 2251(d) of title
2 18, United States Code, is amended—

3 (A) by striking “not more than \$100,000,
4 or” and inserting “under this title,”;

5 (B) by striking “not more than \$200,000,
6 or” and inserting “under this title,”; and

7 (C) by striking “not more than \$250,000”
8 and inserting “under this title”.

9 (c) SECTION 2251 PENALTY ENHANCEMENT.—Sec-
10 tion 2251(d) of title 18, United States Code, is amended
11 by striking “this section” the second place it appears and
12 inserting “this chapter or chapter 109A”.

13 (d) SECTION 2252 PENALTY ENHANCEMENT.—Sec-
14 tion 2252(b)(1) of title 18, United States Code, is amend-
15 ed by striking “this section” and inserting “this chapter
16 or chapter 109A”.

17 (e) CONSPIRACY AND ATTEMPT.—Sections 2251(d)
18 and 2252(b) of title 18, United States Code, are each
19 amended by inserting “, or attempts or conspires to vio-
20 late,” after “violates” each place it appears.

21 (f) RICO AMENDMENT.—Section 1961(l) of title 18,
22 United States Code, is amended by striking “2251–2252”
23 and inserting “2251, 2252, and 2258”.

24 (g) TRANSPORTATION OF MINORS.—Section 2423 of
25 title 18, United States Code, is amended—

1 (1) by striking “(a) Whoever” and inserting
2 “(a) TRANSPORTATION WITH INTENT TO ENGAGE
3 IN CRIMINAL SEXUAL ACTIVITY.—A person who”;
4 and

5 (2) by adding at the end the following new sub-
6 section:

7 “(b) TRAVEL WITH INTENT TO ENGAGE IN SEXUAL
8 ACT WITH A JUVENILE.—A person who travels in inter-
9 state commerce, or conspires to do so, or a United States
10 citizen or an alien admitted for permanent residence in
11 the United States who travels in foreign commerce, or con-
12 spires to do so, for the purpose of engaging in any sexual
13 act (as defined in section 2245) with a person under 18
14 years of age that would be in violation of chapter 109A
15 if the sexual act occurred in the special maritime and ter-
16 ritorial jurisdiction of the United States shall be fined
17 under this title, imprisoned not more than 10 years, or
18 both.”

19 **SEC. 160002. SENSE OF CONGRESS CONCERNING STATE**
20 **LEGISLATION REGARDING CHILD PORNOG-**
21 **RAPHY.**

22 It is the sense of the Congress that each State that
23 has not yet done so should enact legislation prohibiting
24 the production, distribution, receipt, or simple possession
25 of materials depicting a person under 18 years of age en-

1 gaging in sexually explicit conduct (as defined in section
2 2256 of title 18, United States Code) and providing for
3 a maximum imprisonment of at least 1 year and for the
4 forfeiture of assets used in the commission or support of,
5 or gained from, such offenses.

6 **SEC. 160003. CONFIRMATION OF INTENT OF CONGRESS IN**
7 **ENACTING SECTIONS 2252 AND 2256 OF TITLE**
8 **18, UNITED STATES CODE.**

9 (a) **DECLARATION.**—The Congress declares that in
10 enacting sections 2252 and 2256 of title 18, United States
11 Code, it was and is the intent of Congress that—

12 (1) the scope of “exhibition of the genitals or
13 pubic area” in section 2256(2)(E), in the definition
14 of “sexually explicit conduct”, is not limited to nude
15 exhibitions or exhibitions in which the outlines of
16 those areas were discernible through clothing; and

17 (2) the requirements in section 2252(a) (1)(A),
18 (2)(A), (3)(B)(i), and (4)(B)(i) that the production
19 of a visual depiction involve the use of a minor en-
20 gaging in “sexually explicit conduct” of the kind de-
21 scribed in section 2256(2)(E) are satisfied if a per-
22 son photographs a minor in such a way as to exhibit
23 the child in a lascivious manner.

24 (b) **SENSE OF THE CONGRESS.**—It is the sense of
25 the Congress that in filing its brief in United States v.

1 Knox, No. 92-1183, and thereby depriving the United
2 States Supreme Court of the adverseness necessary for
3 full and fair presentation of the issues arising in the case,
4 the Department of Justice did not accurately reflect the
5 intent of Congress in arguing that "the videotapes in [the
6 Knox case] constitute 'lascivious exhibition[s] of the geni-
7 tals or pubic area' only if those body parts are visible in
8 the tapes and the minors posed or acted lasciviously."

9 **TITLE XVII—CRIMES AGAINST**
10 **CHILDREN**

11 **Subtitle A—Jacob Wetterling**
12 **Crimes Against Children and**
13 **Sexually Violent Offender Reg-**
14 **istration Act**

15 **SEC. 170101. ESTABLISHMENT OF PROGRAM.**

16 (a) IN GENERAL.—

17 (1) STATE GUIDELINES.—The Attorney General
18 shall establish guidelines for State programs requir-
19 ing any person who is convicted of a criminal offense
20 against a victim who is a minor, or of any other sex-
21 ually violent offense to register a current address
22 with a designated State law enforcement agency for
23 10 years after release from prison, or being placed
24 on parole, supervised release, or probation.

1 (2) DEFINITION.—For purposes of this
2 subsection—

3 (A) the term “criminal offense against a
4 victim who is a minor” means any criminal of-
5 fense that consists of—

6 (i) kidnapping of a minor, except by a
7 parent;

8 (ii) false imprisonment of a minor, ex-
9 cept by a parent;

10 (iii) criminal sexual conduct toward a
11 minor;

12 (iv) solicitation of a minor to engage
13 in sexual conduct;

14 (v) use of a minor in a sexual per-
15 formance;

16 (vi) solicitation of a minor to practice
17 prostitution;

18 (vii) any conduct that by its nature is
19 a sexual offense against a minor; or

20 (viii) an attempt to commit an offense
21 described in any of clauses (i) through
22 (vii), if the State—

23 (I) makes such an attempt a
24 criminal offense; and

1 (II) chooses to include such an
2 offense in those which are criminal of-
3 fenses against a victim who is a minor
4 for the purposes of this section; and

5 (B) the term "sexually violent offense"
6 means any criminal offense that consists of ag-
7 gravated sexual abuse or sexual abuse (as de-
8 scribed in sections 2241 and 2242 of title 18,
9 United States Code) or an offense that has as
10 its elements engaging in physical contact with
11 another person or using or brandishing a weap-
12 on against another person with intent to com-
13 mit aggravated sexual abuse or sexual abuse (as
14 described in sections 2241 and 2242 of title 18,
15 United States Code).

16 (b) REGISTRATION REQUIREMENT UPON RELEASE,
17 PAROLE, SUPERVISED RELEASE, OR PROBATION.—An
18 approved State registration program established under
19 this section shall contain the following requirements:

20 (1) DUTY OF STATE PRISON OFFICIAL OR
21 COURT.—If a person who is required to register
22 under this section is released from prison, or placed
23 on parole, supervised release, or probation, a State
24 prison officer, or in the case of probation, the court,
25 shall—

1 (A) inform the person of the duty to reg-
2 ister and obtain the information required for
3 such registration;

4 (B) inform the person that if the person
5 changes residence address, the person shall give
6 the new address to a designated State law en-
7 forcement agency in writing within 10 days;

8 (C) inform the person that if the person
9 changes residence to another State, the person
10 shall register the new address with the law en-
11 forcement agency with whom the person last
12 registered, and the person is also required to
13 register with a designated law enforcement
14 agency in the new State not later than 10 days
15 after establishing residence in the new State, if
16 the new State has a registration requirement;

17 (D) obtain fingerprints and a photograph
18 of the person if these have not already been ob-
19 tained in connection with the offense that trig-
20 gers registration; and

21 (E) require the person to read and sign a
22 form stating that the duty of the person to reg-
23 ister under this section has been explained.

24 (2) TRANSFER OF INFORMATION TO STATE AND
25 THE FBI.—The officer, or in the case of a person

1 placed on probation, the court, shall, within 3 days
2 after receipt of information described in paragraph
3 (1), forward it to a designated State law enforce-
4 ment agency. The State law enforcement agency
5 shall immediately enter the information into the ap-
6 propriate State law enforcement record system and
7 notify the appropriate law enforcement agency hav-
8 ing jurisdiction where the person expects to reside.
9 The State law enforcement agency shall also imme-
10 diately transmit the conviction data and fingerprints
11 to the Federal Bureau of Investigation.

12 (3) ANNUAL VERIFICATION.—On each anniver-
13 sary of a person's initial registration date during the
14 period in which the person is required to register
15 under this section, the designated State law enforce-
16 ment agency shall mail a nonforwardable verification
17 form to the last reported address of the person. The
18 person shall mail the verification form to the des-
19 ignated State law enforcement agency within 10
20 days after receipt of the form. The verification form
21 shall be signed by the person, and state that the per-
22 son still resides at the address last reported to the
23 designated State law enforcement agency. If the per-
24 son fails to mail the verification form to the des-
25 ignated State law enforcement agency within 10

1 days after receipt of the form, the person shall be
2 in violation of this section unless the person proves
3 that the person has not changed his or her residence
4 address.

5 (4) NOTIFICATION OF LOCAL LAW ENFORCE-
6 MENT AGENCIES OF CHANGES IN ADDRESS.—Any
7 change of address by a person required to register
8 under this section reported to the designated State
9 law enforcement agency shall immediately be re-
10 ported to the appropriate law enforcement agency
11 having jurisdiction where the person is residing. The
12 designated law enforcement agency shall, if the per-
13 son changes residence to another State, notify the
14 law enforcement agency with which the person must
15 register in the new State, if the new State has a reg-
16 istration requirement.

17 (5) PRIVACY OF DATA.—The information col-
18 lected under a State registration program shall be
19 treated as private data on individuals and may be
20 disclosed only to law enforcement agencies for inves-
21 tigative purposes or to government agencies conduct-
22 ing confidential background checks with fingerprints.
23 A law enforcement agency may release relevant in-
24 formation concerning a sex offender required to reg-
25 ister under the section when such release of informa-

1 tion is necessary to carry out law enforcement pur-
2 poses or to notify the victims of the offender.

3 (c) REGISTRATION FOR CHANGE OF ADDRESS TO
4 ANOTHER STATE.—A person who has been convicted of
5 an offense which triggered registration in a State shall
6 register the new address with a designated law enforce-
7 ment agency in another State to which the person moves
8 not later than 10 days after such person establishes resi-
9 dence in the new State, if the new State has a registration
10 requirement.

11 (d) REGISTRATION FOR 10 YEARS.—A person re-
12 quired to register under this section shall continue to com-
13 ply with this section until 10 years have elapsed since the
14 person was released from prison, or placed on parole, su-
15 pervised release, or probation.

16 (e) PENALTY.—A person required to register under
17 a State program established pursuant to this section who
18 knowingly fails to so register and keep such registration
19 current shall be subject to criminal penalties in any State
20 in which the person has so failed.

21 (f) COMPLIANCE.—

22 (1) COMPLIANCE DATE.—Each State shall have
23 3 years from the date of the enactment of this Act
24 in which to implement this section.

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

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

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

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

10 (4) by modifying the left margin of each of
11 paragraphs (a) through (f) so that they are indented
12 2 ems;

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

15 (6) by inserting “(a)” before “Whoever”.

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

19 “(b) As used in this subsection—

20 “(1) the term ‘substantial bodily injury’ means
21 bodily injury which involves—

22 “(A) a temporary but substantial disfigure-
23 ment; or

1 vestigating the most difficult cases of missing and ex-
2 ploited children.

3 **SEC. 170303. ESTABLISHMENT OF TASK FORCE.**

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

7 (1) by redesignating sections 407 and 408 as
8 sections 408 and 409, respectively; and

9 (2) by inserting after section 406 the following
10 new section:

11 "TASK FORCE

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

15 "(b) MEMBERSHIP.—

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

18 "(A) the Federal Bureau of Investigation;

19 "(B) the Secret Service;

20 "(C) the Bureau of Alcohol, Tobacco and
21 Firearms;

22 "(D) the United States Customs Service;

23 "(E) the Postal Inspection Service;

24 "(F) the United States Marshals Service;

25 and

1 “(G) the Drug Enforcement Administra-
2 tion.

3 “(2) CHIEF.—A representative of the Federal
4 Bureau of Investigation (in addition to the members
5 of the Task Force selected under paragraph (1)(A))
6 shall act as chief of the Task Force.

7 “(3) SELECTION.—(A) The Director of the
8 Federal Bureau of Investigation shall select the chief
9 of the Task Force.

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

16 “(4) PROFESSIONAL QUALIFICATIONS.—The
17 members of the Task Force shall be law enforcement
18 personnel selected for their expertise that would en-
19 able them to assist in the investigation of cases of
20 missing and exploited children.

21 “(5) STATUS.—A member of the Task Force
22 shall remain an employee of his or her respective
23 agency for all purposes (including the purpose of
24 performance review), and his or her service on the
25 Task Force shall be without interruption or loss of

1 civil service privilege or status and shall be on a
2 nonreimbursable basis.

3 “(6) PERIOD OF SERVICE.—(A) Subject to sub-
4 paragraph (B), 1 member from each agency shall
5 initially serve a 1-year term, and the other member
6 from the same agency shall serve a 1-year term, and
7 may be selected to a renewal of service for 1 addi-
8 tional year; thereafter, each new member to serve on
9 the Task Force shall serve for a 2-year period with
10 the member's term of service beginning and ending
11 in alternate years with the other member from the
12 same agency; the period of service for the chief of
13 the Task Force shall be 3 years.

14 “(B) The chief of the Task Force may at any
15 time request the head of an agency described in
16 paragraph (1) to submit a list of 5 prospective Task
17 Force members to replace a member of the Task
18 Force, for the purpose of maintaining a Task Force
19 membership that will be able to meet the demands
20 of its caseload.

21 “(c) SUPPORT.—

22 “(1) IN GENERAL.—The Administrator of the
23 General Services Administration, in coordination
24 with the heads of the agencies described in sub-
25 section (b)(1), shall provide the Task Force office

1 space and administrative and support services, such
2 office space to be in close proximity to the office of
3 the Center, so as to enable the Task Force to coordi-
4 nate its activities with that of the Center on a day-
5 to-day basis.

6 “(2) LEGAL GUIDANCE.—The Attorney General
7 shall assign an attorney to provide legal guidance, as
8 needed, to members of the Task Force.

9 “(d) PURPOSE.—

10 “(1) IN GENERAL.—The purpose of the Task
11 Force shall be to make available the combined re-
12 sources and expertise of the agencies described in
13 paragraph (1) to assist State and local governments
14 in the most difficult missing and exploited child
15 cases nationwide, as identified by the chief of the
16 Task Force from time to time, in consultation with
17 the Center, and as many additional cases as re-
18 sources permit, including the provision of assistance
19 to State and local investigators on location in the
20 field.

21 “(2) TECHNICAL ASSISTANCE.—The role of the
22 Task Force in any investigation shall be to provide
23 advice and technical assistance and to make avail-
24 able the resources of the agencies described in sub-

1 section (b)(1); the Task Force shall not take a lead-
2 ership role in any such investigation.

3 “(e) CROSS-DESIGNATION OF TASK FORCE MEM-
4 BERS.—The Attorney General may cross-designate the
5 members of the Task Force with jurisdiction to enforce
6 Federal law related to child abduction to the extent nec-
7 essary to accomplish the purposes of this section.”

1 **TITLE XVIII—RURAL CRIME**
 2 **Subtitle A—Drug Trafficking in**
 3 **Rural Areas**

4 **SEC. 180101. AUTHORIZATIONS FOR RURAL LAW ENFORCE-**
 5 **MENT AGENCIES.**

6 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Section
 7 1001(a)(9) of title I of the Omnibus Crime Control and
 8 Safe Streets Act of 1968 is amended to read as follows:

9 “(9) There are authorized to be appropriated to carry
 10 out part O—

11 “(A) \$ _____ for fiscal
 12 year 1995;

13 “(B) \$ _____ for fiscal
 14 year 1996;

15 “(C) \$ _____ for fiscal
 16 year 1997;

17 “(D) \$ _____ for fiscal
 18 year 1998;

19 “(E) \$ _____ for fiscal
 20 year 1999; and

21 “(F) \$ _____ for fiscal
 22 year 2000.”

23 (b) **AMENDMENT TO BASE ALLOCATION.**—Section
 24 1501(a)(2)(A) of title I of the Omnibus Crime Control and

1 Safe Streets Act of 1968 is amended by striking
2 "\$100,000" and inserting "\$250,000".

3 (c) CLARIFICATION.—Section 1501(b) of title I of the
4 Omnibus Crime Control and Safe Streets Act of 1968 (42
5 U.S.C. § 3796bb(b)) is amended by inserting “, based on
6 the decennial census of 1990 through fiscal year 1997”
7 before the period.

8 **SEC. 180102. RURAL CRIME AND DRUG ENFORCEMENT**
9 **TASK FORCES.**

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

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

1 law enforcement officers and may cross-designate up to
2 100 Federal law enforcement officers, when necessary to
3 undertake investigations pursuant to section 503(a) of the
4 Controlled Substances Act (21 U.S.C. 873(a)) or offenses
5 punishable by a term of imprisonment of 10 years or more
6 under title 18, United States Code. The task forces—

7 (1) shall include representatives from—

8 (A) State and local law enforcement agen-
9 cies;

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

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

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

22 **SEC. 180103. RURAL DRUG ENFORCEMENT TRAINING.**

23 (a) **SPECIALIZED TRAINING FOR RURAL OFFI-**
24 **CERS.**—The Director of the Federal Law Enforcement
25 Training Center shall develop a specialized course of in-

1 struction devoted to training law enforcement officers
2 from rural agencies in the investigation of drug trafficking,
3 and related crimes.

4 (b) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to carry out subsection
6 (a)—

7 (1) \$ _____ for fiscal
8 year 1995;

9 (2) \$ _____ for fiscal
10 year 1996;

11 (3) \$ _____ for fiscal
12 year 1997;

13 (4) \$ _____ for fiscal
14 year 1998;

15 (5) \$ _____ for fiscal
16 year 1999; and

17 (6) \$ _____ for fiscal
18 year 2000.

19 **SEC. 180104. MORE AGENTS FOR THE DRUG ENFORCEMENT**
20 **ADMINISTRATION.**

21 There are authorized to be appropriated for the hir-
22 ing of additional Drug Enforcement Administration
23 agents—

24 (1) \$ _____ for fiscal
25 year 1995;

1 (2) \$ _____ for fiscal
2 year 1996;
3 (3) \$ _____ for fiscal
4 year 1997;
5 (4) \$ _____ for fiscal
6 year 1998;
7 (5) \$ _____ for fiscal
8 year 1999; and
9 (6) \$ _____ for fiscal
10 year 2000.

11 **Subtitle B—Drug Free Truck Stops**
12 **and Safety Rest Areas**

13 **SEC. 180201. DRUG FREE TRUCK STOPS AND SAFETY REST**
14 **AREAS.**

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

17 (b) **AMENDMENT TO CONTROLLED SUBSTANCES**
18 **ACT.**—

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

23 “TRANSPORTATION SAFETY OFFENSES

24 “SEC. 409. (a) **DEFINITIONS.**—In this section—

1 “‘safety rest area’ means a roadside facility
2 with parking facilities for the rest or other needs of
3 motorists.

4 “‘truck stop’ means a facility (including any
5 parking lot appurtenant thereto) that—

6 “(A) has the capacity to provide fuel or
7 service, or both, to any commercial motor vehi-
8 cle (as defined in section 31301 of title 49,
9 United States Code), operating in commerce (as
10 defined in that section); and

11 “(B) is located within 2,500 feet of the
12 National System of Interstate and Defense
13 Highways or the Federal-Aid Primary System.

14 “(b) FIRST OFFENSE.—A person who violates section
15 401(a)(1) or section 416 by distributing or possessing
16 with intent to distribute a controlled substance in or on,
17 or within 1,000 feet of, a truck stop or safety rest area
18 is (except as provided in subsection (b)) subject to—

19 “(1) twice the maximum punishment authorized
20 by section 401(b); and

21 “(2) twice any term of supervised release au-
22 thorized by section 401(b) for a first offense.

23 “(c) SUBSEQUENT OFFENSE.—A person who violates
24 section 401(a)(1) or section 416 by distributing or pos-
25 sassing with intent to distribute a controlled substance in

1 or on, or within 1,000 feet of, a truck stop or a safety
2 rest area after a prior conviction or convictions under sub-
3 section (a) have become final is subject to—

4 “(1) 3 times the maximum punishment author-
5 ized by section 401(b); and

6 “(2) 3 times any term of supervised release au-
7 thorized by section 401(b) for a first offense.”

8 (2) TECHNICAL AMENDMENTS.—

9 (A) CROSS REFERENCE.—Section 401(b)
10 of the Controlled Substances Act (21 U.S.C.
11 841(b)) is amended by inserting “409,” before
12 “418,” each place it appears.

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

“Sec. 409. Transportation safety offenses.”

18 (c) SENTENCING GUIDELINES.—Pursuant to its au-
19 thority under section 994 of title 28, United States Code,
20 and section 21 of the Sentencing Act of 1987 (28 U.S.C.
21 994 note), the United States Sentencing Commission shall
22 promulgate guidelines, or shall amend existing guidelines,
23 to provide an appropriate enhancement of punishment for
24 a defendant convicted of violating section 409 of the Con-
25 trolled Substances Act, as added by subsection (b).

1 **Subtitle C—Sense of Congress Re-**
2 **garding Funding for Rural**
3 **Areas**

4 **SEC. 180301. FUNDING FOR RURAL AREAS.**

5 It is the sense of Congress that—

6 (1) the Attorney General should ensure that
7 funding for programs authorized by the provisions of
8 this Act and amendments made by this Act is dis-
9 tributed in such a manner that rural areas continue
10 to receive comparable support for their broad-based
11 crime fighting initiatives;

12 (2) rural communities should not receive less
13 funding than they received in fiscal year 1994 for
14 anti-crime initiatives as a result of any legislative or
15 administrative actions; and

16 (3) to the maximum extent possible, funding for
17 the Edward Byrne Memorial State and Local Law
18 Enforcement Assistance Program should be main-
19 tained at its fiscal year 1994 level.

20 **TITLE XIX—FEDERAL LAW**
21 **ENFORCEMENT**

22 **SEC. 190001. FEDERAL JUDICIARY AND FEDERAL LAW EN-**
23 **FORCEMENT.**

24 (a) **AUTHORIZATION OF ADDITIONAL APPROPRIA-**
25 **TIONS FOR THE FEDERAL JUDICIARY.—**

1 (1) FEDERAL JUDICIARY.—There are author-
 2 ized to be appropriated for the activities of the Fed-
 3 eral Judiciary to help meet the increased demands
 4 for judicial activities that will result from enactment
 5 into law of this Act—

6 (A) \$ _____ for fiscal
 7 year 1995;

8 (B) \$ _____ for fiscal
 9 year 1996;

10 (C) \$ _____ for fiscal
 11 year 1997;

12 (D) \$ _____ for fiscal
 13 year 1998;

14 (E) \$ _____ for fiscal
 15 year 1999; and

16 (F) \$ _____ for fiscal
 17 year 2000.

18 (2) PRE-TRIAL AND PROBATION SERVICES.—
 19 There are authorized to be appropriated for pre-trial
 20 and probation services—

21 (A) \$ _____ for fiscal
 22 year 1995;

23 (B) \$ _____ for fiscal
 24 year 1996;

1 (C) \$ _____ for fiscal
 2 year 1997;
 3 (D) \$ _____ for fiscal
 4 year 1998;
 5 (E) \$ _____ for fiscal
 6 year 1999; and
 7 (F) \$ _____ for fiscal
 8 year 2000.

9 (b) AUTHORIZATION OF ADDITIONAL APPROPRIA-
 10 TIONS FOR THE DEPARTMENT OF JUSTICE.—There is au-
 11 thorized to be appropriated for the activities and agencies
 12 of the Department of Justice, in addition to sums author-
 13 ized elsewhere in this section, to help meet the increased
 14 demands for Department of Justice activities that will re-
 15 sult from enactment into law of this Act—

16 (A) \$ _____ for fiscal
 17 year 1995;
 18 (B) \$ _____ for fiscal
 19 year 1996;
 20 (C) \$ _____ for fiscal
 21 year 1997;
 22 (D) \$ _____ for fiscal
 23 year 1998;
 24 (E) \$ _____ for fiscal
 25 year 1999; and

1 (F) \$ _____ for fiscal
2 year 2000.

3 (c) AUTHORIZATION OF ADDITIONAL APPROPRIA-
4 TIONS FOR THE FEDERAL BUREAU OF INVESTIGATION.—

5 There is authorized to be appropriated for the activities
6 of the Federal Bureau of Investigation, to help meet the
7 increased demands for Federal Bureau of Investigation
8 activities that will result from enactment into law of this
9 Act—

10 (A) \$ _____ for fiscal
11 year 1995;

12 (B) \$ _____ for fiscal
13 year 1996;

14 (C) \$ _____ for fiscal
15 year 1997;

16 (D) \$ _____ for fiscal
17 year 1998;

18 (E) \$ _____ for fiscal
19 year 1999; and

20 (F) \$ _____ for fiscal
21 year 2000.

22 (d) AUTHORIZATION OF ADDITIONAL APPROPRIA-
23 TIONS FOR UNITED STATES ATTORNEYS.—There is au-

24 thorized to be appropriated for the account Department
25 of Justice, Legal Activities, "Salaries and expenses, Unit-

1 ed States Attorneys”, to help meet the increased demands
2 for litigation and related activities which will result from
3 enactment into law of this Act—

4 (A) \$ _____ for fiscal
5 year 1995;

6 (B) \$ _____ for fiscal
7 year 1996;

8 (C) \$ _____ for fiscal
9 year 1997;

10 (D) \$ _____ for fiscal
11 year 1998;

12 (E) \$ _____ for fiscal
13 year 1999; and

14 (F) \$ _____ for fiscal
15 year 2000.

16 **TITLE XX—POLICE CORPS AND**
17 **LAW ENFORCEMENT OFFI-**
18 **CERS TRAINING AND EDU-**
19 **CATION**

20 **Subtitle A—Police Corps**

21 **SEC. 200101. SHORT TITLE.**

22 This subtitle ^{may} be cited as the “Police Corps Act”.

23 **SEC. 200102. PURPOSES.**

24 The purposes of this subtitle are to—

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

4 (2) provide educational assistance to law en-
5 forcement personnel and to students who possess a
6 sincere interest in public service in the form of law
7 enforcement.

8 **SEC. 200103. DEFINITIONS.**

9 In this subtitle—

10 “academic year” means a traditional academic
11 year beginning in August or September and ending
12 in the following May or June.

13 “dependent child” means a natural or adopted
14 child or stepchild of a law enforcement officer who
15 at the time of the officer’s death—

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

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

22 “Director” means the Director of the Office of
23 the Police Corps and Law Enforcement Education
24 appointed under section 200104.

1 “educational expenses” means expenses that
2 are directly attributable to—

3 (A) a course of education leading to the
4 award of the baccalaureate degree in legal- or
5 criminal justice-related studies; or

6 (B) a course of graduate study legal or
7 criminal justice studies following award of a
8 baccalaureate degree,

9 including the cost of tuition, fees, books, supplies,
10 transportation, room and board and miscellaneous
11 expenses.

12 “institution of higher education” has the mean-
13 ing stated in the first sentence of section 1201(a) of
14 the Higher Education Act of 1965 (20 U.S.C.
15 1141(a)).

16 “participant” means a participant in the Police
17 Corps program selected pursuant to section 200106.

18 “State” means a State of the United States,
19 the District of Columbia, the Commonwealth of
20 Puerto Rico, the Virgin Islands, American Samoa,
21 Guam, and the Commonwealth of the Northern Mar-
22 iana Islands.

23 “State Police Corps program” means a State
24 police corps program that meets the requirements of
25 section 200110.

1 SEC. 200104. ESTABLISHMENT OF OFFICE OF THE POLICE
2 CORPS AND LAW ENFORCEMENT EDUCATION.

3 There is established in the Department of Justice,
4 under the general authority of the Attorney General, an
5 Office of the Police Corps and Law Enforcement Edu-
6 cation.

7 SEC. 200105. DESIGNATION OF LEAD AGENCY AND SUBMIS-
8 SION OF STATE PLAN.

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

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

14 (2) administering the program in the State.

15 (b) STATE PLANS.—A State plan shall—

16 (1) contain assurances that the lead agency
17 shall work in cooperation with the local law enforce-
18 ment liaisons, representatives of police labor organi-
19 zations and police management organizations, and
20 other appropriate State and local agencies to develop
21 and implement interagency agreements designed to
22 carry out the program;

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

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

4 (4) meet the requirements of section 200110.

5 **SEC. 200106. SCHOLARSHIP ASSISTANCE.**

6 (a) **SCHOLARSHIPS AUTHORIZED.**—(1) The Director
7 may award scholarships to participants who agree to work
8 in a State or local police force in accordance with agree-
9 ments entered into pursuant to subsection (d).

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

13 (i) \$7,500; or

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

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

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

23 (3) Recipients of scholarship assistance under this
24 section shall continue to receive such scholarship payments
25 only during such periods as the Director finds that the

1 recipient is maintaining satisfactory progress as deter-
2 mined by the institution of higher education the recipient
3 is attending.

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

7 (B) Each institution of higher education receiving a
8 payment on behalf of a participant pursuant to subpara-
9 graph (A) shall remit to such student any funds in excess
10 of the costs of tuition, fees, and room and board payable
11 to the institution.

12 (b) REIMBURSEMENT AUTHORIZED.—(1) The Direc-
13 tor may make payments to a participant to reimburse such
14 participant for the costs of educational expenses if the stu-
15 dent agrees to work in a State or local police force in ac-
16 cordance with the agreement entered into pursuant to sub-
17 section (d).

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

20 (i) \$7,500; or

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

23 (B) In the case of a participant who is pursuing a
24 course of educational study during substantially an entire

1 calendar year, the amount of scholarship payments made
2 during such year shall not exceed \$10,000.

3 (C) The total amount of payments made pursuant to
4 subparagraph (A) to any 1 student shall not exceed
5 \$30,000.

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

9 (1) scholarships may be used for graduate and
10 professional study; and

11 (2) if a participant has enrolled in the program
12 upon or after transfer to a 4-year institution of
13 higher education, the Director may reimburse the
14 participant for the participant's prior educational ex-
15 penses.

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

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

21 (i) after successful completion of a bacca-
22 laurate program and training as prescribed in sec-
23 tion 8, work for 4 years in a State or local police
24 force without there having arisen sufficient cause for
25 the participant's dismissal under the rules applicable

1 to members of the police force of which the partici-
2 pant is a member;

3 (ii) complete satisfactorily—

4 (I) an educational course of study and re-
5 ceipt of a baccalaureate degree (in the case of
6 undergraduate study) or the reward of credit to
7 the participant for having completed one or
8 more graduate courses (in the case of graduate
9 study); and

10 (II) Police Corps training and certification
11 by the Director that the participant has met
12 such performance standards as may be estab-
13 lished pursuant to section 200108; and

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

18 (2)(A) A recipient of a scholarship or payment under
19 this section shall not be considered to be in violation of
20 the agreement entered into pursuant to paragraph (1) if
21 the recipient—

22 (i) dies; or

23 (ii) becomes permanently and totally disabled as
24 established by the sworn affidavit of a qualified phy-
25 sician.

1 (B) If a scholarship recipient is unable to comply with
2 the repayment provision set forth in paragraph (1)(B)(ii)
3 because of a physical or emotional disability or for good
4 cause as determined by the Director, the Director may
5 substitute community service in a form prescribed by the
6 Director for the required repayment.

7 (C) The Director shall expeditiously seek repayment
8 from a participant who violates an agreement described
9 in paragraph (1).

10 (e) DEPENDENT CHILD.—A dependent child of a law
11 enforcement officer—

12 (1) who is a member of a State or local police
13 force or is a Federal criminal investigator or uni-
14 formed police officer,

15 (2) who is not a participant in the Police Corps
16 program, but

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

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

21 shall be entitled to the scholarship assistance authorized
22 in this section for any course of study in any accredited
23 institution of higher education. Such dependent child shall
24 not incur any repayment obligation in exchange for the
25 scholarship assistance provided in this section.

1 (f) APPLICATION.—Each participant desiring a schol-
2 arship or payment under this section shall submit an ap-
3 plication as prescribed by the Director in such manner and
4 accompanied by such information as the Director may rea-
5 sonably require.

6 **SEC. 200107. SELECTION OF PARTICIPANTS.**

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

10 (b) SELECTION CRITERIA AND QUALIFICATIONS.—

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

13 (A) be a citizen of the United States or an alien
14 lawfully admitted for permanent residence in the
15 United States;

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

1 (C) possess the necessary mental and physical
2 capabilities and emotional characteristics to dis-
3 charge effectively the duties of a law enforcement of-
4 ficer;

5 (D) be of good character and demonstrate sin-
6 cere motivation and dedication to law enforcement
7 and public service;

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

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

22 (G) contract, with the consent of the partici-
23 pant's parent or guardian if the participant is a
24 minor, to serve for 4 years as an officer in the State

1 police or in a local police department, if an appoint-
2 ment is offered; and

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

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

9 (i) have had some law enforcement experience;
10 and

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

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

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

1 (3) It is the intent of this subtitle that there shall
2 be no more than 20,000 participants in each graduating
3 class. The Director shall approve State plans providing in
4 the aggregate for such enrollment of applicants as shall
5 assure, as nearly as possible, annual graduating classes
6 of 20,000. In a year in which applications are received
7 in a number greater than that which will produce, in the
8 judgment of the Director, a graduating class of more than
9 20,000, the Director shall, in deciding which applications
10 to grant, give preference to those who will be participating
11 in State plans that provide law enforcement personnel to
12 areas of greatest need.

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

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

1 (A) as a full-time student in an undergraduate
2 program; or

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

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

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

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

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

24 (f) ADMISSION OF APPLICANTS.—An applicant may
25 be admitted into a State Police Corps program either be-

1 fore commencement of or during the applicant's course of
2 educational study.

3 **SEC. 200108. POLICE CORPS TRAINING.**

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

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

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

23 (4) The Director may authorize such expenditures as
24 are necessary for the effective maintenance of the training
25 centers, including purchases of supplies, uniforms, and

1 educational materials, and the provision of subsistence,
2 quarters, and medical care to participants.

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

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

24 (d) COURSE OF TRAINING.—The training sessions at
25 training centers established under this section shall be de-

1 signed to provide basic law enforcement training, includ-
2 ing vigorous physical and mental training to teach partici-
3 pants self-discipline and organizational loyalty and to im-
4 part knowledge and understanding of legal processes and
5 law enforcement.

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

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

14 **SEC. 200109. SERVICE OBLIGATION.**

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

23 (b) **RIGHTS AND RESPONSIBILITIES.**—A participant
24 shall have all of the rights and responsibilities of and shall
25 be subject to all rules and regulations applicable to other

1 members of the police force of which the participant is
2 a member, including those contained in applicable agree-
3 ments with labor organizations and those provided by
4 State and local law.

5 (c) DISCIPLINE.—If the police force of which the par-
6 ticipant is a member subjects the participant to discipline
7 such as would preclude the participant's completing 4
8 years of service, and result in denial of educational assist-
9 ance under section 1126, the Director may, upon a show-
10 ing of good cause, permit the participant to complete the
11 service obligation in an equivalent alternative law enforce-
12 ment service and, if such service is satisfactorily com-
13 pleted, section 200106(d)(1)(B)(iii) shall not apply.

14 (d) LAYOFFS.—If the police force of which the partic-
15 ipant is a member lays off the participant such as would
16 preclude the participant's completing 4 years of service,
17 and result in denial of educational assistance under sec-
18 tion 200106, the Director may permit the participant to
19 complete the service obligation in an equivalent alternative
20 law enforcement service and, if such service is satisfac-
21 torily completed, section 200106(d)(1)(B)(iii) shall not
22 apply.

23 **SEC. 200110. STATE PLAN REQUIREMENTS.**

24 A State Police Corps plan shall—

1 (1) provide for the screening and selection of
2 participants in accordance with the criteria set out
3 in section 200107;

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

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

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

14 (B) the participants will be used most ef-
15 fectively;

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

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

24 (A) prior to commencement of a partici-
25 pant's fourth year of undergraduate study,

1 under such circumstances as the plan may
2 specify; and

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

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

11 (A) whose size has declined by more than
12 5 percent since June 21, 1989; or

13 (B) which has members who have been laid
14 off but not retired;

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

18 (8) ensure that participants will receive effec-
19 tive training and leadership;

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

1 following reasonable review procedures stated in the
2 plan; and

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

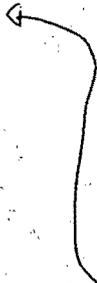
10 **SEC. 200111. ASSISTANCE TO STATES AND LOCALITIES EM-**
11 **PLOYING POLICE CORPS OFFICERS.**

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

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

19 (A) whose average size, in the year for
20 which payment is to be made, not counting Po-
21 lice Corps participants assigned under section
22 106, has declined more than 2 percent since
23 January 1, 1993; or

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



*to
be
changed*

1 (2) no such payment shall be made on account
 2 of any Police Corps participant for years of service
 3 after the completion of the term of service prescribed
 4 in section 200109.

5 **SEC. 200112. AUTHORIZATION OF APPROPRIATIONS.**

6 There are authorized to be appropriated to carry out
 7 this subtitle—

8 (1) \$ _____ for fiscal
 9 year 1995;

10 (2) \$ _____ for fiscal
 11 year 1996;

12 (3) \$ _____ for fiscal
 13 year 1997;

14 (4) \$ _____ for fiscal
 15 year 1998;

16 (5) \$ _____ for fiscal
 17 year 1999; and

18 (6) \$ _____ for fiscal
 19 year 2000.

20 **SEC. 200113. REPORTS TO CONGRESS.**

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

1 (b) CONTENTS.—A report under subsection (a)
2 shall—

3 (1) state the number of current and past par-
4 ticipants in the Police Corps program, broken down
5 according to the levels of educational study in which
6 they are engaged and years of service they have
7 served on police forces (including service following
8 completion of the 4-year service obligation);

9 (2) describe the geographic, racial, and gender
10 dispersion of participants in the Police Corps pro-
11 gram; and

12 (3) describe the progress of the Police Corps
13 program and make recommendations for changes in
14 the program.

15 **Subtitle B—Law Enforcement**
16 **Scholarship Program**

17 **SEC. 200201. SHORT TITLE.**

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

20 **SEC. 200202. DEFINITIONS.**

21 In this subtitle—

22 “Director” means the Director of the Office of
23 the Police Corps and Law Enforcement Education
24 appointed under section 200104.

1 “educational expenses” means expenses that
2 are directly attributable to—

3 (A) a course of education leading to the
4 award of an associate degree;

5 (B) a course of education leading to the
6 award of a baccalaureate degree; or

7 (C) a course of graduate study following
8 award of a baccalaureate degree,

9 including the cost of tuition, fees, books, supplies,
10 and related expenses.

11 “institution of higher education” has the mean-
12 ing stated in the first sentence of section 1201(a) of
13 the Higher Education Act of 1965 (20 U.S.C.
14 1141(a)).

15 “law enforcement position” means employment
16 as an officer in a State or local police force, or cor-
17 rectional institution.

18 “State” means a State of the United States,
19 the District of Columbia, the Commonwealth of
20 Puerto Rico, the Virgin Islands of the United States,
21 American Samoa, Guam, and the Commonwealth of
22 the Northern Mariana Islands.

23 **SEC. 200203. ALLOTMENT.**

24 From amounts appropriated under section 200210,
25 the Director shall allot—

1 (1) 80 percent of such amounts to States on
2 the basis of the number of law enforcement officers
3 in each State compared to the number of law en-
4 forcement officers in all States; and

5 (2) 20 percent of such amounts to States on
6 the basis of the shortage of law enforcement person-
7 nel and the need for assistance under this subtitle
8 in the State compared to the shortage of law en-
9 forcement personnel and the need for assistance
10 under this subtitle in all States.

11 **SEC. 200204. ESTABLISHMENT OF PROGRAM.**

12 (a) **USE OF ALLOTMENT.—**

13 (1) **IN GENERAL.—**A State that receives an al-
14 lotment pursuant to section 200203 shall use the al-
15 lotment to pay the Federal share of the costs of—

16 (A) awarding scholarships to in-service law
17 enforcement personnel to enable such personnel
18 to seek further education; and

19 (B) providing—

20 (i) full-time employment in summer;

21 or

22 (ii) part-time (not to exceed 20 hours
23 per week) employment for a period not to
24 exceed 1 year.

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

3 (A) shall be provided by State and local
4 law enforcement agencies for students who are
5 juniors or seniors in high school or are enrolled
6 in an institution of higher education and who
7 demonstrate an interest in undertaking a career
8 in law enforcement;

9 (B) shall not be in a law enforcement posi-
10 tion; and

11 (C) shall consist of performing meaningful
12 tasks that inform students of the nature of the
13 tasks performed by law enforcement agencies.

14 (b) PAYMENTS; FEDERAL SHARE; NON-FEDERAL
15 SHARE.—

16 (1) PAYMENTS.—Subject to the availability of
17 appropriations, the Director shall pay to each State
18 that receives an allotment under section 200203 the
19 Federal share of the cost of the activities described
20 in the application submitted pursuant to section
21 200203.

22 (2) FEDERAL SHARE.—The Federal share shall
23 not exceed 60 percent.

24 (3) NON-FEDERAL SHARE.—The non-Federal
25 share of the cost of scholarships and student em-

1 ployment provided under this subtitle shall be sup-
2 plied from sources other than the Federal Govern-
3 ment.

4 (c) RESPONSIBILITIES OF DIRECTOR.—The Director
5 shall be responsible for the administration of the programs
6 conducted pursuant to this subtitle and shall, in consulta-
7 tion with the Assistant Secretary for Postsecondary Edu-
8 cation, issue rules to implement this subtitle.

9 (d) ADMINISTRATIVE EXPENSES.—A State that re-
10 ceives an allotment under section 200203 may reserve not
11 more than 8 percent of the allotment for administrative
12 expenses.

13 (e) SPECIAL RULE.—A State that receives an allot-
14 ment under section 200203 shall ensure that each scholar-
15 ship recipient under this subtitle be compensated at the
16 same rate of pay and benefits and enjoy the same rights
17 under applicable agreements with labor organizations and
18 under State and local law as other law enforcement per-
19 sonnel of the same rank and tenure in the office of which
20 the scholarship recipient is a member.

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

1 **SEC. 200205. SCHOLARSHIPS.**

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

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

8 **SEC. 200206. ELIGIBILITY.**

9 (a) SCHOLARSHIPS.—A person shall be eligible to re-
10 ceive a scholarship under this subtitle if the person has
11 been employed in law enforcement for the 2-year period
12 immediately preceding the date on which assistance is
13 sought.

14 (b) INELIGIBILITY FOR STUDENT EMPLOYMENT.—A
15 person who has been employed as a law enforcement offi-
16 cer is ineligible to participate in a student employment
17 program carried out under this subtitle.

18 **SEC. 200207. STATE APPLICATION.**

19 (a) IN GENERAL.—Each State desiring an allotment
20 under section 200203 shall submit an application to the
21 Director at such time, in such manner, and accompanied
22 by such information as the Director may reasonably re-
23 quire.

24 (b) CONTENTS.—An application under subsection (a)
25 shall—

1 (1) describe the scholarship program and the
2 student employment program for which assistance
3 under this subtitle is sought;

4 (2) contain assurances that the lead agency will
5 work in cooperation with the local law enforcement
6 liaisons, representatives of police labor organizations
7 and police management organizations, and other ap-
8 propriate State and local agencies to develop and im-
9 plement interagency agreements designed to carry
10 out this subtitle;

11 (3) contain assurances that the State will ad-
12 vertise the scholarship assistance and student em-
13 ployment it will provide under this subtitle and that
14 the State will use such programs to enhance recruit-
15 ment efforts;

16 (4) contain assurances that the State will
17 screen and select law enforcement personnel for par-
18 ticipation in the scholarship program under this sub-
19 title;

20 (5) contain assurances that under such student
21 employment program the State will screen and se-
22 lect, for participation in such program, students who
23 have an interest in undertaking a career in law
24 enforcement;

1 (6) contain assurances that under such scholar-
2 ship program the State will make scholarship pay-
3 ments to institutions of higher education on behalf
4 of persons who receive scholarships under this
5 subtitle;

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

8 (A) the employment tasks that students
9 will be assigned to perform;

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

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

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

17 (9) contain assurances that the State will pro-
18 mote cooperative agreements with educational and
19 law enforcement agencies to enhance law enforce-
20 ment personnel recruitment efforts in institutions of
21 higher education.

22 **SEC. 200208. LOCAL APPLICATION.**

23 (a) **IN GENERAL.**—A person who desires a scholar-
24 ship or employment under this subtitle shall submit an
25 application to the State at such time, in such manner, and

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

3 (b) CONTENTS.—An application under subsection (a)
4 shall describe—

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

7 (2) the location and duration of employment
8 that is sought.

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

12 (1) members of racial, ethnic, or gender groups
13 whose representation in the law enforcement agen-
14 cies within the State is substantially less than in the
15 population eligible for employment in law enforce-
16 ment in the State;

17 (2) pursuing an undergraduate degree; and

18 (3) not receiving financial assistance under the
19 Higher Education Act of 1965.

20 **SEC. 200209. SCHOLARSHIP AGREEMENT.**

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

24 (b) CONTENTS.—An agreement described in sub-
25 section (a) shall—

1 (1) provide assurances that the scholarship re-
2 recipient will work in a law enforcement position in
3 the State that awarded the scholarship in accord-
4 ance with the service obligation described in sub-
5 section (c) after completion of the scholarship recipi-
6 ent's academic courses leading to an associate, bach-
7 elor, or graduate degree;

8 (2) provide assurances that the scholarship re-
9 cipient will repay the entire scholarship in accord-
10 ance with such terms and conditions as the Director
11 shall prescribe if the requirements of the agreement
12 are not complied with, unless the scholarship
13 recipient—

14 (A) dies;

15 (B) becomes physically or emotionally dis-
16 abled, as established by the sworn affidavit of
17 a qualified physician; or

18 (C) has been discharged in bankruptcy;
19 and

20 (3) set forth the terms and conditions under
21 which the scholarship recipient may seek employ-
22 ment in the field of law enforcement in a State other
23 than the State that awarded the scholarship.

24 (c) SERVICE OBLIGATION.—

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

7 (2) SPECIAL RULE.—For purposes of satisfying
 8 the requirement of paragraph (1), a scholarship re-
 9 cipient shall work in a law enforcement position in
 10 the State that awarded the scholarship for not less
 11 than 6 months but shall not be required to work in
 12 such a position for more than 2 years.

13 **SEC. 200210. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) GENERAL AUTHORIZATION OF APPROPRIA-
 15 TIONS.—There are authorized to be appropriated to carry
 16 out this subtitle—

17 (1) \$ _____ for fiscal
 18 year 1995;

19 (2) \$ _____ for fiscal
 20 year 1996;

21 (3) \$ _____ for fiscal
 22 year 1997;

23 (4) \$ _____ for fiscal
 24 year 1998;

1 (5) \$ _____ for fiscal
2 year 1999; and

3 (6) \$ _____ for fiscal
4 year 2000.

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

7 (1) 80 percent shall be available to provide
8 scholarships described in section 200204(a)(1)(A);
9 and

10 (2) 20 percent shall be available to provide em-
11 ployment described in sections 200204(a)(1)(B) and
12 200204(a)(2).

13 **TITLE XXI—STATE AND LOCAL**
14 **LAW ENFORCEMENT**
15 **Subtitle A—Byrne Program**

16 **SEC. 210101. EXTENSION OF BYRNE GRANT FUNDING.**

17 There are authorized to be appropriated to carry out
18 the programs under parts D and E of title I of the Omni-
19 bus Crime Control and Safe Streets Act of 1968—

20 (1) \$ _____ for fiscal
21 year 1995;

22 (2) \$ _____ for fiscal
23 year 1996;

24 (3) \$ _____ for fiscal
25 year 1997;

1 (4) \$ _____ for fiscal
2 year 1998;

3 (5) \$ _____ for fiscal
4 year 1999; and

5 (6) \$ _____ for fiscal
6 year 2000;

7 of which \$ _____ shall be available, subject to the
8 availability of appropriations, from the Violent Crime Re-
9 duction Trust Fund.

10 **Subtitle B—Law Enforcement** 11 **Family Support**

12 **SEC. 210201. LAW ENFORCEMENT FAMILY SUPPORT.**

13 (a) **IN GENERAL.**—Title I of the Omnibus Crime
14 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
15 et seq.), as amended by section 50001(a), is amended—

16 (1) by redesignating part W as part X;

17 (2) by redesignating section 2301 as 2401; and

18 (3) by inserting after part V the following new

19 part:

20 **“PART W—FAMILY SUPPORT**

21 **“SEC. 2301. DUTIES.**

22 “The Attorney General shall—

23 “(1) establish guidelines and oversee the imple-
24 mentation of family-friendly policies within law en-

1 enforcement-related offices and divisions in the De-
2 partment of Justice;

3 “(2) study the effects of stress on law enforce-
4 ment personnel and family well-being and dissemi-
5 nate the findings of such studies to Federal, State,
6 and local law enforcement agencies, related organi-
7 zations, and other interested parties;

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

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

14 “(5) collect and disseminate information re-
15 garding family support, stress reduction, and psy-
16 chological services to Federal, State, and local law
17 enforcement agencies, law enforcement-related orga-
18 nizations, and other interested entities; and

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

21 **“SEC. 2302. GENERAL AUTHORIZATION.**

22 “The Attorney General may make grants to States
23 and local law enforcement agencies and to organizations
24 representing State or local law enforcement personnel to

1 provide family support services to law enforcement person-
2 nel.

3 **"SEC. 2303. USES OF FUNDS.**

4 “(a) **IN GENERAL.**—A State or local law enforcement
5 agency or organization that receives a grant under this
6 Act shall use amounts provided under the grant to estab-
7 lish or improve training and support programs for law en-
8 forcement personnel.

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

12 “(1) Counseling for law enforcement family
13 members.

14 “(2) Child care on a 24-hour basis.

15 “(3) Marital and adolescent support groups.

16 “(4) Stress reduction programs.

17 “(5) Stress education for law enforcement re-
18 cruits and families.

19 “(6) Technical assistance and training pro-
20 grams to support any or all of the services described
21 in paragraphs (1), (2), (3), (4), and (5).

22 “(c) **OPTIONAL ACTIVITIES.**—A law enforcement
23 agency or organization that receives funds under this part
24 may provide the following services:

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

3 “(2) Group therapy.

4 “(3) Hypertension clinics.

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

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

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

11 “(7) Counseling for peers.

12 “(8) Counseling for families of personnel killed
13 in the line of duty.

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

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

19 **“SEC. 2304. APPLICATIONS.**

20 “A law enforcement agency or organization desiring
21 to receive a grant under this part shall submit to the At-
22 torney General an application at such time, in such man-
23 ner, and containing or accompanied by such information
24 as the Attorney General may reasonably require. Such ap-
25 plication shall—

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

5 “(2) include a statement from the highest rank-
6 ing law enforcement official from the State or local-
7 ity or from the highest ranking official from the or-
8 ganization applying for the grant that attests to the
9 need and intended use of services to be provided
10 with grant funds; and

11 “(3) assure that the Attorney General or the
12 Comptroller General of the United States shall have
13 access to all records related to the receipt and use
14 of grant funds received under this part.

15 **“SEC. 2305. AWARD OF GRANTS; LIMITATION.**

16 “(a) GRANT DISTRIBUTION.—In approving grants
17 under this part, the Attorney General shall assure an equi-
18 table distribution of assistance among the States, among
19 urban and rural areas of the United States, and among
20 urban and rural areas of a State.

21 “(b) DURATION.—The Attorney General may award
22 a grant each fiscal year, not to exceed \$100,000 to a State
23 or local law enforcement agency or \$250,000 to a law en-
24 forcement organization for a period not to exceed 5 years.

25 In any application from a State or local law enforcement

1 agency or organization for a grant to continue a program
2 for the second, third, fourth, or fifth fiscal year following
3 the first fiscal year in which a grant was awarded to such
4 agency, the Attorney General shall review the progress
5 made toward meeting the objectives of the program. The
6 Attorney General may refuse to award a grant if the At-
7 torney General finds sufficient progress has not been made
8 toward meeting such objectives, but only after affording
9 the applicant notice and an opportunity for reconsider-
10 ation.

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

15 **“SEC. 2306. DISCRETIONARY RESEARCH GRANTS.**

16 ““The Attorney General may reserve 10 percent of
17 funds to award research grants to a State or local law
18 enforcement agency or organization to study issues of im-
19 portance in the law enforcement field as determined by
20 the Attorney General.

21 **“SEC. 2307. REPORTS.**

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

25 “(1) program descriptions;

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

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

5 “(4) an evaluation of the effectiveness of grant
6 programs.

7 **“SEC. 2308. DEFINITIONS.**

8 “For purposes of this part—

9 “(1) the term ‘family-friendly policy’ means a
10 policy to promote or improve the morale and well
11 being of law enforcement personnel and their fami-
12 lies; and

13 “(2) the term ‘law enforcement personnel’
14 means individuals employed by Federal, State, and
15 local law enforcement agencies.”

16 **(b) TECHNICAL AMENDMENT.**—The table of contents
17 of title I of the Omnibus Crime Control and Safe Streets
18 Act of 1968 (42 U.S.C. 3711 et seq.), as amended by sec-
19 tion 50001(b), is amended by striking the matter relating
20 to part V and inserting the following:

“PART W—FAMILY SUPPORT

 “Sec. 2301. Duties.

 “Sec. 2302. General authorization.

 “Sec. 2303. Uses of funds.

 “Sec. 2304. Applications.

 “Sec. 2305. Award of grants; limitation.

 “Sec. 2306. Discretionary research grants.

 “Sec. 2307. Reports.

 “Sec. 2308. Definitions.

“PART V—TRANSITION-EFFECTIVE DATE-REPEALS

"Sec. 2301. Continuation of rules, authorities, and privileges."

1 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
2 1001(a) of the Omnibus Crime Control and Safe Streets
3 Act of 1968 (42 U.S.C. 3711 et seq.), as amended by sec-
4 tion 50001(c), is amended—

5 (1) in paragraph (3) by striking "and V" and
6 inserting "V, and W"; and

7 (2) by adding at the end the following new
8 paragraph:

9 "(21) There are authorized to be appropriated to
10 carry out part W—

11 "(1) \$ _____ for fiscal
12 year 1995;

13 "(2) \$ _____ for fiscal
14 year 1996;

15 "(3) \$ _____ for fiscal
16 year 1997;

17 "(4) \$ _____ for fiscal
18 year 1998;

19 "(5) \$ _____ for fiscal
20 year 1999; and

21 "(6) \$ _____ for fiscal
22 year 2000."

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

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

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

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

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

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

24 “(iv) if personally identifiable infor-
25 mation is removed, for a population statis-

1 tics database, for identification research
2 and protocol development purposes, or for
3 quality control purposes; and

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

11 (c) DNA IDENTIFICATION GRANTS.—

12 (1) IN GENERAL.—Title I of the Omnibus
13 Crime Control and Safe Streets Act of 1968 (42
14 U.S.C. 3711 et seq.), as amended by section
15 210201(a), is amended—

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

17 (B) by redesignating section 2401 as sec-
18 tion 2501; and

19 (C) by inserting after part W the following
20 new part:

21 **“PART X—DNA IDENTIFICATION GRANTS**

22 **“SEC. 2401. GRANT AUTHORIZATION.**

23 “The Attorney General may make funds available
24 under this part to States and units of local government,
25 or combinations thereof, to carry out all or a substantial

1 part of a program or project intended to develop or im-
2 prove the capability to analyze deoxyribonucleic acid (re-
3 ferred to in this part as 'DNA') in a forensic laboratory.

4 **"SEC. 2402. APPLICATIONS.**

5 "To request a grant under this part, the chief execu-
6 tive officer of a State or unit of local government shall
7 submit an application in such form as the Attorney Gen-
8 eral may require.

9 **"SEC. 2403. APPLICATION REQUIREMENTS.**

10 "No grant may be made under this part unless an
11 application has been submitted to the Attorney General
12 in which the applicant certifies that—

13 "(1) DNA analyses performed at the laboratory
14 will satisfy or exceed then current standards for a
15 quality assurance program for DNA analysis issued
16 by the Director of the Federal Bureau of Investiga-
17 tion under section 210303 of the DNA Identification
18 Act of 1994.

19 "(2) DNA samples obtained by and DNA anal-
20 yses performed at the laboratory shall be made avail-
21 able only—

22 "(A) to criminal justice agencies for law
23 enforcement identification purposes;

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

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

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

13 “(3) the laboratory and each analyst perform-
14 ing DNA analyses at the laboratory shall undergo,
15 at regular intervals not exceeding 180 days, external
16 proficiency testing by a DNA proficiency testing pro-
17 gram that meets the standards issued under section
18 210303 of the DNA Identification Act of 1994.

19 **“SEC. 2404. ADMINISTRATIVE PROVISIONS.**

20 “(a) **REGULATION AUTHORITY.**—The Attorney Gen-
21 eral may promulgate guidelines, regulations, and proce-
22 dures, as necessary to carry out the purposes of this part,
23 including limitations on the number of awards made dur-
24 ing each fiscal year, the submission and review of applica-

1 tions, selection criteria, and the extension or continuation
2 of awards.

3 “(b) AWARD AUTHORITY.—The Attorney General
4 shall have final authority over all funds awarded under
5 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 Attorney General may
9 provide 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 ATTORNEY GENERAL.—Each
22 State or unit of local government which receives a grant
23 under this part shall submit to the Attorney General, for
24 each year in which funds from a grant received under this
25 part is expended, a report at such time and in such man-

1 ner as the Attorney General may reasonably require which
2 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 2302; and

7 “(2) such other information as the Attorney
8 General 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 Attorney General shall sub-
12 mit to the Speaker of the House of Representatives and
13 the President pro tempore of the Senate, a report that
14 includes—

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

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

20 **“SEC. 2407. EXPENDITURE RECORDS.**

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

1 “(b) ACCESS.—The Attorney General, the Comptrol-
2 ler General, or their designated agents shall have access,
3 for the purpose of audit and examination, to any books,
4 documents, and records of States and units of local gov-
5 ernment which receive grants made under this part if, in
6 the opinion of the Attorney General, the Comptroller Gen-
7 eral, or their designated agents, such books, documents,
8 and records are related to the receipt or use of any such
9 grant.”.

10 (2) TABLE OF CONTENTS.—The table of con-
11 tents of title I of the Omnibus Crime Control and
12 Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.),
13 as amended by section 210201(b), is amended by
14 striking the matter relating to part X and inserting
15 the 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.”.

16 (3) AUTHORIZATION OF APPROPRIATIONS.—
17 Section 1001 of the Omnibus Crime Control and
18 Safe Streets Act of 1968 (42 U.S.C. 3793), as
19 amended by section 210201(c), is amended—

1 (A) in paragraph (3) by striking "and W"
2 and inserting "W, and X"; and

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

5 "(22) There are authorized to be appropriated to
6 carry out part X—

7 "(1) \$ _____ for fiscal
8 year 1995;

9 "(2) \$ _____ for fiscal
10 year 1996;

11 "(3) \$ _____ for fiscal
12 year 1997;

13 "(4) \$ _____ for fiscal
14 year 1998;

15 "(5) \$ _____ for fiscal
16 year 1999; and

17 "(6) \$ _____ for fiscal
18 year 2000."

19 (4) EFFECTIVE DATE.—The amendments made
20 by this section shall take effect on the date that is
21 60 days after the date of enactment of this Act.

22 **SEC. 210303. QUALITY ASSURANCE AND PROFICIENCY TEST-**
23 **ING STANDARDS.**

24 (a) PUBLICATION OF QUALITY ASSURANCE AND PRO-
25 FICIENCY TESTING STANDARDS.—(1)(A) Not later than

1 180 days after the date of enactment of this Act, the Di-
2 rector of the Federal Bureau of Investigation shall appoint
3 an advisory board on DNA quality assurance methods
4 from among nominations proposed by the head of the Na-
5 tional Academy of Sciences and professional societies of
6 crime laboratory officials.

7 (B) The advisory board shall include as members sci-
8 entists from State, local, and private forensic laboratories,
9 molecular geneticists and population geneticists not affili-
10 ated with a forensic laboratory, and a representative from
11 the National Institute of Standards and Technology.

12 (C) The advisory board shall develop, and if appro-
13 priate, periodically revise, recommended standards for
14 quality assurance, including standards for testing the pro-
15 ficiency of forensic laboratories, and forensic analysts, in
16 conducting analyses of DNA.

17 (2) The Director of the Federal Bureau of Investiga-
18 tion, after taking into consideration such recommended
19 standards, shall issue (and revise from time to time)
20 standards for quality assurance, including standards for
21 testing the proficiency of forensic laboratories, and foren-
22 sic analysts, in conducting analyses of DNA.

23 (3) The standards described in paragraphs (1) and
24 (2) shall specify criteria for quality assurance and pro-
25 ficiency tests to be applied to the various types of DNA

1 analyses used by forensic laboratories. The standards shall
2 also include a system for grading proficiency testing per-
3 formance to determine whether a laboratory is performing
4 acceptably.

5 (4) Until such time as the advisory board has made
6 recommendations to the Director of the Federal Bureau
7 of Investigation and the Director has acted upon those
8 recommendations, the quality assurance guidelines adopt-
9 ed by the technical working group on DNA analysis meth-
10 ods shall be deemed the Director's standards for purposes
11 of this section.

12 (b) ADMINISTRATION OF THE ADVISORY BOARD.—

13 (1) For administrative purposes, the advisory board ap-
14 pointed under subsection (a) shall be considered an advi-
15 sory board to the Director of the Federal Bureau of Inves-
16 tigation.

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

20 (3) The DNA advisory board established under this
21 section shall be separate and distinct from any other advi-
22 sory board administered by the FBI, and is to be adminis-
23 tered separately.

24 (4) The board shall cease to exist on the date 5 years
25 after the initial appointments are made to the board, un-

1 less the existence of the board is extended by the Director
2 of the Federal Bureau of Investigation.

3 (c) PROFICIENCY TESTING PROGRAM.—(1) Not later
4 than 1 year after the effective date of this Act, the Direc-
5 tor of the National Institute of Justice shall certify to the
6 Committees on the Judiciary of the House and Senate
7 that—

8 (A) the Institute has entered into a contract
9 with, or made a grant to, an appropriate entity for
10 establishing, or has taken other appropriate action
11 to ensure that there is established, not later than 2
12 years after the date of enactment of this Act, a blind
13 external proficiency testing program for DNA analy-
14 ses, which shall be available to public and private
15 laboratories performing forensic DNA analyses;

16 (B) a blind external proficiency testing program
17 for DNA analyses is already readily available to pub-
18 lic and private laboratories performing forensic DNA
19 analyses; or

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

22 (2) As used in this subsection, the term “blind exter-
23 nal proficiency test” means a test that is presented to a
24 forensic laboratory through a second agency and appears
25 to the analysts to involve routine evidence.

1 (3) Notwithstanding any other provision of law, the
2 Attorney General shall make available to the Director of
3 the National Institute of Justice during the first fiscal
4 year in which funds are distributed under this subtitle up
5 to \$250,000 from the funds available under part X of Title
6 I of the Omnibus Crime Control and Safe Streets Act of
7 1968 to carry out this subsection.

8 **SEC. 210304. INDEX TO FACILITATE LAW ENFORCEMENT EX-**
9 **CHANGE OF DNA IDENTIFICATION INFORMA-**
10 **TION.**

11 (a) **ESTABLISHMENT OF INDEX.**—The Director of
12 the Federal Bureau of Investigation may establish an
13 index of—

14 (1) DNA identification records of persons con-
15 victed of crimes;

16 (2) analyses of DNA samples recovered from
17 crime scenes; and

18 (3) analyses of DNA samples recovered from
19 unidentified human remains.

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

23 (1) based on analyses performed by or on be-
24 half of a criminal justice agency in accordance with
25 publicly available standards that satisfy or exceed

1 the guidelines for a quality assurance program for
2 DNA analysis, issued by the Director of the Federal
3 Bureau of Investigation under section 210303;

4 (2) prepared by laboratories, and DNA ana-
5 lysts, that undergo, at regular intervals of not to ex-
6 ceed 180 days, external proficiency testing by a
7 DNA proficiency testing program meeting the stand-
8 ards issued under section 210303; and

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

13 (A) to criminal justice agencies for law en-
14 forcement identification purposes;

15 (B) in judicial proceedings, if otherwise ad-
16 missible pursuant to applicable statutes or
17 rules;

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

22 (D) if personally identifiable information is
23 removed, for a population statistics database,
24 for identification research and protocol develop-
25 ment purposes, or for quality control purposes.

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

5 **SEC. 210305. FEDERAL BUREAU OF INVESTIGATION.**

6 (a) PROFICIENCY TESTING REQUIREMENTS.—

7 (1) GENERALLY.—(A) Personnel at the Federal
8 Bureau of Investigation who perform DNA analyses
9 shall undergo, at regular intervals of not to exceed
10 180 days, external proficiency testing by a DNA
11 proficiency testing program meeting the standards
12 issued under section 210303.

13 (B) Within 1 year after the date of enactment
14 of this Act, the Director of the Federal Bureau of
15 Investigation shall arrange for periodic blind exter-
16 nal tests to determine the proficiency of DNA analy-
17 sis performed at the Federal Bureau of Investigation
18 laboratory.

19 (C) In this paragraph, “blind external test”
20 means a test that is presented to the laboratory
21 through a second agency and appears to the analysts
22 to involve routine evidence.

23 (2) REPORT.—For 5 years after the date of en-
24 actment of this Act, the Director of the Federal Bu-
25 reau of Investigation shall submit to the Committees

1 on the Judiciary of the House and Senate an annual
2 report on the results of each of the tests described
3 in paragraph (1).

4 (b) PRIVACY PROTECTION STANDARDS.—

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

9 (A) to criminal justice agencies for law en-
10 forcement identification purposes;

11 (B) in judicial proceedings, if otherwise ad-
12 missible pursuant to applicable statutes or rules;
13 and

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

18 (2) EXCEPTION.—If personally identifiable in-
19 formation is removed, test results may be disclosed
20 for a population statistics database, for identification
21 research and protocol development purposes, or for
22 quality control purposes.

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

24 (A) by virtue of employment or official position,
25 has possession of, or access to, individually identifi-

1 able DNA information indexed in a database created
 2 or maintained by any Federal law enforcement agen-
 3 cy; and

4 (B) knowingly discloses such information in any
 5 manner to any person or agency not authorized to
 6 receive it,

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

8 (2) A person who, without authorization, knowingly
 9 obtains DNA samples or individually identifiable DNA in-
 10 formation indexed in a database created or maintained by
 11 any Federal law enforcement agency shall be fined not
 12 more than \$100,000.

13 **SEC. 210306. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated to the Fed-
 15 eral Bureau of Investigation to carry out sections 210303,
 16 210304, and 210305—

17 (1) \$ _____ for fiscal
 18 year 1995;

19 (2) \$ _____ for fiscal
 20 year 1996;

21 (3) \$ _____ for fiscal
 22 year 1997;

23 (4) \$ _____ for fiscal
 24 year 1998;

1 (5) \$ _____ for fiscal
2 year 1999; and
3 (6) \$ _____ for fiscal
4 year 2000.

5 **Subtitle D—Police Pattern or** 6 **Practice**

7 **SEC. 210401. CAUSE OF ACTION.**

8 (a) **UNLAWFUL CONDUCT.**—It shall be unlawful for
9 any governmental authority, or any agent thereof, or any
10 person acting on behalf of a governmental authority, to
11 engage in a pattern or practice of conduct by law enforce-
12 ment officers or by officials or employees of any govern-
13 mental agency with responsibility for the administration
14 of juvenile justice or the incarceration of juveniles that de-
15 prives persons of rights, privileges, or immunities secured
16 or protected by the Constitution or laws of the United
17 States.

18 (b) **CIVIL ACTION BY ATTORNEY GENERAL.**—When-
19 ever the Attorney General has reasonable cause to believe
20 that a violation of paragraph (1) has occurred, the Attor-
21 ney General, for or in the name of the United States, may
22 in a civil action obtain appropriate equitable and declara-
23 tory relief to eliminate the pattern or practice.

1 **SEC. 210402. DATA ON USE OF EXCESSIVE FORCE.**

2 (a) **ATTORNEY GENERAL TO COLLECT.**—The Attor-
3 ney General shall, through appropriate means, acquire
4 data about the use of excessive force by law enforcement
5 officers.

6 (b) **LIMITATION ON USE OF DATA.**—Data acquired
7 under this section shall be used only for research or statis-
8 tical purposes and may not contain any information that
9 may reveal the identity of the victim or any law enforce-
10 ment officer.

11 (c) **ANNUAL SUMMARY.**—The Attorney General shall
12 publish an annual summary of the data acquired under
13 this section.

14 **Subtitle E—Improved Training and**
15 **Technical Automation**

16 **SEC. 210501. IMPROVED TRAINING AND TECHNICAL AUTO-**
17 **MATION.**

18 (a) **GRANTS.**—

19 (1) **IN GENERAL.**—The Attorney General shall,
20 subject to the availability of appropriations, make
21 grants to State, Indian tribal, and local criminal jus-
22 tice agencies and to nonprofit organizations for the
23 purposes of improving criminal justice agency effi-
24 ciency through computerized automation and techno-
25 logical improvements.

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

3 (A) increase use of mobile digital termi-
4 nals;

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

8 (C) accomplish paper-flow reduction;

9 (D) establish or improve ballistics identi-
10 fication programs;

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

15 (F) improve computerized collection of
16 criminal records.

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

20 (b) TRAINING AND INVESTIGATIVE ASSISTANCE.—

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

23 (A) expand and improve investigative and
24 managerial training courses for State, Indian
25 tribal, and local law enforcement agencies; and

1 (B) develop and implement, on a pilot
2 basis with no more than 10 participating cities,
3 an intelligent information system that gathers,
4 integrates, organizes, and analyzes information
5 in active support of investigations by Federal,
6 State, and local law enforcement agencies of
7 violent serial crimes.

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

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

19 (c) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated—

21 (1) to carry out subsection (a)—

22 (A) \$ _____ for fis-
23 cal year 1996;

24 (B) \$ _____ for fiscal
25 year 1997;

1 (C) \$ _____ for fiscal
2 year 1998;
3 (D) \$ _____ for fiscal
4 year 1998;
5 (E) \$ _____ for fiscal
6 year 1999; and
7 (F) \$ _____ for fiscal
8 year 2000;
9 (2) to carry out subsection (b)(1)—
10 (A) \$ _____ for fis-
11 cal year 1996;
12 (B) \$ _____ for fiscal
13 year 1997;
14 (C) \$ _____ for fiscal
15 year 1998;
16 (D) \$ _____ for fiscal
17 year 1999; and
18 (E) \$ _____ for fiscal
19 year 2000; and
20 (3) to carry out subsection (b)(2)—
21 (A) \$ _____ for fis-
22 cal year 1996;
23 (B) \$ _____ for fiscal
24 year 1997;

- 1 (C) \$ _____ for fiscal
2 year 1998;
3 (D) \$ _____ for fiscal
4 year 1999; and
5 (E) \$ _____ for fiscal
6 year 2000.

7 (d) DEFINITIONS.—In this section—

8 “Indian tribe” means a tribe, band, pueblo, na-
9 tion, or other organized group or community of Indi-
10 ans, including an Alaska Native village (as defined
11 in or established under the Alaska Native Claims
12 Settlement Act (43 U.S.C. 1601 et seq.), that is rec-
13 ognized as eligible for the special programs and serv-
14 ices provided by the United States to Indians be-
15 cause of their status as Indians.

16 “State” means a State, the District of Colum-
17 bia, the Commonwealth of Puerto Rico, the Com-
18 monwealth of the Northern Mariana Islands, Amer-
19 ican Samoa, Guam, and the United States Virgin Is-
20 lands.

1 **Subtitle F—Other State and Local**
2 **Aid**

3 **SEC. 210601. REAUTHORIZATION OF OFFICE OF JUSTICE**
4 **PROGRAMS.**

5 Section 1001(a) of title I of the Omnibus Crime Con-
6 trol and Safe Streets Act of 1968 (42 U.S.C. 3793(a))
7 is amended—

8 (1) in paragraph (1) by striking “1993 and
9 1994” and inserting “1994 and 1995”;

10 (2) in paragraph (2) by striking “1993 and
11 1994” and inserting “1994 and 1995”;

12 (3) in paragraph (3) by striking “1993 and
13 1994” and inserting “1994 and 1995”;

14 (4) in paragraph (5) by striking “1993 and
15 1994” and inserting “1994 and 1995”;

16 (5) in paragraph (6) by inserting “and 1995”
17 after “1994”;

18 (6) in paragraph (7) by striking “1991, 1992,
19 1993, and 1994,” and inserting “1994 and 1995”;

20 (7) in paragraph (8) by inserting “and 1995”
21 after “1994”; and

22 (8) in paragraph (9) by inserting “and 1995”
23 after “1994”.

1 SEC. 210602. FEDERAL ASSISTANCE TO EASE THE IN-
2 CREASED BURDENS ON STATE COURT SYS-
3 TEMS RESULTING FROM ENACTMENT OF
4 THIS ACT.

5 (a) IN GENERAL.—The Attorney General shall, sub-
6 ject to the availability of appropriation, make grants for
7 States and units of local government to pay the costs of
8 providing increased resources for courts, prosecutors, pub-
9 lic defenders, and other criminal justice participants as
10 necessary to meet the increased demands for judicial ac-
11 tivities resulting from the provisions of this Act and
12 amendments made by this Act.

13 (b) APPLICATIONS.—In carrying out this section, the
14 Attorney General may make grants to, or enter into con-
15 tracts with public or private agencies, institutions, or orga-
16 nizations or individuals to carry out any purpose specified
17 in this section. The Attorney General shall have final au-
18 thority over all funds awarded under this section.

19 (c) RECORDS.—Each recipient that receives a grant
20 under this section shall keep such records as the Attorney
21 General may require to facilitate an effective audit.

22 (d) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to carry out this
24 section—

25 (1) \$ _____ for fiscal
26 year 1995;

1 (2) \$ _____ for fiscal
 2 year 1996;
 3 (3) \$ _____ for fiscal
 4 year 1997;
 5 (4) \$ _____ for fiscal
 6 year 1998;
 7 (5) \$ _____ for fiscal
 8 year 1999; and
 9 (6) \$ _____ for fiscal
 10 year 2000,

11 to remain available for obligation until expended.

12 **SEC. 210603. AVAILABILITY OF VIOLENT CRIME REDUCTION**
 13 **TRUST FUND TO FUND ACTIVITIES AUTHOR-**
 14 **IZED BY THE BRADY HANDGUN VIOLENCE**
 15 **PREVENTION ACT AND THE NATIONAL CHILD**
 16 **PROTECTION ACT OF 1993.**

17 (a) **APPROPRIATIONS.**—Of the amounts authorized in
 18 Sections 103(k) and 106(b)(2) of the Brady Handgun Vi-
 19 olence Prevention Act (18 U.S.C. 922 note) and in section
 20 4(b) of the National Child Protection Act of 1993 (42
 21 U.S.C. 5119b(b)), a total of \$____ for fiscal year 1995,
 22 \$____ for fiscal year 1996, and \$____ for fiscal year 1997
 23 may be appropriated from the Violent Crime Reduction
 24 Trust Fund established by this Act.

1 (b) TECHNICAL AMENDMENT.—Sections 103(k) and
2 106(b) of the Brady Handgun Violence Prevention Act
3 (18 U.S.C. 922 note) are each amended by striking “,
4 which may be appropriated from the Violent Crime Reduc-
5 tion Trust Fund,”.

6 **TITLE XXII—MOTOR VEHICLE**
7 **THEFT PREVENTION**

8 **SEC. 220001. SHORT TITLE.**

9 This title may be cited as the “Motor Vehicle Theft
10 Prevention Act”.

11 **SEC. 220002. MOTOR VEHICLE THEFT PREVENTION PRO-**
12 **GRAM.**

13 (a) IN GENERAL.—Not later than 180 days after the
14 date of enactment of this section, the Attorney General
15 shall develop, in cooperation with the States, a national
16 voluntary motor vehicle theft prevention program (in this
17 section referred to as the “program”) under which—

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

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

23 (B) agrees to—

24 (i) display program decals or devices
25 on the owner’s vehicle; and

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

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

14 (b) UNIFORM DECAL OR DEVICE DESIGNS.—

15 (1) IN GENERAL.—The motor vehicle theft pre-
16 vention program developed pursuant to this section
17 shall include a uniform design or designs for decals
18 or other devices to be displayed by motor vehicles
19 participating in the program.

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

22 (A) be highly visible; and

23 (B) explicitly state that the motor vehicle
24 to which it is affixed may be stopped under the
25 specified conditions without additional grounds

1 for establishing a reasonable suspicion that the
2 vehicle is being operated unlawfully.

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

5 (1) clearly state that participation in the pro-
6 gram is voluntary;

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

15 (3) include an express statement that the vehi-
16 cle is not normally operated under the specified con-
17 ditions and that the operation of the vehicle under
18 those conditions would provide sufficient grounds for
19 a prudent law enforcement officer to reasonably be-
20 lieve that the vehicle was not being operated by or
21 with the consent of the owner; and

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

24 (d) SPECIFIED CONDITIONS UNDER WHICH STOPS
25 MAY BE AUTHORIZED.—

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

8 (A) the operation of the vehicle during cer-
9 tain hours of the day; or

10 (B) the operation of the vehicle under
11 other circumstances that would provide a suffi-
12 cient basis for establishing a reasonable sus-
13 picion that the vehicle was not being operated
14 by the owner, or with the consent of the owner.

15 (2) MORE THAN ONE SET OF CONDITIONS.—
16 The Attorney General may establish more than one
17 set of conditions under which participating motor ve-
18 hicles may be stopped. If more than one set of condi-
19 tions is established, a separate consent form and a
20 separate design for program decals or devices shall
21 be established for each set of conditions. The Attor-
22 ney General may choose to satisfy the requirement
23 of a separate design for program decals or devices
24 under this paragraph by the use of a design color

1 that is clearly distinguishable from other design col-
2 ors.

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

8 (4) LIMITED PARTICIPATION BY STATES AND
9 LOCALITIES.—A State or locality need not authorize
10 the stopping of motor vehicles under all sets of con-
11 ditions specified under the program in order to par-
12 ticipate in the program.

13 (e) MOTOR VEHICLES FOR HIRE.—

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

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

23 (A) be in writing;

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

1 (C) explain the possibility that if the motor
2 vehicle is operated under the specified condi-
3 tions, the vehicle may be stopped by law en-
4 forcement officials even if the officials have no
5 other basis for believing that the vehicle is
6 being operated unlawfully.

7 (3) FINE FOR FAILURE TO PROVIDE NOTICE.—
8 Failure to provide proper notice under this sub-
9 section shall be punishable by a fine not to exceed
10 \$5,000.

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

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

19 (h) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized such sums as are necessary to carry out
21 this section.

1 **SEC. 220003. ALTERING OR REMOVING MOTOR VEHICLE**
2 **IDENTIFICATION NUMBERS.**

3 (a) **BASIC OFFENSE.**—Subsection (a) of section 511
4 of title 18, United States Code, is amended to read as
5 follows:

6 “(a) A person who—

7 “(1) knowingly removes, obliterates, tampers
8 with, or alters an identification number for a motor
9 vehicle or motor vehicle part; or

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

15 shall be fined under this title, imprisoned not more than
16 5 years, or both.”.

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

19 (1) by striking “and” after the semicolon in
20 subparagraph (B);

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

23 (3) by adding at the end the following new sub-
24 paragraph:

25 “(D) a person who removes, obliterates,
26 tampers with, or alters a decal or device affixed

1 to a motor vehicle pursuant to the Motor Vehi-
2 cle Theft Prevention Act, if that person is the
3 owner of the motor vehicle; or is authorized to
4 remove, obliterate, tamper with or alter the
5 decal or device by—

6 “(i) the owner or his authorized
7 agent;

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

9 “(iii) regulations promulgated by the
10 Attorney General to implement the Motor
11 Vehicle Theft Prevention Act.”

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

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

20 (d) UNAUTHORIZED APPLICATION OF A DECAL OR
21 DEVICE.—

22 (1) IN GENERAL.—Chapter 25 of title 18, Unit-
23 ed States Code, is amended by adding after section
24 511 the following new section:

1 **“§ 511A. Unauthorized application of theft prevention**
2 **decal or device**

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

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

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

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

17 **TITLE XXIII—VICTIMS OF CRIME**

18 **Subtitle A—Victims of Crime**

19 **SEC. 230101. VICTIM'S RIGHT OF ALLOCUTION IN SENTENC-**
20 **ING.**

21 (a) **MODIFICATION OF PROPOSED AMENDMENTS.**—
22 The proposed amendments to the Federal Rules of Crimi-
23 nal Procedure which are embraced by an order entered
24 by the Supreme Court of the United States on April 29,

1 1994, shall take effect on December 1, 1994, as otherwise
2 provided by law, but with the following amendments:

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

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

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

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

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

17 (4) in subdivision (c)(3)(D), striking “equiva-
18 lent opportunity” and inserting in lieu thereof “op-
19 portunity equivalent to that of the defendant’s coun-
20 sel”;

21 (5) in the last sentence of subdivision (c)(4),
22 striking “and (D)” and inserting “(D), and (E)”;

23 (6) in the last sentence of subdivision (c)(4), in-
24 serting “the victim,” before “or the attorney for the
25 Government.”; and