

103^D CONGRESS
2^D SESSION

H. R. 3315

To prevent crime and to reform the criminal justice system to make it
more fair.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 19, 1993

Mr. WASHINGTON (for himself, Mr. EDWARDS of California, Mr. CONYERS, Mr. SCOTT, Mr. WATT, Mr. TUCKER, Mr. RANGEL, Mr. PAYNE of New Jersey, Mrs. SCHROEDER, Mr. BECERRA, Mr. MFUME, Mr. SERRANO, Mr. HASTINGS, Mr. UNDERWOOD, Ms. NORTON, Ms. VELÁZQUEZ, Mr. RUSH, Ms. WATERS, Ms. BROWN of Florida, Mr. WYNN, Ms. ROYBAL-ALLARD, Mr. STARK, Mr. REYNOLDS, and Mr. THOMPSON) introduced the following bill; which was referred jointly to the Committees on the Judiciary and Ways and Means

MARCH 7, 1994

Additional sponsors: Mrs. MEEK, Mr. STOKES, Mr. JEFFERSON, Mr. CLAY, Mr. DELLUMS, Mr. McDERMOTT, and Mr. LEWIS of Georgia

A BILL

To prevent crime and to reform the criminal justice system
to make it more fair.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Crime Prevention and
5 Criminal Justice Reform Act ”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds that—

3 (1) the current national crime and drug strat-
4 egy is failing;

5 (2) one of the main failings of the policies of
6 the past has been that too few resources are directed
7 at the root of the problem before the tragedy of
8 crime and violence occurs;

9 (3) law enforcement bears an unfair and dis-
10 proportionate share of the burden of addressing the
11 problems caused by failings in our system of health
12 in the prevention and treatment of drug and alcohol
13 abuse and prevention and inadequate support sys-
14 tems for our families, and in particular at-risk youth
15 and children;

16 (4) law enforcement has been forced to bear
17 this unfair burden without adequate resources, train-
18 ing, and equipment to help them provide directly for
19 the safety of persons and property;

20 (5) personal responsibility for criminal conduct
21 is a central element of the concept of ordered liberty,
22 and personal responsibility includes the obligation of
23 offenders to change their lives through treatment
24 and education so they can contribute to their fami-
25 lies and communities;

1 (6) many measures included in what is usually
2 called a crime bill (more death penalties, more Fed-
3 eral crimes, longer prison sentences) do nothing to
4 reduce crime and polarize and shift the focus and re-
5 sources away from strategies that have proven to be
6 more effective in addressing crime and violence;

7 (7) law enforcement professionals agree that
8 the solutions to the Nation's crime and drug prob-
9 lems will be found in crime prevention measures that
10 include drug treatment, early childhood intervention
11 programs, full funding for Head Start programs and
12 the Women Infants and Children Program, rehabili-
13 tation and alternatives to incarceration, community
14 policing, and family support programs, as well as in
15 programs to rebuild communities through education,
16 employment, and housing;

17 (8) crime is an all encompassing problem and
18 solving the problem necessitates a multi-disciplinary
19 approach, including safe and drug free schools for
20 children to get the most out of their learning envi-
21 ronment, reduction and prevention of the incidence
22 of crime among youth through grant programs that
23 encourage counseling, prevention, intervention, and
24 the rehabilitation of youth offenders, and reduction

1 in the incidence of child abuse through education,
2 prevention, and counseling;

3 (9) there is a sense of distrust and a wide-
4 spread perception in many communities, particularly
5 among people of color, that the criminal justice sys-
6 tem values victims differently and is at times fun-
7 damentally unfair to criminal defendants of color;

8 (10) the perception and reality of racial bias in
9 the workings of the criminal justice system is deeply
10 corrosive of one of the most important institutions
11 in our society and the perception of unfairness robs
12 the criminal justice system of the respect and credi-
13 bility it must have to achieve its goal of keeping the
14 public safe and maintaining law and order;

15 (11) reform of the criminal justice system is
16 necessary to restore the credibility and respect that
17 have been undermined by racism, excessive and dis-
18 proportionate prison sentences, abusive police prac-
19 tices and civil forfeiture practices;

20 (12) a highly trained professional police force
21 sensitive to the needs of all members of the commu-
22 nity is essential in returning respect to law enforce-
23 ment personnel;

24 (13) solutions to the crime and drug problem
25 cannot be found at the Federal level and the Federal

1 Government should facilitate and encourage commu-
2 nity efforts to fight crime;

3 (14) incentives for local communities to start
4 community empowerment programs will make their
5 communities safer; and

6 (15) victims of violent crime have specific
7 needs, including counseling and restitution and too
8 few resources have been directed toward the support
9 and encouragement of the victims and survivors of
10 violent crime.

11 **TITLE I—STRATEGIES TO ASSIST**
12 **STATE AND LOCAL GOVERN-**
13 **MENTS IN PROVIDING AN IM-**
14 **MEDIATE RESPONSE TO**
15 **CRIME**

16 **Subtitle A—Grants to Combat**
17 **Violent Crimes**

18 **SEC. 101. GRANTS TO COMBAT VIOLENT CRIMES.**

19 (a) IN GENERAL.—Title I of the Omnibus Crime
20 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
21 et seq.) is amended by—

22 (1) redesignating part Q as part R;

23 (2) redesignating section 1701 as section 1801;

24 and

25 (3) adding after part P the following new part:

1 **“PART Q—GRANTS TO COMBAT VIOLENT CRIMES**

2 **“SEC. 1701. PURPOSE OF THE PROGRAM AND GRANTS.**

3 “(a) GENERAL PROGRAM PURPOSE.—The purpose of
4 this part is to assist States and other eligible entities to
5 develop effective law enforcement and prosecution strate-
6 gies to combat violent crimes. Programs should place a
7 particular emphasis on combating violent crimes against
8 women and people of color, crimes which historically have
9 not received adequate attention.

10 “(b) PURPOSES FOR WHICH GRANTS MAY BE
11 USED.—Grants under this part shall provide additional
12 personnel, training, technical assistance, data collection
13 and other equipment for the more widespread apprehen-
14 sion, prosecution, and adjudication of persons committing
15 violent crimes and specifically for the purposes of—

16 “(1) training law enforcement officers and pros-
17 ecutors to identify and respond more effectively to
18 violent crimes, including crimes of sexual assault
19 and domestic violence;

20 “(2) developing, training, or expanding units of
21 law enforcement officers and prosecutors that spe-
22 cifically target violent crimes, including the crimes of
23 sexual assault and domestic violence;

24 “(3) developing and implementing police and
25 prosecution policies, protocols, or orders specifically
26 devoted to the identification of and response to vio-

1 lent crimes against women, including the crimes of
2 sexual assault and domestic violence;

3 “(4) developing, installing, or expanding data
4 collection systems, including computerized systems,
5 linking police, prosecutors, and courts or identifying
6 and tracking arrests, protection orders, prosecutions,
7 and convictions for the crimes of sexual assault and
8 domestic violence; and

9 “(5) developing, enlarging, or strengthening vic-
10 tim services programs, including sexual assault and
11 domestic violence programs, to increase reporting
12 and reduce attrition rates for cases involving violent
13 crimes against women, including crimes of sexual as-
14 sault and domestic violence.

15 **“SEC. 1702. STATE GRANTS.**

16 “(a) GENERAL GRANTS.—The Director is authorized
17 to make grants to States, for use by States, units of local
18 government in the States, and nonprofit nongovernmental
19 victim services programs in the States, for the purposes
20 outlined in section 1701(b), and to reduce the rate of vio-
21 lent crimes against women.

22 “(b) APPLICATION REQUIREMENTS.—Applications
23 shall include—

1 “(1) documentation from prosecution, law en-
2 forcement, and victim services programs to be as-
3 sisted that demonstrates—

4 “(A) the need for grant funds;

5 “(B) the intended use of grant funds; and

6 “(C) the expected results; and

7 “(2) proof that grantees are paying the full cost
8 of forensic medical exams for victims of sexual as-
9 sault.

10 “(c) QUALIFICATION.—Upon satisfying the terms of
11 subsection (b), any State shall be eligible for funds pro-
12 vided under this part by—

13 “(1) certifying that funds received under this
14 part shall be used to reduce the rate of violent
15 crimes with special emphasis on violent crimes
16 against women and for the purposes outlined in sec-
17 tion 1701(b);

18 “(2) certifying that grantees and subgrantees
19 shall develop a plan, implement such plan, and oth-
20 erwise consult and coordinate with nonprofit non-
21 governmental domestic violence and sexual assault
22 victim services programs, law enforcement officials,
23 victim advocates, prosecutors, and defense attorneys;

24 “(3) providing documentation from the individ-
25 uals and groups listed under paragraph (2) regard-

1 ing their participation in development of a plan and
2 involvement in the application process, as well as
3 how these individuals and groups will be involved in
4 implementation of the plan;

5 “(4) providing assurances that the plan devel-
6 oped under paragraph (2) shall meet the needs of
7 racial, cultural, ethnic, and language minority popu-
8 lations in the community to be served by such plan;

9 “(5) providing assurances that prosecution, law
10 enforcement, and nonprofit nongovernmental serv-
11 ices for victims shall each receive not less than 25
12 percent of any funds received under this part; and

13 “(6) providing assurances that any Federal
14 funds received under this part shall be used to sup-
15 plement, not supplant, non-Federal funds that would
16 otherwise be available for activities funded under
17 this part.

18 “(d) DISBURSEMENT OF FUNDS.—

19 “(1) IN GENERAL.—Not later than 60 days
20 after the receipt of an application under this part,
21 the Director shall either disburse the appropriate
22 sums provided for under this subpart or shall inform
23 the applicant regarding why the application does not
24 conform to the requirements of this section.

1 “(2) RESPONSIBILITY OF DIRECTOR.—In dis-
2 bursing funds under this part, the Director shall
3 issue regulations—

4 “(A) to distribute funds equitably on a ge-
5 ographic basis, including nonurban and rural
6 areas of varying geographic size; and

7 “(B) give priority to areas of varying geo-
8 graphic size with the greatest showing of need
9 in the population and geographic area to be
10 served in relation to the availability of such pro-
11 grams in other such populations and geographic
12 areas.

13 “(e) GRANTEE REPORTING.—Upon completion of the
14 grant period under this part, the State grantee shall file
15 a performance report with the Director explaining the ac-
16 tivities carried out together with an assessment of the ef-
17 fectiveness of such activities in achieving the purposes of
18 this part.

19 “(f) SUSPENSION OF FUNDING.—The Director shall
20 suspend funding for an approved application if—

21 “(1) an applicant fails to submit an annual per-
22 formance report; or

23 “(2) funds provided under this part are ex-
24 pended for purposes other than those set forth under
25 this part.

1 **“SEC. 1703. GENERAL GRANTS TO TRIBES.**

2 “(a) GENERAL GRANTS.—The Director is authorized
3 to make grants to Indian tribes, for use by tribes, tribal
4 organizations or nonprofit, nongovernmental domestic vio-
5 lence and sexual assault victim services programs on In-
6 dian reservations, for the purposes outlined in section
7 1701(b), and to reduce the rate of violent crimes, includ-
8 ing violent crimes against women in Indian country.

9 “(b) AMOUNTS.—From amounts appropriated, the
10 amount of grants under subsection (a) shall be awarded
11 on a competitive basis to tribes, with minimum grants of
12 \$35,000 and maximum grants of \$300,000.

13 “(c) QUALIFICATION.—Upon satisfying the terms of
14 subsection (d), any tribe shall be qualified for funds pro-
15 vided under this part upon certification that the funds
16 shall be used to reduce the rate of violent crimes against
17 women and for the purposes outlined in section 1701(b).

18 “(d) APPLICATION REQUIREMENTS.—

19 “(1) IN GENERAL.—Applications shall be made
20 directly to the Director and shall contain a descrip-
21 tion of the tribes’ law enforcement responsibilities
22 for the Indian country described in the application
23 and a description of the tribes’ system of courts, in-
24 cluding whether the tribal government operates
25 courts of Indian offenses as defined in section 201
26 of title II of Public Law 90–284 (25 U.S.C. 1301)

1 or Code of Federal Regulation courts under 25 CFR
2 11 et seq.

3 “(2) CONTENT.—Applications shall be in such
4 form as the Director may reasonably require and
5 shall specify the nature of the program proposed by
6 the applicant tribe, the data and information on
7 which the program is based, and the plans to use or
8 incorporate existing domestic violence and sexual as-
9 sault services available in the Indian country where
10 the grant will be used.

11 “(3) TERM OF GRANT.—The term of any grant
12 shall be for a period of not less than 3 years.

13 “(e) GRANTEE REPORTING.—At the end of the first
14 12 months of the grant period and at the end of each sub-
15 sequent year, the Indian tribe grantee shall file a perform-
16 ance report with the Director explaining the activities car-
17 ried out together with an assessment of the effectiveness
18 of such activities in achieving the purposes of this part.
19 The Director shall not disperse additional funds if an ap-
20 plicant fails to submit an annual performance report.

21 “(f) DEFINITIONS.—For purposes of this section—

22 “(1) the term ‘Indian tribe’ means any Indian
23 tribe, band, nation, or other organized group or com-
24 munity, including any Alaska Native village or re-
25 gional or village corporation (as defined in, or estab-

1 lished pursuant to, the Alaska Native Claims Settle-
2 ment Act (43 U.S.C. 1601, et seq.)), which is recog-
3 nized as eligible for the special services provided by
4 the United States to Indians because of their status
5 as Indians; and

6 “(2) the term ‘Indian country’ has the meaning
7 given to such term by section 1151 of title 18, Unit-
8 ed States Code.

9 **“SEC. 1704. GENERAL DEFINITIONS.**

10 “For purposes of this part—

11 “(1) the term ‘domestic violence’ means crimes
12 of violence committed by a current or former spouse
13 of the victim, an individual with whom the victim
14 shares a child in common, an individual who is co-
15 habiting with or has cohabited with the victim as a
16 spouse, an individual similarly situated to a spouse,
17 or any other individual who is protected under do-
18 mestic or family violence laws of the jurisdiction that
19 receives a grant under this part;

20 “(2) the term ‘sexual assault’ includes assaults
21 committed by offenders who are strangers to the vic-
22 tim and assaults committed by offenders who are
23 known or related by blood or marriage to the victim;
24 and

1 “(3) the term ‘victim services program’ means
2 any public or private, nonsectarian, nonprofit pro-
3 gram that assists victims of violent crime, domestic
4 violence or sexual assault victims, including non-
5 governmental nonprofit organizations such as rape
6 crisis centers, battered women’s shelters, and other
7 sexual assault and domestic violence programs, in-
8 cluding nonprofit nongovernmental organizations as-
9 sisting domestic violence and sexual assault victims
10 through the legal process.

11 **“SEC. 1705. GENERAL TERMS AND CONDITIONS.**

12 “(a) NONMONETARY ASSISTANCE.—In addition to
13 the assistance provided under sections 1702 and 1703, the
14 Director may request any Federal agency, with or without
15 reimbursement, to use its authorities and the resources
16 granted to it under Federal law (including personnel,
17 equipment, supplies, facilities, and managerial, technical,
18 and advisory services) to support State and local assist-
19 ance efforts under this part.

20 “(b) BUREAU REPORTING.—Not later than 180 days
21 after the end of each fiscal year for which grants are made
22 under this part, the Director shall submit to the Congress
23 a report that includes, for each State and Indian tribe—

24 “(1) the amount of grants made under this
25 part;

1 “(2) a summary of the purposes for which
2 grants were provided and an evaluation of progress;
3 and

4 “(3) a copy of each grantee report filed pursu-
5 ant to sections 1702(f) and 1703(e).

6 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated for each of the fiscal
8 years 1995 and 1996, \$190,000,000 to carry out the pur-
9 poses of section 1702 and \$10,000,000 to carry out the
10 purposes of section 1703.”.

11 (b) CONFORMING AMENDMENT.—The table of con-
12 tents of title I of the Omnibus Crime Control and Safe
13 Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended
14 by striking the matter relating to part Q and inserting
15 the following:

“PART Q—GRANT TO COMBAT VIOLENT CRIMES AGAINST WOMEN

“Sec. 1701. Purpose of the program and grants.

“Sec. 1702. State grants.

“Sec. 1703. General grants to tribes.

“Sec. 1704. General definitions.

“Sec. 1705. General terms and conditions.

“PART R—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 1801. Continuation of rules, authorities, and proceedings”.

1 **Subtitle B—Community Policing;**
2 **Cop on the Beat**

3 **SEC. 111. COMMUNITY POLICING; COP ON THE BEAT.**

4 (a) IN GENERAL.—Title I of the Omnibus Crime
5 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
6 et seq.) is amended—

7 (1) by redesignating part R as part S;

8 (2) by redesignating section 1801 as section
9 1901; and

10 (3) by inserting after part Q the following:

11 **“PART R—COMMUNITY POLICING; COP ON THE**
12 **BEAT GRANTS**

13 **“SEC. 1801. GRANT AUTHORIZATION.**

14 “(a) GRANT PROJECTS.—The Director of the Bureau
15 of Justice Assistance may make grants to units of local
16 government and to community groups to establish or ex-
17 pand cooperative efforts between police and a community
18 for the purposes of increasing police presence in the com-
19 munity, including—

20 “(1) developing innovative neighborhood-ori-
21 ented policing programs;

22 “(2) providing new technologies to reduce the
23 amount of time officers spend processing cases in-
24 stead of patrolling the community;

1 “(3) purchasing equipment to improve commu-
2 nications between officers and the community and to
3 improve the collection, analysis, and use of informa-
4 tion about crime-related community problems;

5 “(4) developing policies that reorient police em-
6 phasis from reacting to crime to preventing crime;

7 “(5) creating decentralized police substations
8 throughout the community to encourage interaction
9 and cooperation between the public and law enforce-
10 ment personnel on a local level;

11 “(6) providing training and problem solving for
12 community crime problems;

13 “(7) providing training in cultural differences
14 for law enforcement officials;

15 “(8) developing community-based crime preven-
16 tion programs, such as safety programs for senior
17 citizens, community anticrime groups, and other
18 anticrime awareness programs;

19 “(9) developing crime prevention programs in
20 communities which have experienced a recent in-
21 crease in gang-related violence; and

22 “(10) developing projects following the model
23 under subsection (b).

1 “(b) MODEL PROJECT.—The Director shall develop
2 a written model that informs community members regard-
3 ing—

4 “(1) how to identify the existence of a drug or
5 gang house;

6 “(2) what civil remedies, such as public nui-
7 sance violations and civil suits in small claims court,
8 are available; and

9 “(3) what mediation techniques are available
10 between community members and individuals who
11 have established a drug or gang house in such com-
12 munity.

13 **“SEC. 1802. APPLICATION.**

14 “(a) IN GENERAL.—(1) To be eligible to receive a
15 grant under this part, a chief executive of a unit of local
16 government, a duly authorized representative of a com-
17 bination of local governments within a geographic region,
18 or a community group shall submit an application to the
19 Director in such form and containing such information as
20 the Director may reasonably require.

21 “(2) In such application, one office, or agency (public,
22 private, or nonprofit) shall be designated as responsible
23 for the coordination, implementation, administration, ac-
24 counting, and evaluation of services described in the appli-
25 cation.

1 “(b) GENERAL CONTENTS.—Each application under
2 subsection (a) shall include—

3 “(1) a request for funds available under this
4 part for the purposes described in section 1801;

5 “(2) a description of the areas and populations
6 to be served by the grant; and

7 “(3) assurances that Federal funds received
8 under this part shall be used to supplement, not
9 supplant, non-Federal funds that would otherwise be
10 available for activities funded under this part.

11 “(c) COMPREHENSIVE PLAN.—Each application shall
12 include a comprehensive plan which contains—

13 “(1) a description of the crime problems within
14 the areas targeted for assistance;

15 “(2) a description of the projects to be devel-
16 oped;

17 “(3) a description of the resources available in
18 the community to implement the plan together with
19 a description of the gaps in the plan that cannot be
20 filled with existing resources;

21 “(4) an explanation of how the requested grant
22 shall be used to fill those gaps;

23 “(5) a description of the system the applicant
24 shall establish to prevent and reduce crime problems;

25 and

1 “(6) an evaluation component, including per-
2 formance standards and quantifiable goals the appli-
3 cant shall use to determine project progress, and the
4 data the applicant shall collect to measure progress
5 toward meeting project goals.

6 **“SEC. 1803. ALLOCATION OF FUNDS; LIMITATIONS ON**
7 **GRANTS.**

8 “(a) ALLOCATION.—The Director shall allocate not
9 less than 75 percent of the funds available under this part
10 to units of local government or combinations of such units
11 and not more than 20 percent of the funds available under
12 this part to community groups.

13 “(b) ADMINISTRATIVE COST LIMITATION.—The Di-
14 rector shall use not more than 5 percent of the funds avail-
15 able under this part for the purposes of administration,
16 technical assistance, and evaluation.

17 “(c) RENEWAL OF GRANTS.—A grant under this part
18 may be renewed for up to 2 additional years after the first
19 fiscal year during which the recipient receives its initial
20 grant, subject to the availability of funds, if the Director
21 determines that the funds made available to the recipient
22 during the previous year were used in a manner required
23 under the approved application and if the recipient can
24 demonstrate significant progress toward achieving the
25 goals of the plan required under section 1802(c).

1 “(d) FEDERAL SHARE.—The Federal share of a
2 grant made under this part may not exceed 75 percent
3 of the total costs of the projects described in the applica-
4 tion submitted under section 1802 for the fiscal year for
5 which the projects receive assistance under this part.

6 **“SEC. 1804. AWARD OF GRANTS.**

7 “(a) SELECTION OF RECIPIENTS.—The Director
8 shall consider the following factors in awarding grants to
9 units of local government or combinations of such units
10 under this part:

11 “(1) NEED AND ABILITY.—Demonstrated need
12 and evidence of the ability to provide the services de-
13 scribed in the plan required under section 1802(c).

14 “(2) COMMUNITY-WIDE RESPONSE.—Evidence
15 of the ability to coordinate community-wide response
16 to crime.

17 “(3) MAINTAIN PROGRAM.—The ability to
18 maintain a program to control and prevent crime
19 after funding under this part is no longer available.

20 “(b) GEOGRAPHIC DISTRIBUTION.—The Director
21 shall attempt, to the extent practicable, to achieve an equi-
22 table geographic distribution of grant awards.

23 **“SEC. 1805. REPORTS.**

24 “(a) REPORT TO DIRECTOR.—Recipients who receive
25 funds under this part shall submit to the Director not

1 later than March 1 of each year a report that describes
2 progress achieved in carrying out the plan required under
3 section 1802(c).

4 “(b) REPORT TO CONGRESS.—The Director shall
5 submit to the Congress a report by October 1 of each year
6 that shall contain a detailed statement regarding grant
7 awards, activities of grant recipients, and an evaluation
8 of projects established under this part.

9 **“SEC. 1806. DEFINITIONS.**

10 “For the purposes of this part—

11 “(1) the term ‘community group’ means a com-
12 munity-based nonprofit organization that has a pri-
13 mary purpose of crime prevention; and

14 “(2) the term ‘Director’ means the Director of
15 the Bureau of Justice Assistance.”.

16 (b) CONFORMING AMENDMENT.—The table of con-
17 tents of title I of the Omnibus Crime Control and Safe
18 Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended
19 by striking the matter relating to part R and inserting
20 the following:

“PART R—COMMUNITY POLICING; COP ON THE BEAT GRANTS

“Sec. 1801. Grant authorization.

“Sec. 1802. Application.

“Sec. 1803. Allocation of funds; limitation on grants.

“Sec. 1804. Award of grants.

“Sec. 1805. Reports.

“Sec. 1806. Definitions.

“PART S—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 1901. Continuation of rules, authorities, and proceedings.”.

1 **SEC. 112. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 1001(a) of title I of the Omnibus Crime Con-
3 trol and Safe Streets Act of 1968 (42 U.S.C. 3793) is
4 amended by adding after paragraph (11) the following:

5 “(12) There are authorized to be appropriated
6 \$150,000,000 for each of the fiscal years 1995, 1996, and
7 1997 to carry out the projects under part R.”.

8 **Subtitle C—Law Enforcement**
9 **Family Support**

10 **SEC. 121. LAW ENFORCEMENT FAMILY SUPPORT.**

11 (a) LAW ENFORCEMENT FAMILY SUPPORT.—Title I
12 of the Omnibus Crime Control and Safe Streets Act of
13 1968 (42 U.S.C. 3711 et seq.), is amended—

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

17 **“PART S—FAMILY SUPPORT**

18 **“SEC. 1901. DUTIES OF DIRECTOR.**

19 “The Director shall—

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

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

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

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

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

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

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

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

17 “The Director is authorized to make grants to States
18 and local law enforcement agencies to provide family sup-
19 port services to law enforcement personnel.

20 **“SEC. 1903. USES OF FUNDS.**

21 “(a) IN GENERAL.—A State or local law enforcement
22 agency that receives a grant under this Act shall use
23 amounts provided under the grant to establish or improve
24 training and support programs for law enforcement per-
25 sonnel.

1 “(b) REQUIRED ACTIVITIES.—A law enforcement
2 agency that receives funds under this Act shall provide
3 at least one of the following services:

4 “(1) Counseling for law enforcement family
5 members.

6 “(2) Child care on a 24-hour basis.

7 “(3) Marital and adolescent support groups.

8 “(4) Stress reduction programs.

9 “(5) Stress education for law enforcement re-
10 cruits and families.

11 “(c) OPTIONAL ACTIVITIES.—A law enforcement
12 agency that receives funds under this Act may provide the
13 following services:

14 “(1) Post-shooting debriefing for officers and
15 their spouses.

16 “(2) Group therapy.

17 “(3) Hypertension clinics.

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

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

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

24 “(7) Counseling for peers.

1 “(8) Counseling for families of personnel killed
2 in the line of duty.

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

5 **“SEC. 1904. APPLICATIONS.**

6 “A law enforcement agency desiring to receive a
7 grant under this part shall submit to the Director an ap-
8 plication at such time, in such manner, and containing or
9 accompanied by such information as the Director may rea-
10 sonably require. Such application shall—

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

15 “(2) include a statement from the highest rank-
16 ing law enforcement official from the State or local-
17 ity applying for the grant that attests to the need
18 and intended use of services to be provided with
19 grant funds; and

20 “(3) assure that the Director or the Comptrol-
21 ler General of the United States shall have access to
22 all records related to the receipt and use of grant
23 funds received under this Act.

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

2 “(a) GRANT DISTRIBUTION.—In approving grants
3 under this part, the Director shall assure an equitable dis-
4 tribution of assistance among the States, among urban
5 and rural areas of the United States, and among urban
6 and rural areas of a State.

7 “(b) DURATION.—The Director may award a grant
8 each fiscal year, not to exceed \$100,000 to a State or local
9 law enforcement agency for a period not to exceed 5 years.
10 In any application from a State or local law enforcement
11 agency for a grant to continue a program for the second,
12 third, fourth, or fifth fiscal year following the first fiscal
13 year in which a grant was awarded to such agency, the
14 Director shall review the progress made toward meeting
15 the objectives of the program. The Director may refuse
16 to award a grant if the Director finds sufficient progress
17 has not been made toward meeting such objectives, but
18 only after affording the applicant notice and an oppor-
19 tunity for reconsideration.

20 “(c) LIMITATION.—Not more than 10 percent of
21 grant funds received by a State or a local law enforcement
22 agency may be used for administrative purposes.

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

24 “The Director may reserve 10 percent of funds to
25 award research grants to a State or local law enforcement

1 agency to study issues of importance in the law enforce-
2 ment field as determined by the Director.

3 **“SEC. 1907. REPORTS.**

4 “(a) REPORT FROM GRANT RECIPIENTS.—A State or
5 local law enforcement agency that receives a grant under
6 this Act shall submit to the Director an annual report that
7 includes—

8 “(1) program descriptions;

9 “(2) the number of staff employed to admin-
10 ister programs;

11 “(3) the number of individuals who participated
12 in programs; and

13 “(4) an evaluation of the effectiveness of grant
14 programs.

15 “(b) REPORT FROM DIRECTOR.—(1) The Director
16 shall submit to the Congress a report not later than March
17 31 of each fiscal year.

18 “(2) Such report shall contain—

19 “(A) a description of the types of projects de-
20 veloped or improved through funds received under
21 this Act;

22 “(B) a description of exemplary projects and
23 activities developed;

1 “(C) a designation of the family relationship to
2 the law enforcement personnel of individuals served;
3 and

4 “(D) the number of individuals served in each
5 location and throughout the country.

6 **“SEC. 1908. DEFINITIONS.**

7 “For purposes of this part—

8 “(1) the term ‘family-friendly policy’ means a
9 policy to promote or improve the morale and well
10 being of law enforcement personnel and their fami-
11 lies; and

12 “(2) the term ‘law enforcement personnel’
13 means individuals employed by Federal, State, and
14 local law enforcement agencies.”.

15 (b) CONFORMING AMENDMENT.—The table of con-
16 tents of title I of the Omnibus Crime Control and Safe
17 Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended
18 by striking the matter relating to part S and inserting the
19 following:

 “PART S—FAMILY SUPPORT

 “Sec. 1901. Duties of director.
 “Sec. 1902. General authorization.
 “Sec. 1903. Uses of funds.
 “Sec. 1904. Applications.
 “Sec. 1905. Award of grants; limitation.
 “Sec. 1906. Discretionary research grants.
 “Sec. 1907. Reports.
 “Sec. 1908. Definitions.

 “PART T—TRANSITION; EFFECTIVE DATE; REPEALS

 “Sec. 2001. Continuation of rules, authorities, and privileges.”.

1 **SEC. 122. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 1001(a) of the Omnibus Crime Control and
3 Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), is
4 amended by adding after paragraph (12) the following:

5 “(13) There are authorized to be appropriated
6 \$5,000,000 for each of the fiscal years 1995, 1996, 1997,
7 1998, and 1999. Not more than 20 percent of such funds
8 may be used to accomplish the duties of the Director
9 under section 1901 in part S of this Act, including admin-
10 istrative costs, research, and training programs.”

11 **Subtitle D—Police Misconduct**

12 **SEC. 131. PATTERN OR PRACTICE CASES; CAUSE OF AC-**
13 **TION.**

14 (a) UNLAWFUL CONDUCT.—It shall be unlawful for
15 any governmental authority, or any agent thereof, or any
16 person acting on behalf of a governmental authority, to
17 engage in a pattern or practice of conduct by law enforce-
18 ment officers that deprives persons of rights, privileges,
19 or immunities, secured or protected by the Constitution
20 or laws of the United States.

21 (b) CIVIL ACTION BY ATTORNEY GENERAL.—When-
22 ever the Attorney General has reasonable cause to believe
23 that a violation of subsection (a) has occurred, the Attor-
24 ney General, for or in the name of the United States, may
25 in a civil action obtain appropriate equitable and declara-
26 tory relief to eliminate the pattern or practice.

1 (c) CIVIL ACTION BY INJURED PERSON.—Any per-
2 son injured by a violation of subsection (a) may in a civil
3 action obtain appropriate equitable and declaratory relief
4 to eliminate the pattern or practice. In any civil under this
5 subsection, the court may allow the prevailing plaintiff
6 reasonable attorneys’ fees and other litigation fees and
7 costs (including expert’s fees). A governmental body shall
8 be liable for such fees and costs to the same extent as
9 a private individual.

10 (d) DEFINITION.—As used in this subtitle, the term
11 “law enforcement officer” means an official empowered by
12 law to conduct investigations of, to make arrests for, or
13 to detain individuals suspected or convicted of, criminal
14 offenses.

15 **SEC. 132. DATA ON USE OF EXCESSIVE FORCE.**

16 (a) ATTORNEY GENERAL TO COLLECT.—The Attor-
17 ney General shall, through the victimization surveys con-
18 ducted by the Bureau of Justice Statistics, acquire data
19 about the use of excessive force by law enforcement offi-
20 cers.

21 (b) LIMITATION ON USE OF DATA.—Data acquired
22 under this section shall be used only for research or statis-
23 tical purposes and may not contain any information that
24 may reveal the identity of the victim or any law enforce-
25 ment officer.

1 (c) ANNUAL SUMMARY.—The Attorney General shall
2 publish an annual summary of the data acquired under
3 this section.

4 **SEC. 133. CRIMINAL PENALTY.**

5 (a) IN GENERAL.—Chapter 13 (relating to civil
6 rights) of title 18, United States Code, is amended by add-
7 ing at the end the following:

8 **“§ 248. Police brutality**

9 “(a) OFFENSE.—Whoever, being a law enforcement
10 officer and under color of law, subjects any person to force
11 exceeding that which is reasonably necessary to carry out
12 a law enforcement duty, shall be punished under sub-
13 section (b).

14 “(b) PUNISHMENT.—(1) The punishment for an of-
15 fense under this section is a fine under this title, or impris-
16 onment under paragraph (2), or both.

17 “(2) The imprisonment for an offense under this sec-
18 tion shall—

19 “(A) if death results, be for any term of years
20 or for life;

21 “(B) if bodily injury other than death results,
22 be for not more than 10 years; and

23 “(C) in any other case, not exceed one year.

24 “(c) DEFINITION.—As used in this section, the term
25 ‘law enforcement officer’ means an official empowered by

1 law to conduct investigations of, to make arrests for, or
2 to detain individuals suspected or convicted of, criminal
3 offenses.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
5 at the beginning of chapter 13 of title 18, United States
6 Code, is amended by adding at the end the following:

“248. Police brutality.”.

7 **SEC. 134. GOVERNMENTAL LIABILITY.**

8 (a) GENERALLY.—Any State, county, municipality,
9 or other unit of State or local government shall be liable
10 in a civil action for appropriate relief to the party injured,
11 for the conduct of a law enforcement officer of such unit
12 that subjects or causes to be subjected, under color of law,
13 any individual to the deprivation of any rights, privileges,
14 or immunities secured by the Constitution or laws of the
15 United States.

16 (b) NO “GOOD FAITH” EXCEPTION TO LIABILITY.—
17 The liability created by this section shall exist whether or
18 not the law enforcement officer had a reasonable good
19 faith belief in the lawfulness of the conduct.

20 (c) STATUTE OF LIMITATIONS.—The statute of limi-
21 tations applicable to actions to enforce the liability created
22 by this section is the same as that applicable to an action
23 under section 1979 of the Revised Statutes of the United
24 States (42 U.S.C. 1983).

1 **Subtitle E—Police Corps and Law**
2 **Enforcement Officers Training**
3 **and Education**

4 **SEC. 141. PURPOSES.**

5 The purposes of this subtitle are to—

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

9 (2) provide educational assistance to law en-
10 forcement personnel and to students who possess a
11 sincere interest in public service in the form of law
12 enforcement; and

13 (3) assist State and local law enforcement ef-
14 forts to enhance the educational status of law en-
15 forcement personnel both through increasing the
16 educational level of existing officers and by recruit-
17 ing more highly educated officers.

18 **SEC. 142. ESTABLISHMENT OF OFFICE OF THE POLICE**
19 **CORPS AND LAW ENFORCEMENT EDUCATION.**

20 (a) **ESTABLISHMENT.**—There is established in the
21 Department of Justice, under the general authority of the
22 Attorney General, an Office of the Police Corps and Law
23 Enforcement Education.

24 (b) **APPOINTMENT OF DIRECTOR.**—The Office of the
25 Police Corps and Law Enforcement Education shall be

1 headed by a Director (referred to in this title as the “Di-
2 rector”) who shall be appointed by the President, by and
3 with the advice and consent of the Senate.

4 (c) RESPONSIBILITIES OF DIRECTOR.—The Director
5 shall be responsible for the administration of the Police
6 Corps program established in chapter 1 and the Law En-
7 forcement Scholarship program established in chapter 2
8 and shall have authority to promulgate regulations to im-
9 plement this title.

10 **SEC. 143. DESIGNATION OF LEAD AGENCY AND SUBMIS-**
11 **SION OF STATE PLAN.**

12 (a) LEAD AGENCY.—A State that desires to partici-
13 pate in the Police Corps program under chapter 1 or the
14 Law Enforcement Scholarship program under chapter 2
15 shall designate a lead agency that will be responsible for—

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

18 (2) administering the program in the State.

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

20 (1) contain assurances that the lead agency
21 shall work in cooperation with the local law enforce-
22 ment liaisons, representatives of police labor organi-
23 zations and police management organizations, and
24 other appropriate State and local agencies to develop

1 and implement interagency agreements designed to
2 carry out the program;

3 (2) contain assurances that the State shall ad-
4 vertise the assistance available under this title;

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

8 (4) meet the other applicable requirements of
9 this subtitle.

10 **CHAPTER 1—POLICE CORPS PROGRAM**

11 **SEC. 151. DEFINITIONS.**

12 For the purposes of this chapter—

13 (1) the term “academic year” means a tradi-
14 tional academic year beginning in August or Sep-
15 tember and ending in the following May or June;

16 (2) the term “dependent child” means a natural
17 or adopted child or stepchild of a law enforcement
18 officer who at the time of the officer’s death—

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

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

1 (3) the term “educational expenses” means ex-
2 penses that are directly attributable to—

3 (A) a course of education leading to the
4 award of the baccalaureate degree; or

5 (B) a course of graduate study following
6 award of a baccalaureate degree,

7 including the cost of tuition, fees, books, supplies,
8 transportation, room and board and miscellaneous
9 expenses;

10 (4) the term “participant” means a participant
11 in the Police Corps program selected pursuant to
12 section 153;

13 (5) the term “State” means a State of the
14 United States, the District of Columbia, the Com-
15 monwealth of Puerto Rico, the Virgin Islands, Amer-
16 ican Samoa, Guam, and the Commonwealth of the
17 Northern Mariana Islands; and

18 (6) the term “State Police Corps program”
19 means a State police corps program approved under
20 section 156.

21 **SEC. 152. SCHOLARSHIP ASSISTANCE.**

22 (a) SCHOLARSHIPS AUTHORIZED.—(1) The Director
23 is authorized to award scholarships to participants who
24 agree to work in a State or local police force in accordance
25 with agreements entered into pursuant to subsection (d).

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

4 (i) \$7,500; or

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

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

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

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

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

23 (B) Each institution of higher education receiving a
24 payment on behalf of a participant pursuant to subpara-
25 graph (A) shall remit to such student any funds in excess

1 of the costs of tuition, fees, and room and board payable
2 to the institution.

3 (b) REIMBURSEMENT AUTHORIZED.—(1) The Direc-
4 tor is authorized to make payments to a participant to
5 reimburse such participant for the costs of educational ex-
6 penses if such student agrees to work in a State or local
7 police force in accordance with the agreement entered into
8 pursuant to subsection (d).

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

11 (i) \$7,500; or

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

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

18 (C) The total amount of payments made pursuant to
19 subparagraph (A) to any one student shall not exceed
20 \$30,000.

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

24 (1) scholarships may be used for graduate and
25 professional study, and

1 (2) where a participant has enrolled in the pro-
2 gram upon or after transfer to a four-year institu-
3 tion of higher education, the Director may reimburse
4 the participant for the participant's prior edu-
5 cational expenses.

6 (d) AGREEMENT.—(1) Each participant receiving a
7 scholarship or a payment under this section shall enter
8 into an agreement with the Director. Each such agreement
9 shall contain assurances that the participant shall—

10 (A) after successful completion of a bacca-
11 laureate program and training as prescribed in sec-
12 tion 154, work for 4 years in a State or local police
13 force without there having arisen sufficient cause for
14 the participant's dismissal under the rules applicable
15 to members of the police force of which the partici-
16 pant is a member;

17 (B) complete satisfactorily—

18 (i) an educational course of study and re-
19 ceipt of a baccalaureate degree (in the case of
20 undergraduate study) or the reward of credit to
21 the participant for having completed one or
22 more graduate courses (in the case of graduate
23 study); and

24 (ii) Police Corps training and certification
25 by the Director that the participant has met

1 such performance standards as may be estab-
2 lished pursuant to section 154; and

3 (C) repay all of the scholarship or payment re-
4 ceived plus interest at the rate of 10 percent in the
5 event that the conditions of subparagraphs (A) and
6 (B) are not complied with.

7 (2)(A) A recipient of a scholarship or payment under
8 this section shall not be considered in violation of the
9 agreement entered into pursuant to paragraph (1) if the
10 recipient—

11 (i) dies; or

12 (ii) becomes permanently and totally disabled as
13 established by the sworn affidavit of a qualified
14 physician.

15 (B) In the event that a scholarship recipient is unable
16 to comply with the repayment provision set forth in sub-
17 paragraph (B) of paragraph (1) because of a physical or
18 emotional disability or for good cause as determined by
19 the Director, the Director may substitute community serv-
20 ice in a form prescribed by the Director for the required
21 repayment.

22 (C) The Director shall expeditiously seek repayment
23 from participants who violate the agreement described in
24 paragraph (1).

1 (e) DEPENDENT CHILD.—A dependent child of a law
2 enforcement officer—

3 (1) who is a member of a State or local police
4 force or is a Federal criminal investigator or uni-
5 formed police officer,

6 (2) who is not a participant in the Police Corps
7 program, but

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

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

12 shall be entitled to the scholarship assistance authorized
13 in this section for any course of study in any accredited
14 institution of higher education. Such dependent child shall
15 not incur any repayment obligation in exchange for the
16 scholarship assistance provided in this section.

17 (f) APPLICATION.—Each participant desiring a schol-
18 arship or payment under this section shall submit an ap-
19 plication as prescribed by the Director in such manner and
20 accompanied by such information as the Director may rea-
21 sonably require.

22 (g) DEFINITION.—For the purposes of this section
23 the term “institution of higher education” has the mean-
24 ing given that term in the first sentence of section 1201(a)
25 of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

1 **SEC. 153. SELECTION OF PARTICIPANTS.**

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

5 (b) SELECTION CRITERIA AND QUALIFICATIONS.—

6 (1) In order to participate in a State Police Corps pro-
7 gram, a participant must—

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

11 (B) meet the requirements for admission as a
12 trainee of the State or local police force to which the
13 participant will be assigned pursuant to section
14 155(c)(5), including achievement of satisfactory
15 scores on any applicable examination, except that
16 failure to meet the age requirement for a trainee of
17 the State or local police shall not disqualify the ap-
18 plicant if the applicant will be of sufficient age upon
19 completing an undergraduate course of study;

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

24 (D) demonstrate sincere motivation and dedica-
25 tion to law enforcement and public service;

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

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

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

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

22 (2)(A) Until the date that is 5 years after the date
23 of enactment of this title, up to 10 percent of the appli-
24 cants accepted into the Police Corps program may be per-
25 sons who—

1 (i) have had some law enforcement experience;
2 and

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

5 (B)(i) The prior period of law enforcement of a par-
6 ticipant selected pursuant to subparagraph (A) shall not
7 be counted toward satisfaction of the participant's 4-year
8 service obligation under section 155, and such a partici-
9 pant shall be subject to the same benefits and obligations
10 under this chapter as other participants, including those
11 stated in subsection (b)(1) (E) and (F).

12 (ii) Clause (i) shall not be construed to preclude
13 counting a participant's previous period of law enforce-
14 ment experience for purposes other than satisfaction of the
15 requirements of section 155, such as for purposes of deter-
16 mining such a participant's pay and other benefits, rank,
17 and tenure.

18 (3) It is the intent of this Act that there shall be
19 no more than 20,000 participants in each graduating
20 class. The Director shall approve State plans providing in
21 the aggregate for such enrollment of applicants as shall
22 assure, as nearly as possible, annual graduating classes
23 of 20,000. In a year in which applications are received
24 in a number greater than that which will produce, in the
25 judgment of the Director, a graduating class of more than

1 20,000, the Director shall, in deciding which applications
2 to grant, give preference to those who will be participating
3 in State plans that provide law enforcement personnel to
4 areas of greatest need.

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

12 (d) ENROLLMENT OF APPLICANT.—(1) An applicant
13 shall be accepted into a State Police Corps program on
14 the condition that the applicant will be matriculated in,
15 or accepted for admission at, a 4-year institution of higher
16 education (as described in the first sentence of section
17 1201(a) of the Higher Education Act of 1965 (20 U.S.C.
18 1141(a))—

19 (A) as a full-time student in an undergraduate
20 program; or

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

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

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

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

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

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

22 **SEC. 154. POLICE CORPS TRAINING.**

23 (a) IN GENERAL.—(1) The Director shall establish
24 programs of training for Police Corps participants. Such
25 programs may be carried out at up to 3 training centers

1 established for this purpose and administered by the Di-
2 rector, or by contracting with existing State training facili-
3 ties. The Director shall contract with a State training fa-
4 cility upon request of such facility if the Director deter-
5 mines that such facility offers a course of training sub-
6 stantially equivalent to the Police Corps training program
7 described in this chapter.

8 (2) The Director is authorized to enter into contracts
9 with individuals, institutions of learning, and government
10 agencies (including State and local police forces), to obtain
11 the services of persons qualified to participate in and con-
12 tribute to the training process.

13 (3) The Director is authorized to enter into agree-
14 ments with agencies of the Federal Government to utilize
15 on a reimbursable basis space in Federal buildings and
16 other resources.

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

22 (b) TRAINING SESSIONS.—A participant in a State
23 Police Corps program shall attend two 8-week training
24 sessions at a training center, one during the summer fol-
25 lowing completion of sophomore year and one during the

1 summer following completion of junior year. If a partici-
2 pant enters the program after sophomore year, the partici-
3 pant shall complete 16 weeks of training at times deter-
4 mined by the Director.

5 (c) FURTHER TRAINING.—The 16 weeks of Police
6 Corps training authorized in this section is intended to
7 serve as basic law enforcement training but not to exclude
8 further training of participants by the State and local au-
9 thorities to which they will be assigned. Each State plan
10 approved by the Director under section 156 shall include
11 assurances that following completion of a participant's
12 course of education each participant shall receive appro-
13 priate additional training by the State or local authority
14 to which the participant is assigned. The time spent by
15 a participant in such additional training, but not the time
16 spent in Police Corps training, shall be counted toward
17 fulfillment of the participant's 4-year service obligation.

18 (d) COURSE OF TRAINING.—The training sessions at
19 training centers established under this section shall be de-
20 signed to provide basic law enforcement training, includ-
21 ing vigorous physical and mental training to teach partici-
22 pants self-discipline and organizational loyalty and to im-
23 part knowledge and understanding of legal processes and
24 law enforcement.

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

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

9 **SEC. 155. SERVICE OBLIGATION.**

10 (a) SWEARING IN.—Upon satisfactory completion of
11 the participant's course of education and training program
12 established in section 154 and meeting the requirements
13 of the police force to which the participant is assigned,
14 a participant shall be sworn in as a member of the police
15 force to which the participant is assigned pursuant to the
16 State Police Corps plan, and shall serve for 4 years as
17 a member of that police force.

18 (b) RIGHTS AND RESPONSIBILITIES.—A participant
19 shall have all of the rights and responsibilities of and shall
20 be subject to all rules and regulations applicable to other
21 members of the police force of which the participant is
22 a member, including those contained in applicable agree-
23 ments with labor organizations and those provided by
24 State and local law.

1 (c) DISCIPLINE.—If the police force of which the par-
2 ticipant is a member subjects the participant to discipline
3 such as would preclude the participant's completing 4
4 years of service, and result in denial of educational assist-
5 ance under section 152, the Director may, upon a showing
6 of good cause, permit the participant to complete the serv-
7 ice obligation in an equivalent alternative law enforcement
8 service and, if such service is satisfactorily completed, sec-
9 tion 152(d)(1)(C) shall not apply.

10 (d) LAY-OFFS.—If the police force of which the par-
11 ticipant is a member lays off the participant such as would
12 preclude the participant's completing 4 years of service,
13 and result in denial of educational assistance under sec-
14 tion 152, the Director may permit the participant to com-
15 plete the service obligation in an equivalent alternative law
16 enforcement service and, if such service is satisfactorily
17 completed, section 152(d)(1)(C) shall not apply.

18 **SEC. 156. STATE PLAN REQUIREMENTS.**

19 A State Police Corps plan shall—

20 (1) provide for the screening and selection of
21 participants in accordance with the criteria set out
22 in section 153;

23 (2) state procedures governing the assignment
24 of participants in the Police Corps program to State
25 and local police forces (no more than 10 percent of

1 all the participants assigned in each year by each
2 State to be assigned to a statewide police force or
3 forces);

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

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

8 (B) the participants will be used most ef-
9 fectively;

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

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

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

22 (B) from commencement of a participant's
23 fourth year of undergraduate study until com-
24 pletion of 4 years of police service by partici-
25 pant, only for compelling reasons or to meet the

1 needs of the State Police Corps program and
2 only with the consent of the participant;

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

5 (A) whose size has declined by more than
6 5 percent since June 21, 1989; or

7 (B) which has members who have been laid
8 off but not retired;

9 (7) provide that participants shall be placed and
10 to the extent feasible kept on community and pre-
11 ventive patrol;

12 (8) assure that participants will receive effective
13 training and leadership;

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

22 (10) provide that a participant shall, while serv-
23 ing as a member of a police force, be compensated
24 at the same rate of pay and benefits and enjoy the
25 same rights under applicable agreements with labor

1 organizations and under State and local law as other
2 police officers of the same rank and tenure in the
3 police force of which the participant is a member.

4 **SEC. 157. AUTHORIZATION OF APPROPRIATIONS.**

5 There are authorized to be appropriated to carry out
6 this chapter \$100,000,000 for each of fiscal years 1995
7 and 1996, and \$200,000,000 for each of fiscal years 1997,
8 1998, and 1999.

9 **CHAPTER 2—LAW ENFORCEMENT**

10 **SCHOLARSHIP PROGRAM**

11 **SEC. 161. DEFINITIONS.**

12 As used in this chapter—

13 (1) the term “Director” means the Director of
14 the Bureau of Justice Assistance;

15 (2) the term “educational expenses” means ex-
16 penses that are directly attributable to—

17 (A) a course of education leading to the
18 award of an associate degree;

19 (B) a course of education leading to the
20 award of a baccalaureate degree; or

21 (C) a course of graduate study following
22 award of a baccalaureate degree;

23 including the cost of tuition, fees, books, supplies,
24 and related expenses;

1 (3) the term “institution of higher education”
2 has the same meaning given such term in section
3 1201(a) of the Higher Education Act of 1965;

4 (4) the term “law enforcement position” means
5 employment as an officer in a State or local police
6 force, or correctional institution; and

7 (5) the term “State” means a State of the
8 United States, the District of Columbia, the Com-
9 monwealth of Puerto Rico, the Virgin Islands of the
10 United States, American Samoa, Guam, and the
11 Commonwealth of the Northern Mariana Islands.

12 **SEC. 162. ALLOTMENT.**

13 From amounts appropriated pursuant to the author-
14 ity of section 169, the Director shall allot—

15 (1) 80 percent of such funds to States on the
16 basis of the number of law enforcement officers in
17 each State compared to the number of law enforce-
18 ment officers in all States; and

19 (2) 20 percent of such funds to States on the
20 basis of the shortage of law enforcement personnel
21 and the need for assistance under this chapter in the
22 State compared to the shortage of law enforcement
23 personnel and the need for assistance under this
24 chapter in all States.

1 **SEC. 163. PROGRAM ESTABLISHED.**

2 (a) USE OF ALLOTMENT.—

3 (1) IN GENERAL.—Each State receiving an al-
4 lotment pursuant to section 162 shall use such allot-
5 ment to pay the Federal share of the costs of—

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

9 (B) providing—

10 (i) full-time employment in summer;

11 or

12 (ii) part-time (not to exceed 20 hours
13 per week) employment during a period not
14 to exceed one year.

15 (2) EMPLOYMENT.—The employment described
16 in subparagraph (B) of paragraph (1) shall be pro-
17 vided by State and local law enforcement agencies
18 for students who are juniors or seniors in high
19 school or are enrolled in an accredited institution of
20 higher education and who demonstrate an interest in
21 undertaking a career in law enforcement. Such em-
22 ployment shall not be in a law enforcement position.
23 Such employment shall consist of performing mean-
24 ingful tasks that inform such students of the nature
25 of the tasks performed by law enforcement agencies.

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

3 (1) PAYMENTS.—The Secretary shall pay to
4 each State receiving an allotment under section 162
5 the Federal share of the cost of the activities de-
6 scribed in the application submitted pursuant to sec-
7 tion 166.

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

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

15 (c) LEAD AGENCY.—Each State receiving an allot-
16 ment under section 162 shall designate an appropriate
17 State agency to serve as the lead agency to conduct a
18 scholarship program, a student employment program, or
19 both in the State in accordance with this chapter.

20 (d) RESPONSIBILITIES OF DIRECTOR.—The Director
21 shall be responsible for the administration of the programs
22 conducted pursuant to this chapter and shall, in consulta-
23 tion with the Assistant Secretary for Postsecondary Edu-
24 cation, issue rules to implement this chapter.

1 (e) ADMINISTRATIVE EXPENSES.—Each State receiv-
2 ing an allotment under section 162 may reserve not more
3 than 8 percent of such allotment for administrative ex-
4 penses.

5 (f) SPECIAL RULE.—Each State receiving an allot-
6 ment under section 162 shall ensure that each scholarship
7 recipient under this chapter be compensated at the same
8 rate of pay and benefits and enjoy the same rights under
9 applicable agreements with labor organizations and under
10 State and local law as other law enforcement personnel
11 of the same rank and tenure in the office of which the
12 scholarship recipient is a member.

13 (g) SUPPLEMENTATION OF FUNDING.—Funds re-
14 ceived under this chapter shall only be used to supplement,
15 and not to supplant, Federal, State, or local efforts for
16 recruitment and education of law enforcement personnel.

17 **SEC. 164. SCHOLARSHIPS.**

18 (a) PERIOD OF AWARD.—Scholarships awarded
19 under this chapter shall be for a period of one academic
20 year.

21 (b) USE OF SCHOLARSHIPS.—Each individual award-
22 ed a scholarship under this chapter may use such scholar-
23 ship for educational expenses at any accredited institution
24 of higher education.

1 **SEC. 165. ELIGIBILITY.**

2 (a) SCHOLARSHIPS.—An individual shall be eligible
3 to receive a scholarship under this chapter if such individ-
4 ual has been employed in law enforcement for the 2-year
5 period immediately preceding the date on which assistance
6 is sought.

7 (b) INELIGIBILITY FOR STUDENT EMPLOYMENT.—
8 An individual who has been employed as a law enforce-
9 ment officer is ineligible to participate in a student em-
10 ployment program carried out under this chapter.

11 **SEC. 166. STATE APPLICATION.**

12 Each State desiring an allotment under section 162
13 shall submit an application to the Director at such time,
14 in such manner, and accompanied by such information as
15 the Director may reasonably require. Each such applica-
16 tion shall—

17 (1) describe the scholarship program and the
18 student employment program for which assistance
19 under this chapter is sought;

20 (2) contain assurances that the lead agency will
21 work in cooperation with the local law enforcement
22 liaisons, representatives of police labor organizations
23 and police management organizations, and other ap-
24 propriate State and local agencies to develop and im-
25 plement interagency agreements designed to carry
26 out this chapter;

1 (3) contain assurances that the State will ad-
2 vertise the scholarship assistance and student em-
3 ployment it will provide under this chapter and that
4 the State will use such programs to enhance recruit-
5 ment efforts;

6 (4) contain assurances that the State will
7 screen and select law enforcement personnel for par-
8 ticipation in the scholarship program under this
9 chapter;

10 (5) contain assurances that under such student
11 employment program the State will screen and se-
12 lect, for participation in such program, students who
13 have an interest in undertaking a career in law en-
14 forcement;

15 (6) contain assurances that under such scholar-
16 ship program the State will make scholarship pay-
17 ments to institutions of higher education on behalf
18 of individuals receiving scholarships under this chap-
19 ter;

20 (7) with respect to such student employment
21 program, identify—

22 (A) the employment tasks students will be
23 assigned to perform;

24 (B) the compensation students will be paid
25 to perform such tasks; and

1 (C) the training students will receive as
2 part of their participation in such program;

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

6 (9) contain assurances that the State will pro-
7 mote cooperative agreements with educational and
8 law enforcement agencies to enhance law enforce-
9 ment personnel recruitment efforts in institutions of
10 higher education.

11 **SEC. 167. LOCAL APPLICATION.**

12 (a) IN GENERAL.—Each individual who desires a
13 scholarship or employment under this chapter shall submit
14 an application to the State at such time, in such manner,
15 and accompanied by such information as the State may
16 reasonably require. Each such application shall describe
17 the academic courses for which a scholarship is sought,
18 or the location and duration of employment sought, as ap-
19 propriate.

20 (b) PRIORITY.—In awarding scholarships and provid-
21 ing student employment under this chapter, each State
22 shall give priority to applications from individuals who
23 are—

24 (1) members of racial, ethnic, or gender groups
25 whose representation in the law enforcement agen-

1 cies within the State is substantially less than in the
2 population eligible for employment in law enforce-
3 ment in the State;

4 (2) pursuing an undergraduate degree; and

5 (3) not receiving financial assistance under the
6 Higher Education Act of 1965.

7 **SEC. 168. SCHOLARSHIP AGREEMENT.**

8 (a) IN GENERAL.—Each individual who receives a
9 scholarship under this chapter shall enter into an agree-
10 ment with the Director.

11 (b) CONTENTS.—Each agreement described in sub-
12 section (a) shall—

13 (1) provide assurances that the individual will
14 work in a law enforcement position in the State
15 which awarded such individual the scholarship in ac-
16 cordance with the service obligation described in
17 subsection (c) after completion of such individual's
18 academic courses leading to an associate, bachelor,
19 or graduate degree;

20 (2) provide assurances that the individual will
21 repay the entire scholarship awarded under this
22 chapter in accordance with such terms and condi-
23 tions as the Director shall prescribe, in the event
24 that the requirements of such agreement are not
25 complied with unless the individual—

1 (A) dies;

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

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

7 (3) set forth the terms and conditions under
8 which an individual receiving a scholarship under
9 this chapter may seek employment in the field of law
10 enforcement in a State other than the State which
11 awarded such individual the scholarship under this
12 chapter.

13 (c) SERVICE OBLIGATION.—

14 (1) IN GENERAL.— Except as provided in para-
15 graph (2), each individual awarded a scholarship
16 under this chapter shall work in a law enforcement
17 position in the State which awarded such individual
18 the scholarship for a period of one month for each
19 credit hour for which funds are received under such
20 scholarship.

21 (2) SPECIAL RULE.—For purposes of satisfying
22 the requirement specified in paragraph (1), each in-
23 dividual awarded a scholarship under this chapter
24 shall work in a law enforcement position in the State

1 which awarded such individual the scholarship for
2 not less than 6 months nor more than 2 years.

3 **SEC. 169. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) GENERAL AUTHORIZATION OF APPROPRIA-
5 TIONS.—There are authorized to be appropriated
6 \$30,000,000 for each of the fiscal years 1995, 1996, 1997,
7 1998, and 1999 to carry out this chapter.

8 (b) USES OF FUNDS.—Of the funds appropriated
9 under subsection (a) for any fiscal year—

10 (1) 75 percent shall be available to provide
11 scholarships described in section 163(a)(1)(A); and

12 (2) 25 percent shall be available to provide em-
13 ployment described in sections 163(a)(1)(B) and
14 163(a)(2).

15 **CHAPTER 3—REPORTS**

16 **SEC. 171. REPORTS TO CONGRESS.**

17 (a) ANNUAL REPORTS.—No later than April 1 of
18 each fiscal year, the Director shall submit a report to the
19 Attorney General, the President, the Speaker of the House
20 of Representatives, and the President of the Senate. Such
21 report shall—

22 (1) state the number of current and past par-
23 ticipants in the Police Corps program authorized by
24 chapter 1, broken down according to the levels of
25 educational study in which they are engaged and

1 years of service they have served on police forces (in-
2 cluding service following completion of the 4-year
3 service obligation);

4 (2) describe the geographic, racial, and gender
5 dispersion of participants in the Police Corps pro-
6 gram;

7 (3) state the number of present and past schol-
8 arship recipients under chapter 2, categorized ac-
9 cording to the levels of educational study in which
10 such recipients are engaged and the years of service
11 such recipients have served in law enforcement;

12 (4) describe the geographic, racial, and gender
13 dispersion of scholarship recipients under chapter 2;
14 and

15 (5) describe the progress of the programs au-
16 thorized by this title and make recommendations for
17 changes in the programs.

18 (b) SPECIAL REPORT.—Not later than 6 months
19 after the date of enactment of this Act, the Attorney Gen-
20 eral shall submit a report to Congress containing a plan
21 to expand the assistance to Federal law enforcement offi-
22 cers. Such plan shall contain information of the number
23 and type of Federal law enforcement officers eligible for
24 such assistance.

1 **TITLE II—CRIME VICTIMS**
2 **Subtitle A—Crime Victims**

3 **SEC. 201. AVAILABILITY OF FUNDS.**

4 Section 1402 of the Victims of Crime Act of 1984
5 is amended so that subsection (c) reads as follows:

6 “(c) AVAILABILITY OF FUNDS FOR EXPENDITURE;
7 GRANT PROGRAM PERCENTAGES.—

8 “(1) Sums deposited in the Fund shall remain
9 in the Fund and be available for expenditure under
10 this subsection for grants under this chapter without
11 fiscal year limitation.

12 “(2) The Fund shall be available as follows:

13 “(A) The first \$6,200,000 deposited in the
14 Fund in each of the fiscal years 1992 through
15 1995 and the first \$3,000,000 in each fiscal
16 year thereafter shall be available to the judicial
17 branch for administrative costs to carry out the
18 functions of the judicial branch under sections
19 3611 and 3612 of title 18, United States Code.

20 “(B) Of the first \$100,000,000 deposited
21 in the Fund in a particular fiscal year—

22 “(i) 49.5 percent shall be available for
23 grants under section 10602 of this title;

24 “(ii) 45 percent shall be available for
25 grants under section 10603(a) of this title;

1 “(iii) 1 percent shall be available for
2 grants under section 10603(c) of this title;
3 and

4 “(iv) 4.5 percent shall be available for
5 grants as provided in section 10603a of
6 this title.

7 “(C) The next \$5,500,000 deposited in the
8 Fund in a particular fiscal year shall be avail-
9 able for grants as provided in section 10603a of
10 this title.

11 “(D) The next \$4,500,000 deposited in the
12 Fund in a particular fiscal year shall be avail-
13 able for grants under section 10603(a) of this
14 title.

15 “(E) Any deposits in the Fund in a par-
16 ticular fiscal year that remain after the funds
17 are distributed under subparagraphs (A)
18 through (D) shall be available as follows—

19 “(i) 47.5 percent shall be available for
20 grants under section 10602 of this title;

21 “(ii) 47.5 percent shall be available
22 for grants under section 10603(a) of this
23 title; and

1 “(iii) 5 percent shall be available for
2 grants under section 10603(c) of this
3 title.”.

4 **SEC. 202. RELATIONSHIP OF CRIME VICTIM COMPENSA-**
5 **TION TO CERTAIN FEDERAL PROGRAMS.**

6 Section 1403 of the Victims of Crime Act of 1984
7 (42 U.S.C. 10602) is amended by adding at the end the
8 following:

9 “(e) Notwithstanding any other provision of law, if
10 the compensation paid by an eligible crime victim com-
11 pensation program would cover costs that a Federal pro-
12 gram, or a federally financed State or local program,
13 would otherwise pay, then—

14 “(1) such crime victim compensation program
15 shall not pay that compensation; and

16 “(2) the other program shall make its payments
17 without regard to the existence of the crime victim
18 compensation program.”.

19 **SEC. 203. VICTIM’S RIGHT OF ALLOCUTION IN SENTENCING.**

20 Rule 32 of the Federal Rules of Criminal Procedure
21 is amended by—

22 (1) striking “and” following the semicolon in
23 subsection (a)(1)(B);

24 (2) striking the period at the end of subsection
25 (a)(1)(C) and inserting in lieu thereof “; and”;

1 (3) inserting after subsection (a)(1)(C) the fol-
2 lowing:

3 “(D) if sentence is to be imposed for a
4 crime of violence or sexual abuse, address the
5 victim personally if the victim is present at the
6 sentencing hearing and determine if the victim
7 wishes to make a statement and to present any
8 information in relation to the sentence.”;

9 (4) in the second to last sentence of subsection
10 (a)(1), striking “equivalent opportunity” and insert-
11 ing in lieu thereof “opportunity equivalent to that of
12 the defendant’s counsel”;

13 (5) in the last sentence of subsection (a)(1) in-
14 serting “the victim,” before “or the attorney for the
15 Government.”; and

16 (6) adding at the end the following:

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

18 “(1) ‘victim’ means any individual against
19 whom an offense for which a sentence is to be im-
20 posed has been committed, but the right of allocu-
21 tion under subsection (a)(1)(D) may be exercised in-
22 stead by—

23 “(A) a parent or legal guardian in case the
24 victim is below the age of 18 years or incom-
25 petent; or

1 “(B) one or more family members or rel-
2 atives designated by the court in case the victim
3 is deceased or incapacitated;

4 if such person or persons are present at the sentenc-
5 ing hearing, regardless of whether the victim is
6 present; and

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

12 **Subtitle B—Confidentiality for** 13 **Abused Persons**

14 **SEC. 211. CONFIDENTIALITY FOR ABUSED PERSONS.**

15 No later than 90 days after the enactment of this
16 Act, the Postmaster General shall promulgate regulations
17 to secure the confidentiality of abused persons’ addresses
18 or otherwise prohibit the disclosure of an abused person’s
19 address consistent with the following:

20 (1) Confidentiality shall be provided upon the
21 presentation to an appropriate postal official of an
22 existing and valid court order for the protection of
23 an abused spouse, or upon an affidavit containing a
24 statement that an address or organization is a do-
25 mestic violence shelter or service provider and a let-

1 ter from the State coalition for domestic violence in
2 that State confirming such statement.

3 (2) Disclosure of addresses to State or Federal
4 agencies for legitimate law enforcement or other gov-
5 ernmental purposes shall not be prohibited.

6 (3) Compilations of addresses existing at the
7 time the order is presented to an appropriate postal
8 official shall be excluded from the scope of the pro-
9 posed regulations.

10 **Subtitle C—Full Faith and Credit**

11 **SEC. 221. FULL FAITH AND CREDIT GIVEN TO PROTECTION**

12 **ORDERS.**

13 (a) FULL FAITH AND CREDIT.—Any protection order
14 issued consistent with the terms of subsection (b) by the
15 court of one State (the issuing State) shall be accorded
16 full faith and credit by the court of another State (the
17 enforcing State) and enforced as if it were the order of
18 the enforcing State.

19 (b) PROTECTION ORDER.—A protection order issued
20 by a State court is consistent with the provisions of this
21 section if—

22 (1) such court has jurisdiction over the parties
23 and matter under the law of such State; and

24 (2) reasonable notice and opportunity to be
25 heard is given to the person against whom the order

1 is sought sufficient to protect that person’s right to
2 due process. In the case of ex parte orders, notice
3 and opportunity to be heard must be provided within
4 the time required by State law, and in any event
5 within a reasonable time after the order is issued,
6 sufficient to protect the respondent’s due process
7 rights.

8 (c) CROSS OR COUNTER PETITION.—A protection
9 order issued by a State court against one who has peti-
10 tioned, filed a complaint, or otherwise filed a written
11 pleading for protection against abuse by a spouse or inti-
12 mate partner is not entitled to full faith and credit if—

13 (1) no cross or counter petition, complaint, or
14 other written pleading was filed seeking such a pro-
15 tection order; or

16 (2) a cross or counter petition has been filed
17 and the court did not make specific findings that
18 each party was entitled to such an order.

19 (d) DEFINITIONS.—As used in this subtitle—

20 (1) the term “spouse or intimate partner” in-
21 cludes—

22 (A) a spouse, a former spouse, a person
23 who shares a child in common with the abuser,
24 a person who cohabits or has cohabited with the

1 abuser as a spouse, and any other person simi-
2 larly submitted to a spouse; and

3 (B) any other person, other than a minor
4 child, who is protected by the domestic or fam-
5 ily violence laws of the State in which the injury
6 occurred or where the victim resides;

7 (2) the term “protection order” includes any in-
8 junction or other order issued for the purpose of
9 preventing violent or threatening acts by one spouse
10 against his or her spouse, former spouse, or intimate
11 partner, including temporary and final orders issued
12 by civil and criminal courts (other than support or
13 child custody orders) whether obtained by filing an
14 independent action or as a pendente lite order in an-
15 other proceeding so long as any civil order was is-
16 sued in response to a complaint, petition or motion
17 filed by or on behalf of an abused spouse or intimate
18 partner;

19 (3) the term “State” includes a State of the
20 United States, the District of Columbia, and any In-
21 dian tribe, commonwealth, territory, or possession of
22 the United States; and

23 (4) the term “travel across State lines” does
24 not include travel across State lines by an individual
25 who is a member of an Indian tribe when such indi-

1 vidual remains at all times in the territory of the In-
2 dian tribe of which the individual is a member.

3 **TITLE III—CRIME PREVENTION**

4 **Subtitle A—Safe Schools**

5 **SEC. 301. SAFE SCHOOLS.**

6 (a) IN GENERAL.—Title I of the Omnibus Crime
7 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
8 et seq.) is amended—

9 (1) by redesignating part T as part U;

10 (2) by redesignating section 2001 as section
11 2101; and

12 (3) by inserting after part S the following:

13 **“PART T—SAFE SCHOOLS ASSISTANCE**

14 **“SEC. 2001. GRANT AUTHORIZATION.**

15 “(a) IN GENERAL.—The Director of the Bureau of
16 Justice Assistance, in consultation with the Secretary of
17 Education, may make grants to local educational agencies
18 for the purpose of providing assistance to such agencies
19 most directly affected by crime and violence.

20 “(b) MODEL PROJECT.—The Director, in consulta-
21 tion with the Secretary of Education, shall develop a writ-
22 ten safe schools model in English and in Spanish in a
23 timely fashion and make such model available to any local
24 educational agency that requests such information.

1 **“SEC. 2002. USE OF FUNDS.**

2 “Grants made by the Director under this part shall
3 be used—

4 “(1) to fund anticrime and safety measures and
5 to develop education and training programs for the
6 prevention of crime, violence, and illegal drugs and
7 alcohol;

8 “(2) for counseling programs for victims of
9 crime within schools;

10 “(3) for crime prevention equipment, including
11 metal detectors and video-surveillance devices; and

12 “(4) for the prevention and reduction of the
13 participation of young individuals in organized crime
14 and drug and gang-related activities in schools.

15 **“SEC. 2003. APPLICATIONS.**

16 “(a) IN GENERAL.—In order to be eligible to receive
17 a grant under this part for any fiscal year, a local edu-
18 cational agency shall submit an application to the Director
19 in such form and containing such information as the Di-
20 rector may reasonably require.

21 “(b) REQUIREMENTS.—Each application under sub-
22 section (a) shall include—

23 “(1) a request for funds for the purposes de-
24 scribed in section 2002;

25 “(2) a description of the schools and commu-
26 nities to be served by the grant, including the nature

1 of the crime and violence problems within such
2 schools;

3 “(3) assurances that Federal funds received
4 under this part shall be used to supplement, not
5 supplant, non-Federal funds that would otherwise be
6 available for activities funded under this part; and

7 “(4) statistical information in such form and
8 containing such information that the Director may
9 require regarding crime within schools served by
10 such local educational agency.

11 “(c) COMPREHENSIVE PLAN.—Each application shall
12 include a comprehensive plan that shall contain—

13 “(1) a description of the crime problems within
14 the schools targeted for assistance;

15 “(2) a description of the projects to be devel-
16 oped;

17 “(3) a description of the resources available in
18 the community to implement the plan together with
19 a description of the gaps in the plan that cannot be
20 filed with existing resources;

21 “(4) an explanation of how the requested grant
22 will be used to fill gaps;

23 “(5) a description of the system the applicant
24 will establish to prevent and reduce crime problems;
25 and

1 “(6) a description of educational materials to be
2 developed in Spanish.

3 **“SEC. 2004. ALLOCATION OF FUNDS; LIMITATIONS ON**
4 **GRANTS.**

5 “(a) ADMINISTRATIVE COST LIMITATION.—The Di-
6 rector shall use not more than 5 percent of the funds avail-
7 able under this part for the purposes of administration
8 and technical assistance.

9 “(b) RENEWAL OF GRANTS.—A grant under this
10 part may be renewed for up to 2 additional years after
11 the first fiscal year during which the recipient receives its
12 initial grant under this part, subject to the availability of
13 funds, if—

14 “(1) the Director determines that the funds
15 made available to the recipient during the previous
16 year were used in a manner required under the ap-
17 proved application; and

18 “(2) the Director determines that an additional
19 grant is necessary to implement the crime prevention
20 program described in the comprehensive plan as re-
21 quired by section 2003(c).

22 **“SEC. 2005. AWARD OF GRANTS.**

23 “(a) SELECTION OF RECIPIENTS.—The Director, in
24 consultation with the Secretary of Education, shall con-

1 sider the following factors in awarding grants to local edu-
2 cational agencies:

3 “(1) CRIME PROBLEM.—The nature and scope
4 of the crime problem in the targeted schools.

5 “(2) NEED AND ABILITY.—Demonstrated need
6 and evidence of the ability to provide the services de-
7 scribed in the plan required under section 2003(c).

8 “(3) POPULATION.—The number of students to
9 be served by the plan required under section
10 2003(c).

11 “(b) GEOGRAPHIC DISTRIBUTION.—The Director
12 shall attempt, to the extent practicable, to achieve an equi-
13 table geographic distribution of grant awards.

14 **“SEC. 2006. REPORTS.**

15 “(a) REPORT TO DIRECTOR.—Local educational
16 agencies that receive funds under this part shall submit
17 to the Director a report not later than March 1 of each
18 year that describes progress achieved in carrying out the
19 plan required under section 2003(c).

20 “(b) REPORT TO CONGRESS.—The Director shall
21 submit to the Committee on Education and Labor and the
22 Committee on the Judiciary a report by October 1 of each
23 year in which grants are made available under this part
24 which shall contain a detailed statement regarding grant
25 awards, activities of grant recipients, a compilation of sta-

1 tistical information submitted by applicants under
2 2003(b)(4), and an evaluation of programs established
3 under this part.

4 **“SEC. 2007. DEFINITIONS.**

5 “For the purpose of this part—

6 “(1) the term ‘Director’ means the Director of
7 the Bureau of Justice Assistance; and

8 “(2) the term ‘local educational agency’ means
9 a public board of education or other public authority
10 legally constituted within a State for either adminis-
11 trative control or direction of, or to perform a serv-
12 ice function for, public elementary and secondary
13 schools in a city, county, township, school district, or
14 other political subdivision of a State, or such com-
15 bination of school districts of counties as are recog-
16 nized in a State as an administrative agency for its
17 public elementary and secondary schools. Such term
18 includes any other public institution or agency hav-
19 ing administrative control and direction of a public
20 elementary or secondary school.”.

21 (b) CONFORMING AMENDMENT.—The table of con-
22 tents of title I of the Omnibus Crime Control and Safe
23 Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended
24 by striking the matter relating to part S and inserting the
25 following:

“PART T—SAFE SCHOOLS ASSISTANCE

“Sec. 2001. Grant authorization.
 “Sec. 2002. Use of funds.
 “Sec. 2003. Applications.
 “Sec. 2004. Allocation of funds; limitations on grants.
 “Sec. 2005. Award of grants.
 “Sec. 2006. Reports.
 “Sec. 2007. Definitions.

“PART U—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 2101. Continuation of rules, authorities, and proceedings.”.

1 **SEC. 302. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 1001(a) of the Omnibus Crime Control and
 3 Safe Streets Act of 1968 (42 U.S.C. 3793), is amended
 4 by adding after paragraph (13) the following:

5 “(14) There are authorized to be appropriated
 6 \$100,000,000 for each of the fiscal years 1993, 1994, and
 7 1995 to carry out the projects under part T.”.

8 **Subtitle B—Midnight Sports**

9 **SEC. 311. GRANTS FOR MIDNIGHT SPORTS LEAGUE**
 10 **ANTICRIME PROGRAMS.**

11 (a) AUTHORITY.—The Attorney General of the
 12 United States, in consultation with the Secretary of Hous-
 13 ing and Urban Development, shall make grants, to the ex-
 14 tent that amounts are approved in appropriations Acts
 15 under subsection (m) to—

16 (1) eligible entities to assist such entities in car-
 17 rying out midnight sports league programs meeting
 18 the requirements of subsection (d); and

1 (2) eligible advisory entities to provide technical
2 assistance to eligible entities in establishing and op-
3 erating such midnight sports league programs.

4 (b) ELIGIBLE ENTITIES.—

5 (1) IN GENERAL.—Subject to paragraph (2),
6 grants under subsection (a)(1) may be made only to
7 the following eligible entities:

8 (A) Entities eligible under section 520(b)
9 of the Cranston-Gonzalez National Affordable
10 Housing Act (42 U.S.C. 11903a(b)) for a grant
11 under section 520(a) of such Act.

12 (B) Nonprofit organizations providing
13 crime prevention, employment counseling, job
14 training, or other educational services.

15 (C) Nonprofit organizations providing fed-
16 erally-assisted low-income housing.

17 (2) PROHIBITION ON SECOND GRANTS.—A
18 grant under subsection (a)(1) may not be made to
19 an eligible entity if the entity previously received a
20 grant under such subsection, except that the Attor-
21 ney General may exempt an eligible advisory entity
22 from the prohibition under this paragraph in ex-
23 traordinary circumstances.

1 (c) USE OF GRANT AMOUNTS.—Any eligible entity
2 that receives a grant under subsection (a)(1) may use the
3 grant only—

4 (1) to establish or carry out a midnight sports
5 league program under subsection (d);

6 (2) for salaries for administrators and staff of
7 the program;

8 (3) for other administrative costs of the pro-
9 gram, except that not more than 5 percent of the
10 grant may be used for such administrative costs;
11 and

12 (4) for costs of training and assistance provided
13 under subsection (d)(9).

14 (d) PROGRAM REQUIREMENTS.—Each eligible entity
15 receiving a grant under subsection (a)(1) shall establish
16 a midnight sports league program as follows:

17 (1) The program shall establish a sports league
18 of not less than 8 teams having 10 players each.

19 (2) Not less than 50 percent of the players in
20 the sports league shall be residents of federally as-
21 sisted low-income housing.

22 (3) The program shall be designed to serve pri-
23 marily youths and young adults from a neighborhood
24 or community whose population has not less than 2

1 of the following characteristics (in comparison with
2 national averages):

3 (A) A substantial problem regarding use or
4 sale of illegal drugs.

5 (B) A high incidence of crimes committed
6 by youths or young adults.

7 (C) A high incidence of persons infected
8 with the human immunodeficiency virus or sex-
9 ually transmitted diseases.

10 (D) A high incidence of pregnancy, or a
11 high birth rate, among adolescents.

12 (E) A high unemployment rate for youths
13 and young adults.

14 (F) A high rate of high school drop-outs.

15 (4) The program shall require each player in
16 the league to attend employment counseling, job
17 training, and other educational classes provided
18 under the program, which shall be held immediately
19 following the conclusion of league sports games at or
20 near the site of the games.

21 (5) The program shall serve only youths and
22 young adults who demonstrate a need for such coun-
23 seling, training, and education provided by the pro-
24 gram, in accordance with criteria for demonstrating
25 need, which shall be established by the Attorney

1 General in consultation with the Secretary of Hous-
2 ing and Urban Development and the Secretary of
3 Labor, and with the Advisory Committee.

4 (6) Sports games of the league shall be held be-
5 tween the hours of 10:00 p.m. and 2:00 a.m. at a
6 location in the neighborhood or community served by
7 the program.

8 (7) The program shall obtain sponsors for each
9 team in the sports league. Sponsors shall be private
10 individuals or businesses in the neighborhood or
11 community served by the program who make finan-
12 cial contributions to the program and participate in
13 or supplement the employment, job training, and
14 educational services provided to the players under
15 the program with additional training or educational
16 opportunities.

17 (8) The program shall comply with any criteria
18 established by the Attorney General in consultation
19 with the Secretary of Housing and Urban Develop-
20 ment and with the Advisory Committee.

21 (9) Administrators or organizers of the pro-
22 gram shall receive training and technical assistance
23 provided by eligible advisory entities receiving grants
24 under subsection (h).

25 (e) GRANT AMOUNT LIMITATIONS.—

1 (1) PRIVATE CONTRIBUTIONS.—The Attorney
2 General, in consultation with the Secretary of Hous-
3 ing and Urban Development, may not make a grant
4 under subsection (a)(1) to an eligible entity that ap-
5 plies for a grant under subsection (f) unless the ap-
6 plicant entity certifies to the Attorney General and
7 the Secretary that the entity will supplement the
8 grant amounts with amounts of funds from non-
9 Federal sources, as follows:

10 (A) In each of the first 2 years that
11 amounts from the grant are disbursed (under
12 paragraph (5)), an amount sufficient to provide
13 not less than 35 percent of the cost of carrying
14 out the midnight sports league program.

15 (B) In each of the last 3 years that
16 amounts from the grant are disbursed, an
17 amount sufficient to provide not less than 50
18 percent of the cost of carrying out the midnight
19 sports league program.

20 (2) NON-FEDERAL FUNDS.—For purposes of
21 this subsection, the term “funds from non-Federal
22 sources” includes amounts from nonprofit organiza-
23 tions, public housing agencies, States, units of gen-
24 eral local government, and Indian housing authori-
25 ties, private contributions, any salary paid to staff

1 (other than from grant amounts under subsection
2 (a)(1)) to carry out the program of the eligible en-
3 tity, in-kind contributions to carry out the program
4 (as determined by the Attorney General, in consulta-
5 tion with the Secretary of Housing and Urban De-
6 velopment and with the Advisory Committee), the
7 value of any donated material, equipment, or build-
8 ing, the value of any lease on a building, the value
9 of any utilities provided, and the value of any time
10 and services contributed by volunteers to carry out
11 the program of the eligible entity.

12 (3) PROHIBITION ON SUBSTITUTION OF
13 FUNDS.—Grants made under subsection (a)(1), and
14 amounts provided by States and units of general
15 local government to supplement the grants, may not
16 be used to replace other public funds previously
17 used, or designated for use, under this section.

18 (4) MAXIMUM AND MINIMUM GRANT
19 AMOUNTS.—The Attorney General, in consultation
20 with the Secretary of Housing and Urban Develop-
21 ment, may not make a grant under subsection (a)(1)
22 to any single eligible entity in an amount less than
23 \$50,000 or exceeding \$125,000.

24 (5) DISBURSEMENT.— Each grant made under
25 subsection (a)(1) shall be disbursed to the eligible

1 entity receiving the grant over the 5-year period be-
2 ginning on the date that the entity is selected to re-
3 ceive the grant, as follows:

4 (A) In each of the first 2 years of such 5-
5 year period, 23 percent of the total grant
6 amount shall be disbursed to the entity.

7 (B) In each of the last 3 years of such 5-
8 year period, 18 percent of the total grant
9 amount shall be disbursed to the entity.

10 (f) APPLICATIONS.—To be eligible to receive a grant
11 under subsection (a)(1), an eligible entity shall submit to
12 the Attorney General an application in the form and man-
13 ner required by the Attorney General (after consultation
14 with the Secretary of Housing and Urban Development
15 and with the Advisory Committee), which shall include—

16 (1) a description of the midnight sports league
17 program to be carried out by the entity, including a
18 description of the employment counseling, job train-
19 ing, and other educational services to be provided;

20 (2) letters of agreement from service providers
21 to provide training and counseling services required
22 under subsection (d) and a description of such serv-
23 ice providers;

24 (3) letters of agreement providing for facilities
25 for sports games and counseling, training, and edu-

1 cational services required under subsection (d) and
2 a description of the facilities;

3 (4) a list of persons and businesses from the
4 community served by the program who have ex-
5 pressed interest in sponsoring, or have made com-
6 mitments to sponsor, a team in the midnight sports
7 league; and

8 (5) evidence that the neighborhood or commu-
9 nity served by the program meets the requirements
10 of subsection (d)(3).

11 (g) SELECTION.—The Attorney General, in consulta-
12 tion with the Secretary of Housing and Urban Develop-
13 ment and with the Advisory Committee, shall select eligi-
14 ble entities that submit applications under subsection (f)
15 to receive grants under subsection (a)(1). The Attorney
16 General, in consultation with the Secretary of Housing
17 and Urban Development and with the Advisory Commit-
18 tee, shall establish criteria for selection of applicants to
19 receive such grants. The criteria shall include a preference
20 for selection of eligible entities carrying out midnight
21 sports league programs in suburban and rural areas.

22 (h) TECHNICAL ASSISTANCE GRANTS.—Technical as-
23 sistance under subsection (a)(2) shall be made as follows:

1 (1) ELIGIBLE ADVISORY ENTITIES.—Technical
2 assistance grants may be made only to entities
3 that—

4 (A) are experienced and have expertise in
5 establishing, operating, or administering suc-
6 cessful and effective programs for—

7 (i) midnight sports; and

8 (ii) employment, job training, and
9 educational services;

10 similar to the programs under subsection (d);
11 and

12 (B) have provided technical assistance to
13 other entities regarding establishment and oper-
14 ation of such programs.

15 (2) Use.—Amounts received under technical as-
16 sistance grants shall be used to establish centers for
17 providing technical assistance to entities receiving
18 grants under subsection (a)(1) of this section and
19 section 520(a) of the Cranston-Gonzalez National
20 Affordable Housing Act (42 U.S.C. 11903a(a)) re-
21 garding establishment, operation, and administration
22 of effective and successful midnight sports league
23 programs under this subsection.

24 (3) NUMBER AND AMOUNT.—To the extent that
25 amounts are provided in appropriations Acts pursu-

1 ant to subsection (m)(2) in each year, the Attorney
2 General, in consultation with the Secretary of Hous-
3 ing and Urban Development, shall make technical
4 assistance grants under subsection (a)(2). In each
5 fiscal year that such amounts are available the At-
6 torney General, in consultation with the Secretary of
7 Housing and Urban Development, shall make 2 such
8 grants, as follows:

9 (A) One grant shall be made to an eligible
10 advisory entity for development of midnight
11 sports league programs in public housing
12 projects.

13 (B) One grant shall be made to an eligible
14 advisory entity for development of midnight
15 sports league programs in suburban or rural
16 areas.

17 Each grant shall be in an amount not exceeding
18 \$50,000.

19 (i) ADVISORY COMMITTEE.—The Attorney General,
20 in consultation with the Secretary of Housing and Urban
21 Development, shall appoint an Advisory Committee to as-
22 sist in providing grants under this subsection. The Advi-
23 sory Committee shall be composed of not more than 7
24 members, as follows:

1 (1) Not fewer than 2 individuals who are in-
2 volved in managing or administering midnight sports
3 programs that the Attorney General determines have
4 been successful and effective. Such individuals may
5 not be involved in a program assisted under this
6 subsection or a member or employee of an eligible
7 advisory entity that receives a technical assistance
8 grant under subsection (a)(2).

9 (2) A representative of the Office for Substance
10 Abuse Prevention of the Public Health Service, De-
11 partment of Health and Human Services, who is in-
12 volved in administering the grant program for pre-
13 vention, treatment, and rehabilitation model projects
14 for high risk youth under section 517 of the Public
15 Health Service Act (42 U.S.C. 290bb-23), who shall
16 be selected by the Secretary of Health and Human
17 Services.

18 (3) A representative of the Department of Edu-
19 cation, who shall be selected by the Secretary of
20 Education.

21 (4) A representative of the Department of
22 Health and Human Services, who shall be selected
23 by the Secretary of Health and Human Services
24 from among officers and employees of the Depart-
25 ment involved in issues relating to high-risk youth.

1 (5) A representative of the Department of
2 Labor, who shall be selected by the Secretary of
3 Labor.

4 (j) REPORTS.—The Attorney General, in consultation
5 with the Secretary of Housing and Urban Development,
6 shall require each eligible entity receiving a grant under
7 subsection (a)(1) and each eligible advisory entity receiv-
8 ing a grant under subsection (a)(2) to submit for each
9 year in which grant amounts are received by the entity,
10 a report describing the activities carried out with such
11 amounts.

12 (k) STUDY.—To the extent amounts are provided
13 under appropriation Acts pursuant to subsection (m)(3),
14 the Attorney General, in consultation with the Secretary
15 of Housing and Urban Development, shall make a grant
16 to one entity qualified to carry out a study under this sub-
17 section. The entity shall use such grant to carry out a
18 scientific study of the effectiveness of midnight sports
19 league programs under subsection (d) of eligible entities
20 receiving grants under subsection (a)(1). The Attorney
21 General, in consultation with the Secretary of Housing
22 and Urban Development, shall require such entity to sub-
23 mit a report describing the study and any conclusions and
24 recommendations resulting from the study to the Congress
25 and the Attorney General and the Secretary not later than

1 the expiration of the 2-year period beginning on the date
2 that the grant under this subsection is made.

3 (l) DEFINITIONS.—For purposes of this section—

4 (1) the term “Advisory Committee” means the
5 Advisory Committee established under subsection (i);

6 (2) the term “eligible advisory entity” means an
7 entity meeting the requirements under subsection
8 (h)(1);

9 (3) the term “eligible entity” means an entity
10 described under subsection (b)(1); and

11 (4) the term “federally assisted low-income
12 housing” has the meaning given the term in section
13 5126 of the Public and Assisted Housing Drug
14 Elimination Act of 1990.

15 (m) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated—

17 (1) for grants under subsection (a)(1),
18 \$2,500,000 in each of fiscal years 1995 and 1996;

19 (2) for technical assistance grants under sub-
20 section (a)(2), \$100,000 in each of fiscal years 1995
21 and 1996; and

22 (3) for a study grant under subsection (k),
23 \$250,000 in fiscal year 1995.

1 **Subtitle C—Rape Prevention**

2 **SEC. 321. EDUCATION AND PREVENTION GRANTS TO RE-**
3 **DUCE SEXUAL ASSAULTS AGAINST WOMEN.**

4 The Director of the Bureau of Justice Assistance (re-
5 ferred to in this subtitle as the “Director”) is authorized
6 to make grants—

7 (1) to provide educational seminars, particularly
8 developed with emphasis on seminars for elementary
9 and secondary school age children, designed to
10 change attitudes regarding rape and develop an
11 awareness of what acts may meet the legal definition
12 of rape;

13 (2) to provide programs for elementary and sec-
14 ondary school age children that teach nonviolent
15 conflict resolution, self defense or other relevant
16 skills;

17 (3) to operate telephone hotlines for callers with
18 questions regarding sexual assault and rape;

19 (4) to design and disseminate training pro-
20 grams for professionals, including the development
21 and dissemination of protocols for the routine identi-
22 fication, treatment, and appropriate referral of vic-
23 tims of sexual assault by hospital emergency person-
24 nel and other professionals;

1 (5) to develop treatment programs for convicted
2 sex offenders and make such programs available in
3 the local community and in Federal and State pris-
4 ons.

5 (6) to prepare and disseminate informational
6 materials designed to educate the community regard-
7 ing sexual assault and prevention; and

8 (7) to develop other projects to increase aware-
9 ness and prevention of sexual assault, including ef-
10 forts to increase awareness of sexual assault preven-
11 tion among racial, ethnic, cultural and language mi-
12 norities.

13 **SEC. 322. APPLICATIONS.**

14 (a) IN GENERAL.—To be eligible to receive a grant
15 under this subtitle, a duly authorized representative of an
16 eligible entity shall submit an application to the Director
17 in such form and containing such information as the Di-
18 rector may reasonably require.

19 (b) ASSURANCES.—Each application must contain an
20 assurance that Federal funds received under this subtitle
21 shall be used to supplement, not supplant, non-Federal
22 funds that would otherwise be available for activities fund-
23 ed under this subtitle.

24 (c) REQUIRED PLAN.—Each application shall include
25 a plan that contains—

1 (1) a description of the projects to be devel-
2 oped;

3 (2) a description of how funds would be spent;

4 (3) a statement of staff qualifications and dem-
5 onstrated expertise in the field of rape prevention
6 and education; and

7 (4) a statement regarding the ability to serve
8 community needs and language minority populations
9 in providing ethnically and culturally appropriate
10 programs where necessary.

11 **SEC. 323. REPORTS.**

12 (a) GRANTEE REPORTING.—Upon completion of the
13 grant period under this part, each grantee shall file a per-
14 formance report with the Director explaining the activities
15 carried out together with an assessment of the effective-
16 ness of such activities in achieving the purposes of this
17 part. The Director shall suspend funding for an approved
18 application if an applicant fails to submit an annual per-
19 formance report.

20 (b) BUREAU REPORTING.—Not later than 180 days
21 after the end of each fiscal year for which grants are made
22 under this part, the Director shall submit to the Congress
23 a report that includes, for each grantee—

24 (1) the amount of grants made under this part;

1 (2) a summary of the purposes for which grants
2 were provided and an evaluation of progress; and

3 (3) a copy of each grantee report filed pursuant
4 to subsection (a).

5 **SEC. 324. RAPE EXAM PAYMENTS.**

6 (a) RESTRICTION OF FUNDS.—No State is entitled
7 to funds under this Act unless the State or other grantee
8 incurs the full cost of forensic medical exams for victims
9 of sexual assault.

10 (b) MEDICAL COSTS.—A State shall be deemed to
11 incur the full medical cost of forensic medical exams for
12 victims of sexual assault if such State—

13 (1) provides such exams to victims free of
14 charge to the victim;

15 (2) arranges for victims to obtain such exams
16 free of charge to the victim; or

17 (3) reimburses victims for the cost of such
18 exams, if—

19 (A) the reimbursement covers the full cost
20 of such exams, without any deductible require-
21 ment or limit on the amount of a reimburse-
22 ment;

23 (B) the State permits victims to apply for
24 reimbursement for at least one year from the
25 date of the exam;

1 (C) the State provides reimbursement not
2 later than 90 days after written notification of
3 the victim's expense; and

4 (D) the State provides information at the
5 time of the exam to all victims, including vic-
6 tims with limited or no English proficiency, re-
7 garding how to obtain reimbursement.

8 **SEC. 325. DEFINITIONS.**

9 For purposes of this subtitle—

10 (1) the term “eligible entity” means a non-prof-
11 it, nongovernmental organization that directly serves
12 or provides advocacy on behalf of victims of rape or
13 sexual assault; and

14 (2) the term “sexual assault prevention and
15 education” means education and prevention efforts
16 directed at reducing the number of sexual assaults.

17 **SEC. 326. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated to carry out
19 the purposes of this subtitle, \$60,000,000 for fiscal year
20 1995, \$75,000,000 for fiscal year 1996, and
21 \$100,000,000 for fiscal year 1997.

1 **TITLE IV—STRATEGIES TO**
2 **COMBAT RECIDIVISM**
3 **Subtitle A—Family Unity**
4 **Demonstration Project**

5 **CHAPTER 1—GENERAL PROVISIONS**

6 **SEC. 401. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) An increasing number of children are be-
9 coming separated from their primary caretaker par-
10 ents due to the incarceration of such parents in pris-
11 ons and jails.

12 (2) This separation of children from their pri-
13 mary caretaker parents can cause irreparable harm
14 to the children’s psychological well-being and hinder
15 their growth and development.

16 (3) A significant number of children are born
17 shortly before or during the incarceration of their
18 mothers and are then quickly separated from their
19 mothers, preventing the parent-child bonding that is
20 crucial to developing in children a sense of security
21 and trust.

22 (4) Maintaining close relationships with their
23 children provides a powerful incentive for prisoners
24 to participate in and successfully benefit from reha-
25 bitative programs.

1 (5) Maintaining strong family ties during im-
2 prisonment has been shown to decrease recidivism,
3 thereby reducing prison costs.

4 (b) PURPOSES.—The purposes of this subtitle are—

5 (1) to create demonstration projects designed to
6 alleviate the harm to children and primary caretaker
7 parents caused by separation due to the incarcer-
8 ation of such parents,

9 (2) to promote development of policies to assign
10 prisoners whenever possible to correctional facilities
11 for which they qualify closest to their family homes,

12 (3) to reduce prison populations,

13 (4) to reduce recidivism rates of prisoners by
14 encouraging strong and supportive family relation-
15 ships, and

16 (5) to reduce the cost of providing correctional
17 services and maintaining traditional correctional fa-
18 cilities by decreasing recidivism and maintaining
19 community correctional facilities at lower cost.

20 **SEC. 402. DEFINITIONS.**

21 For purposes of this subtitle:

22 (1) ATTORNEY GENERAL.—The term “Attorney
23 General” means the Attorney General of the United
24 States.

1 (2) CHILD.—The term “child” means an indi-
2 vidual who is less than 6 years of age.

3 (3) COMMUNITY CORRECTIONAL FACILITY.—
4 The term “community correctional facility” means a
5 residential facility that—

6 (A) is used only for eligible prisoners and
7 their children,

8 (B) is neither physically part of, nor in the
9 vicinity of, a jail or prison,

10 (C) is located in a nonrural area,

11 (D) has a maximum capacity of 25 pris-
12 oners in addition to their children, and

13 (E) provides to residents—

14 (i) a safe, wholesome, stable, caring,
15 and stimulating environment for children,
16 under the supervision of child development
17 professionals,

18 (ii) pediatric and adult medical care
19 consistent with medical standards,

20 (iii) culturally sensitive programs to
21 improve the stability of the parent-child re-
22 lationship, including educating parents re-
23 garding—

24 (I) child development, and

25 (II) household management,

1 (iv) alcoholism and drug addiction
2 treatment for prisoners and age-appro-
3 priate substance abuse education for their
4 children, and

5 (v) programs and support services to
6 help residents—

7 (I) to improve and maintain men-
8 tal and physical health, including ac-
9 cess to counseling and other commu-
10 nity services,

11 (II) to obtain adequate housing
12 upon release from State incarceration,

13 (III) to obtain suitable education,
14 employment, or training for employ-
15 ment, and

16 (IV) to obtain suitable child care.

17 (4) ELIGIBLE PRISONER.—The term “eligible
18 prisoner” means a primary caretaker parent who—

19 (A) is sentenced to a term of imprisonment
20 of not more than 10 years,

21 (B) is incarcerated currently to serve such
22 sentence,

23 (C) is not eligible currently for probation
24 or parole until the expiration of a period ex-
25 ceeding 180 days, and

- 1 (D) has never been convicted of—
- 2 (i) homicide,
- 3 (ii) inflicting, or threatening to inflict,
- 4 serious bodily injury on another individual,
- 5 for which the term of imprisonment ex-
- 6 ceeds 1 year,
- 7 (iii) kidnapping,
- 8 (iv) child neglect or mental, physical,
- 9 or sexual abuse of a child,
- 10 (v) forcible rape, or
- 11 (vi) sodomy or oral copulation, by
- 12 force.

13 (5) INSTITUTE.—The term “Institute” means

14 the National Institute of Corrections.

15 (6) PRIMARY CARETAKER PARENT.—The term

16 “primary caretaker parent” means—

- 17 (A) a parent who—
- 18 (i) has exclusive legal custody of a
- 19 child, and
- 20 (ii) before incarceration, assumed re-
- 21 sponsibility for the housing (including tem-
- 22 porary placement in the home of a respon-
- 23 sible adult), health, and safety of such par-
- 24 ent’s child, or

1 (B) a woman who gives birth to a child
2 during, or in the 1-year period preceding, the
3 term for which such woman is currently incar-
4 cerated.

5 (7) STATE.—The term “State” means any of
6 the several States or the District of Columbia.

7 **SEC. 403. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) AUTHORIZATION.—There is authorized to be ap-
9 propriated \$8,000,000 for each of the fiscal years 1995,
10 1996, 1997, 1998, and 1999 to carry out this subtitle.

11 (b) AVAILABILITY OF APPROPRIATIONS.—Of the
12 amount appropriated under subsection (a) for any fiscal
13 year—

14 (1) 80 percent shall be available to carry out
15 chapter 2, and

16 (2) 20 percent shall be available to carry out
17 chapter 3.

18 **CHAPTER 2—GRANTS TO STATES**

19 **SEC. 411. AUTHORITY TO MAKE GRANTS.**

20 (a) GENERAL AUTHORITY.—The Director of the In-
21 stitute is authorized to make grants, on a competitive
22 basis, to States to carry out in accordance with this chap-
23 ter family unity demonstration projects that enable eligible
24 prisoners to live in community correctional facilities with
25 their children.

1 (b) PREFERENCE.—For the purpose of making
2 grants under subsection (a), the Institute shall give pref-
3 erence to any eligible State that includes in the application
4 required by section 332 assurances that if such State re-
5 ceives such a grant—

6 (1) both the State corrections agency and the
7 State health and human services agency will partici-
8 pate substantially in, and cooperate closely in all as-
9 pects of, the development and operation of the fam-
10 ily unity demonstration project for which such a
11 grant is requested,

12 (2) public and nonprofit private community-
13 based organizations will be integrally involved in car-
14 rying out such project, both in an advisory capacity
15 and as contractors,

16 (3) boards made up of community residents,
17 local businesses, corrections officials, former pris-
18 oners, child development professionals, educators,
19 and maternal and child health professionals will be
20 established to advise the State regarding the oper-
21 ation of such project,

22 (4) the State will show a commitment to using
23 community placement as an alternative to traditional
24 incarceration, to decrease the prison population and

1 not as an alternative to placement in halfway
2 houses,

3 (5) the State will target economically disadvan-
4 taged, incarcerated prisoners and their children for
5 participation in such project,

6 (6) the State has in effect a policy that provides
7 for the placement of all prisoners, whenever possible,
8 in correctional facilities for which they qualify that
9 are located closest to their respective family homes,

10 (7) the State will implement such project not
11 later than 180 days after receiving a grant under
12 subsection (a) and will expend all of such grant dur-
13 ing a 1-year period, and

14 (8) for the purpose of selecting eligible pris-
15 oners to participate in such project, the State will—

16 (A) give written notice to a prisoner, not
17 later than 30 days after the State first receives
18 a grant under subsection (a) or 30 days after
19 such prisoner is sentenced to a term of impris-
20 onment of not more than 10 years (whichever
21 is later), of the proposed or current operation
22 of such project, as the case may be,

23 (B) accept at any time such project is in
24 operation an application by such prisoner to
25 participate in such project if, at the time of ap-

1 plication, the remainder of the sentence of such
2 prisoner exceeds 180 days,

3 (C) review applications by prisoners in the
4 sequence in which the State receives such appli-
5 cations,

6 (D) not less than 10 days before reviewing
7 a particular application to participate in such
8 project, the State will give to the prisoner who
9 submitted such application and to each care-
10 taker, custodian, or guardian of the child of
11 such prisoner written notice that—

12 (i) the State will review such applica-
13 tion,

14 (ii) for the purpose of such review,
15 there is a rebuttable presumption that it is
16 in the best interest of such child to resume
17 living with such prisoner if such applica-
18 tion is approved, and

19 (iii) the State will accept from the re-
20 cipients of such notice comments with re-
21 spect to such application, and

22 (E) not more than 40 days after giving
23 such notice—

24 (i) approve or disapprove such appli-
25 cation, and

1 (ii) give such prisoner and such care-
2 taker, custodian, or guardian written no-
3 tice of, and a statement of the reasons for,
4 the approval or disapproval of such appli-
5 cation.

6 (c) SELECTION OF GRANTEES.—The Institute shall
7 make grants under subsection (a) on a competitive basis,
8 based on such criteria as the Institute shall issue by rule
9 and taking into account the preference required by sub-
10 section (b).

11 (d) NUMBER OF GRANTS.—In any fiscal year for
12 which funds are available to carry out this chapter, the
13 Institute shall make grants to 5 eligible States geographi-
14 cally dispersed throughout all regions of the United
15 States.

16 **SEC. 412. ELIGIBILITY TO RECEIVE GRANTS.**

17 To be eligible to receive a grant under section 421(a),
18 a State shall submit to the Institute an application at such
19 time, in such form, and containing such information, as
20 the Institute reasonably may require by rule.

21 **SEC. 413. REPORT.**

22 Each State that receives a grant under this chapter
23 shall submit a report to the Institute regarding the family
24 unity demonstration project for which such grant is ex-
25 pended. Such report shall be submitted not later than 90

1 days after the 1-year period in which such grant is re-
2 quired to be expended. Such report shall—

3 (1) specify the number of prisoners who submit-
4 ted, in such 1-year period, applications to participate
5 in such project and the number of prisoners who
6 were placed in such project,

7 (2) specify, with respect to prisoners placed in
8 such project, the number of prisoners who returned
9 from such project to prison or jail,

10 (3) give a description of the nature and scope
11 of educational and training activities provided to
12 prisoners participating in such project, and

13 (4) specify the number, and describe the scope
14 of, contracts made with public and nonprofit private
15 community-based organizations to carry out such
16 project.

17 **CHAPTER 3—FAMILY UNITY DEMONSTRATION PROJECT FOR FEDERAL PRIS-**
18 **ONERS**

20 **SEC. 421. AUTHORITY OF THE ATTORNEY GENERAL.**

21 With funds available to carry out this chapter for the
22 benefit of federal prisoners and acting through the Bureau
23 of Prisons, the Attorney General shall carry out a family
24 unity demonstration project that enables eligible prisoners

1 to live in community correctional facilities with their chil-
2 dren.

3 **SEC. 422. REQUIREMENTS.**

4 For the purpose of carrying out a family unity dem-
5 onstration project under section 421, the Attorney General
6 shall—

7 (1) comply with the requirements specified in
8 paragraphs (2), (3), (4), (5), (7), and (8) of section
9 411(b) to the extent a recipient of a grant under
10 section 421(a) is required to comply with such
11 requirements,

12 (2) consult with the Secretary of Health and
13 Human Services regarding the development and op-
14 eration of such project, and

15 (3) submit to the National Institute of Correc-
16 tions a report of the kind described, and at the time
17 specified, in section 413 regarding the operation of
18 such project.

19 **Subtitle B—Drug Rehabilitation for**
20 **Federal Prisoners**

21 **SEC. 431. SHORT TITLE.**

22 This subtitle may be cited as the “Drug Treatment
23 in Federal Prisons Act of 1993”.

24 **SEC. 432. DEFINITIONS.**

25 As used in this subtitle—

1 (1) the term “residential substance abuse treat-
2 ment” means a course of individual and group ac-
3 tivities, lasting between 9 and 12 months, in residen-
4 tial treatment facilities set apart from the general
5 prison population—

6 (A) directed at the substance abuse prob-
7 lems of the prisoner;

8 (B) intended to develop a prisoner’s cog-
9 nitive, behavioral, social, vocational, and other
10 skills so as to solve the prisoner’s substance
11 abuse and related problems; and

12 (C) shall include—

13 (i) addiction education;

14 (ii) individual, group, and family
15 counseling pursuant to individualized treat-
16 ment plans;

17 (iii) opportunity for involvement in Al-
18 coholics Anonymous, Narcotics Anony-
19 mous, or Cocaine Anonymous;

20 (iv) parenting skills training, domestic
21 violence counseling, and sexual abuse coun-
22 seling, where appropriate;

23 (v) HIV education, counseling and
24 testing, when requested, and early inter-

1 vention services for seropositive individ-
2 uals;

3 (vi) services that facilitate access to
4 health and social services, where appro-
5 priate and to the extent available; and

6 (vii) planning for and counseling to
7 assist reentry into society, including refer-
8 rals to appropriate educational, vocational,
9 and other employment-related programs
10 (to the extent available), referrals to ap-
11 propriate outpatient or other drug or alco-
12 hol treatment, counseling, transitional
13 housing, and assistance in obtaining suit-
14 able affordable housing and employment
15 upon discharge.

16 (2) the term “eligible prisoner” means a pris-
17 oner who is—

18 (A) determined by the Bureau of Prisons
19 to have a substance abuse problem; and

20 (B) willing to participate in a residential
21 abuse treatment program;

22 (3) the term “aftercare services” means a
23 course of individual and group treatment for a mini-
24 mum of one year involving sustained and frequent
25 interaction between the program and with individ-

1 uals who have successfully completed a program of
2 residential substance abuse treatment, and shall in-
3 clude consistent personal interaction between the in-
4 dividual and a primary counselor or case manager,
5 participation in group and individual counseling ses-
6 sions, social activities targeted toward a recovering
7 substance abuser, and, where appropriate, more in-
8 tensive intervention; and

9 (4) the term “substance abuse” means the
10 abuse of drugs or alcohol.

11 **SEC. 433. IMPLEMENTATION OF SUBSTANCE ABUSE TREAT-**
12 **MENT REQUIREMENT.**

13 (a) IN GENERAL.—In order to carry out the require-
14 ment of the last sentence of section 3621(b) of title 18,
15 United States Code, that every prisoner with a substance
16 abuse problem have the opportunity to participate in ap-
17 propriate substance abuse treatment, the Bureau of Pris-
18 ons shall provide residential substance abuse treatment—

19 (1) for not less than 50 percent of eligible pris-
20 oners by the end of fiscal year 1993;

21 (2) for not less than 75 percent of eligible pris-
22 oners by the end of fiscal year 1994; and

23 (3) for all eligible prisoners by the end of fiscal
24 year 1995 and thereafter.

1 (b) PREFERENCE FOR COMMUNITY-BASED PRO-
2 GRAMS.—Residential substance abuse treatment services
3 shall be provided, to the greatest extent possible, by com-
4 munity-based drug and alcohol treatment programs.

5 (c) INCENTIVE FOR PRISONERS’ SUCCESSFUL COM-
6 PLETION OF TREATMENT PROGRAM.—Section 3621 of
7 title 18, United States Code, is amended by adding at the
8 end the following:

9 “(e) INCENTIVE FOR PRISONERS’ SUCCESSFUL COM-
10 PLETION OF TREATMENT PROGRAM.—

11 “(1) IN GENERAL.—Any prisoner who, in the
12 judgment of the Director of the Bureau of Prisons,
13 can benefit by aftercare services or other post-incar-
14 ceration programs shall remain in the custody of the
15 Bureau for such time (as limited by paragraph (2)
16 of this subsection) and under such conditions, as the
17 Bureau deems appropriate.

18 “(2) PERIOD OF CUSTODY.—The period the
19 prisoner remains in custody pursuant to paragraph
20 (1) of this subsection shall not exceed the prison
21 term the law would otherwise require such prisoner
22 to serve, but may not be less than such term minus
23 one year.

24 “(3) DRUG TESTING.—If the conditions of con-
25 finement include custody outside a correctional facil-

1 ity, the Bureau shall, in the case of those prisoners
2 identified as having a substance abuse problem, and
3 may, in the case of other prisoners, periodically test
4 the prisoner for substance abuse and discontinue
5 such conditions on determining that substance abuse
6 has occurred.

7 “(4) AFTERCARE SERVICES.—The Bureau of
8 Prisons shall provide appropriate aftercare services
9 for those prisoners who have successfully completed
10 a program of residential substance abuse treatment
11 provided under subsection (b) of this section.”.

12 **SEC. 434. REPORT.**

13 The Bureau of Prisons shall transmit to the Congress
14 on January 1, 1996, and on January 1 of each year there-
15 after, a report. Such report shall contain—

16 (1) a detailed quantitative and qualitative de-
17 scription of each substance abuse treatment pro-
18 gram, residential or not, operated by the Bureau;

19 (2) a full explanation of how eligibility for such
20 programs is determined, with complete information
21 on what proportion of prisoners with substance
22 abuse problems are eligible; and

23 (3) a complete statement of to what extent the
24 Bureau has achieved compliance with the require-
25 ments of this Act.

1 **SEC. 435. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated for fiscal
3 year 1995 and each fiscal year thereafter such sums as
4 may be necessary to carry out the provisions of this sub-
5 title.

6 **Subtitle C—Drug Rehabilitation for**
7 **State Prisoners**

8 **SEC. 441. SHORT TITLE.**

9 This subtitle may be cited as the “Substance Abuse
10 Treatment in State Prisons Act of 1993”.

11 **SEC. 442. RESIDENTIAL SUBSTANCE ABUSE TREATMENT**
12 **FOR PRISONERS.**

13 (a) RESIDENTIAL SUBSTANCE ABUSE TREATMENT
14 FOR PRISONERS.—Title I of the Omnibus Crime Control
15 and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.)
16 is amended—

17 (1) by redesignating part U as part V;

18 (2) by redesignating section 2101 as section
19 2201; and

20 (3) by inserting after part T the following:

21 **“PART U—RESIDENTIAL SUBSTANCE ABUSE**
22 **TREATMENT FOR PRISONERS**

23 **“SEC. 2101. GRANT AUTHORIZATION.**

24 “The Director of the Bureau of Justice Assistance
25 (referred to in this part as the ‘Director’) may make
26 grants under this part to States, for the use by States

1 for the purpose of developing and implementing residential
2 substance abuse treatment programs within State correc-
3 tional facilities.

4 **“SEC. 2102. STATE APPLICATIONS.**

5 “(a) IN GENERAL.—(1) To request a grant under
6 this part the chief executive of a State shall submit an
7 application to the Director in such form and containing
8 such information as the Director may reasonably require.

9 “(2) Such application shall include assurances that
10 Federal funds received under this part shall be used to
11 supplement, not supplant, non-Federal funds that would
12 otherwise be available for activities funded under this part.

13 “(3) Such application shall coordinate the design and
14 implementation of treatment programs between State cor-
15 rectional representatives and the State Alcohol and Drug
16 Abuse agency.

17 “(4) Such application shall include assurances that
18 residential substance abuse treatment services shall be
19 provided, to the greatest extent possible, through contracts
20 with community-based drug and alcohol treatment pro-
21 grams.

22 “(b) DRUG TESTING REQUIREMENT.—To be eligible
23 to receive funds under this part, a State must agree to
24 implement or continue to require urinalysis or similar test-
25 ing of individuals in correctional residential substance

1 abuse treatment programs. Such testing shall include indi-
2 viduals released from residential substance abuse treat-
3 ment programs who remain in the custody of the State.

4 “(c) ELIGIBILITY FOR PREFERENCE WITH AFTER
5 CARE COMPONENT.—

6 “(1) To be eligible for a preference under this
7 part, a State must ensure that individuals who par-
8 ticipate in the substance abuse treatment program
9 established or implemented with assistance provided
10 under this part will be provided with aftercare serv-
11 ices.

12 “(2) State aftercare services must involve the
13 coordination of the prison treatment program with
14 other human service and rehabilitation programs,
15 such as educational and job training programs, pa-
16 role supervision programs, half-way house programs,
17 and participation in self-help and peer group pro-
18 grams, that may aid in the rehabilitation of individ-
19 uals in the substance abuse treatment program.

20 “(3) To qualify as an aftercare program, the
21 head of the substance abuse treatment program, in
22 conjunction with State and local authorities and or-
23 ganizations involved in substance abuse treatment or
24 offender management, shall assist in placement of
25 substance abuse treatment program participants

1 with appropriate community substance abuse treat-
2 ment facilities when such individuals leave prison at
3 the end of a sentence or on parole.

4 “(d) STATE OFFICE.—The office designated under
5 section 507 of title I of the Omnibus Crime Control and
6 Safe Streets Act of 1968 (42 U.S.C. 3757)—

7 “(1) shall prepare the application as required
8 under section 2102; and

9 “(2) shall administer grant funds received
10 under this part, including, review of spending, proc-
11 essing, progress, financial reporting, technical assist-
12 ance, grant adjustments, accounting, auditing, and
13 fund disbursement.

14 **“SEC. 2103. REVIEW OF STATE APPLICATIONS.**

15 “(a) IN GENERAL.—The Bureau shall make a grant
16 under section 1901 to carry out the projects described in
17 the application submitted under section 2102 upon deter-
18 mining that—

19 “(1) the application is consistent with the re-
20 quirements of this part; and

21 “(2) before the approval of the application the
22 Bureau has made an affirmative finding in writing
23 that the proposed project has been reviewed in ac-
24 cordance with this part.

1 “(b) APPROVAL.—Each application submitted under
2 section 1902 shall be considered approved, in whole or in
3 part, by the Bureau not later than 45 days after first re-
4 ceived unless the Bureau informs the applicant of specific
5 reasons for disapproval.

6 “(c) RESTRICTION.—Grant funds received under this
7 part shall not be used for land acquisition or construction
8 projects.

9 “(d) DISAPPROVAL NOTICE AND RECONSIDER-
10 ATION.—The Bureau shall not disapprove any application
11 without first affording the applicant reasonable notice and
12 an opportunity for reconsideration.

13 **“SEC. 2104. ALLOCATION AND DISTRIBUTION OF FUNDS.**

14 “(a) ALLOCATION.—Of the total amount appro-
15 priated under this part in any fiscal year—

16 “(1) 0.4 percent shall be allocated to each of
17 the participating States; and

18 “(2) of the total funds remaining after the allo-
19 cation under paragraph (1), there shall be allocated
20 to each of the participating States an amount which
21 bears the same ratio to the amount of remaining
22 funds described in this paragraph as the State pris-
23 on population of such State bears to the total prison
24 population of all the participating States.

1 “(b) FEDERAL SHARE.—The Federal share of a
2 grant made under this part may not exceed 75 percent
3 of the total costs of the projects described in the applica-
4 tion submitted under section 2102 for the fiscal year for
5 which the projects receive assistance under this part.

6 **“SEC. 2105. EVALUATION.**

7 “Each State that receives a grant under this part
8 shall submit to the Director an evaluation not later than
9 March 1 of each year in such form and containing such
10 information as the Director may reasonably require.”.

11 (b) CONFORMING AMENDMENT.—The table of con-
12 tents of title I of the Omnibus Crime Control and Safe
13 Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended
14 by striking the matter relating to part U and inserting
15 the following:

 “PART U—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS

 “Sec. 2101. Grant authorization.

 “Sec. 2102. State applications.

 “Sec. 2103. Review of State applications.

 “Sec. 2104. Allocation and distribution of funds.

 “Sec. 2105. Evaluation.

 “PART V—TRANSITION; EFFECTIVE DATE; REPEALER

 “Sec. 2201. Continuation of rules, authorities, and proceedings.”.

16 (c) DEFINITIONS.—Section 901(a) of the Omnibus
17 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
18 3791(a)) is amended by adding after paragraph (25) the
19 following:

1 “(26) The term ‘residential substance abuse
2 treatment program’ means a course of individual
3 and group activities, lasting between 9 and 12
4 months, in residential treatment facilities set apart
5 from the general prison population—

6 “(A) directed at the substance abuse prob-
7 lems of the prisoner;

8 “(B) intended to develop the prisoner’s
9 cognitive, behavioral, social, vocational, and
10 other skills so as to solve the prisoner’s sub-
11 stance abuse and related problems; and

12 “(C) shall include—

13 “(i) addiction education;

14 “(ii) individual, group, and family
15 counseling pursuant to individualized treat-
16 ment plans;

17 “(iii) opportunity for involvement in
18 Alcoholics Anonymous, Narcotics Anony-
19 mous, or Cocaine Anonymous;

20 “(iv) parenting skills training, domes-
21 tic violence counseling, and sexual abuse
22 counseling, where appropriate;

23 “(v) HIV education, counseling and
24 testing, when requested, and early inter-

1 vention services for seropositive individ-
2 uals;

3 “(vi) services that facilitate access to
4 health and social services, where appro-
5 priate and to the extent available; and

6 “(vii) planning for and counseling to
7 assist reentry into society, including refer-
8 rals to appropriate educational, vocational,
9 and other employment-related programs
10 (to the extent available), referrals to ap-
11 propriate outpatient or other drug or alco-
12 hol treatment, counseling, transitional
13 housing, and assistance in obtaining suit-
14 able affordable housing and employment
15 upon discharge.

16 “(27) The term ‘substance abuse’ means the
17 abuse of drugs or alcohol.

18 “(28) The term ‘aftercare services’ means a
19 course of individual and group treatment for a mini-
20 mum of one year involving sustained and frequent
21 interaction between the program and with individ-
22 uals who have participated in or successfully com-
23 pleted a program of residential substance abuse
24 treatment, and shall include consistent personal
25 interaction between the individual and a primary

1 counselor or case manager, participation in group
2 and individual counseling sessions, social activities
3 targeted toward a recovering substance abuser, and
4 where appropriate, more intensive intervention.”.

5 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
6 1001(a) of title I of the Omnibus Crime Control and Safe
7 Streets Act of 1968 (42 U.S.C. 3793), as amended by sec-
8 tion 302 of this Act, is amended by adding after para-
9 graph (14) the following:

10 “(15) There are authorized to be appropriated
11 \$100,000,000 for each of the fiscal years 1995, 1996, and
12 1997 to carry out the projects under part U.”.

13 **Subtitle D—Alternatives to** 14 **Incarceration**

15 **CHAPTER 1—GRANTS**

16 **SEC. 451. GRANT AUTHORIZATION.**

17 The Director of the Bureau of Justice Assistance is
18 authorized to make grants to States, units of local govern-
19 ment, court systems, district attorneys, and private non-
20 profit organizations to establish or expand, sentencing op-
21 tions in addition to existing incarceration and probation
22 programs for offenders who would otherwise be sentenced
23 to incarceration.

1 **SEC. 452. USE OF FUNDS.**

2 (a) IN GENERAL.—Grants received under this chap-
3 ter may be used to develop sentencing option projects that
4 may include the following programs—

5 (1) day fines;

6 (2) house arrest;

7 (3) electronic monitoring;

8 (4) intensive probation supervision;

9 (5) defense-based sentencing;

10 (6) day reporting centers;

11 (7) victim-offender reconciliation;

12 (8) shock incarceration; and

13 (9) substance abuse treatment in lieu of incar-
14 ceration, including treatment in a therapeutic com-
15 munity.

16 (b) COURT SYSTEM.—Court systems may receive a
17 grant to establish and implement these systems and to
18 train court personnel, including judges and district attor-
19 neys, regarding how to best utilize these programs.

20 (c) NONPROFIT GROUPS.—Nonprofit groups may re-
21 ceive funds to establish and implement community-based
22 programs that reflect community needs and draw on com-
23 munity resources and organizations.

1 **SEC. 453. GRANT APPLICATION.**

2 (a) IN GENERAL.—Submit application in such form
3 and containing such information as the Director may rea-
4 sonably require.

5 (b) CONTENTS.—Each application shall contain—

6 (1) a request for funds;

7 (2) a description of areas and populations to be
8 served;

9 (3) a comprehensive plan that describes the
10 project and available resources, specifically, how a
11 determination will be made regarding eligible defend-
12 ants, who would otherwise be likely to receive sen-
13 tences of incarceration; and

14 (4) an evaluation component.

15 **SEC. 454. GRANT TERMS.**

16 (a) RENEWAL.—Grants may be renewed for up to 2
17 additional years after the first fiscal year a recipient re-
18 ceives an initial grant.

19 (b) FEDERAL SHARE.—Federal Share of a grant
20 made under this chapter not to exceed 75 percent of the
21 total costs.

22 **SEC. 455. AWARD OF GRANTS.**

23 In selecting applicants under this chapter, the Direc-
24 tor shall consider the following factors in descending order
25 of priority—

1 (1) programs that make use of existing commu-
2 nity recourses;

3 (2) the need for the program and ability of an
4 applicant to provide elements of a program; and

5 (3) the geographical distribution with urban
6 settings represented.

7 **SEC. 456. AUTHORIZATION OF APPROPRIATIONS.**

8 There are authorized to be appropriated
9 \$150,000,000 to carry out the projects under this chapter
10 for each of the fiscal years 1994, 1995, and 1996.

11 **CHAPTER 2—SUBSTANCE ABUSE TREAT-**
12 **MENT ALTERNATIVES TO INCARCER-**
13 **ATION**

14 **SEC. 457. GRANT AUTHORIZATION.**

15 (a) IN GENERAL.—The Director of the Bureau of
16 Justice Assistance is authorized to make grants to public
17 and nonprofit private entities to provide substance abuse
18 treatment to individuals who are not incarcerated, but are
19 under criminal justice supervision because of their status
20 as pretrial releasees, post-trial releasees, probationers, pa-
21 rolees, supervised releasees, or releasees with a deferred
22 prosecution.

23 (b) PRIORITY.—In awarding grants under subsection
24 (a), the Director shall give priority to programs commen-
25 surate with the extent to which such programs provide,

1 directly or in conjunction with other public or private non-
2 profit entities, one or more of the following:

3 (1) A continuum of offender management serv-
4 ices as individuals enter, proceed through, and leave
5 the criminal justice system, including identification
6 and assessment, substance abuse treatment, and
7 continuing or aftercare services.

8 (2) Comprehensive treatment services for juve-
9 nile offenders.

10 (3) Comprehensive treatment services for fe-
11 male offenders.

12 (4) Comprehensive treatment services for indi-
13 viduals who have not been convicted previously of a
14 violent felony offense and would serve a mandatory
15 minimum sentence but for diversion into a substance
16 abuse treatment program.

17 (c) SUBSTANCE ABUSE TREATMENT SERVICES.—A
18 grantee shall provide the following substance abuse treat-
19 ment services:

20 (1) Addiction education.

21 (2) Individual, group, and family counseling
22 pursuant to individualized treatment plans.

23 (3) Opportunity for involvement in Alcoholics
24 Anonymous, Narcotics Anonymous, or Cocaine
25 Anonymous.

1 (4) Parenting skills training, domestic violence
2 counseling, and sexual abuse counseling, where ap-
3 propriate.

4 (5) HIV education, counseling and testing,
5 when requested, and early intervention services for
6 seropositive individuals.

7 (6) Services that facilitate access to health and
8 social services, where appropriate and to the extent
9 available.

10 (7) Planning for and counseling to assist re-
11 entry into society, including referrals to appropriate
12 educational, vocational, and other employment-relat-
13 ed programs (to the extent available), referrals to
14 appropriate outpatient or other drug or alcohol
15 treatment, counseling, transitional housing, and as-
16 sistance in obtaining suitable affordable housing and
17 employment upon discharge.

18 **SEC. 458. GRANT APPLICATION.**

19 (a) IN GENERAL.—To request a grant, an applicant
20 must submit an application in such form and containing
21 such information as the Director may reasonably require.

22 (b) CONTENTS.—Each application shall contain—

23 (1) a request for funds;

24 (2) a description of populations to be served;

1 (3) a comprehensive plan that describes the
2 project, and specifically, how a determination will be
3 made regarding eligible defendants who would other-
4 wise be likely to receive sentences of incarceration,
5 and actions that will be taken to apprehend individ-
6 uals who have violated the conditions for release by
7 not completing or complying with the substance
8 abuse treatment program;

9 (4) assurances that the Federal funds received
10 under this part shall be used to supplement, not
11 supplant, non-Federal funds that would otherwise be
12 available for activities funded under this subtitle;

13 (5) assurance that the substance abuse treat-
14 ment programs that will provide the services are li-
15 censed by the single State authority in the State re-
16 sponsible for drug and alcohol treatment services;
17 and

18 (6) an evaluation component.

19 **SEC. 459. AUTHORIZATION OF APPROPRIATIONS.**

20 There are authorized to be appropriated
21 \$300,000,000 to carry out the projects under this chapter
22 for each of the fiscal years 1995, 1996, and 1997.

1 **Subtitle E—Voting Rights for**
2 **Former Offenders**

3 **SEC. 461. RIGHTS OF CITIZENS.**

4 The right of a citizen of the United States, who other-
5 wise is qualified, to vote in any election for Federal office
6 shall not be denied or abridged because he has committed
7 a criminal offense unless such citizen is imprisoned in a
8 correctional institution or facility at the time of such elec-
9 tion.

10 **SEC. 462. STATE REQUIREMENTS.**

11 Nothing in this subtitle shall be construed to prohibit
12 the States from establishing requirements for the holding
13 of State or local elective office; nor from enacting any
14 State law which affords the right to vote in any election
15 for Federal office on terms less restrictive than those es-
16 tablished by this subtitle.

17 **SEC. 463. FINES.**

18 Whoever shall intentionally deny or attempt to deny
19 any person any right secured by this subtitle shall be fined
20 not more than \$500, or imprisoned not more than one
21 year, or both.

22 **SEC. 464. DEFINITIONS.**

23 For purposes of this subtitle—

24 (1) the term “correctional institution or facil-
25 ity” means any prison, penitentiary, jail, or other in-

1 stitution or facility for the confinement of individ-
2 uals convicted of criminal offenses, except that such
3 term does not include any residential community
4 treatment center (or similar public or private facil-
5 ity);

6 (2) the term “election” means (A) a general,
7 special, primary, or runoff election, (B) a convention
8 or caucus of a political party held to nominate a
9 candidate, (C) a primary election held for the selec-
10 tion of delegates to a national nominating conven-
11 tion of a political party, or (D) a primary election
12 held for the expression of a preference for the nomi-
13 nation of persons for election to the office of Presi-
14 dent; and

15 (3) the term “Federal office” means the office
16 of President or Vice President of the United States,
17 or of Senator or Representative in, or Delegate or
18 Resident Commissioner to, the Congress of the Unit-
19 ed States.

20 **Subtitle F—Sex Offender**
21 **Treatment Programs**

22 **SEC. 471. NATIONAL INSTITUTE OF JUSTICE TRAINING**
23 **PROGRAMS.**

24 (a) IN GENERAL.—The National Institute of Justice,
25 after consultation with victim advocates and individuals

1 who have expertise in treating sex offenders, shall estab-
2 lish criteria and develop training programs to assist—

3 (1) prison, youth residential, and mental health
4 institutional staff; and

5 (2) probation and parole officers and other per-
6 sonnel who work with released sex offenders in the
7 areas of—

8 (A) relapse prevention (internal and exter-
9 nal management);

10 (B) supervision; and

11 (C) case management.

12 (b) TRAINING PROGRAMS.—The Director of the Na-
13 tional Institute of Justice shall attempt, to the extent
14 practicable, to make specialized training programs devel-
15 oped under subsection (a) available in geographically di-
16 verse locations throughout the country.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated \$1,000,000 for each of the
19 fiscal years 1994 and 1995 to carry out the provisions
20 of this section.

21 **SEC. 472. INFORMATION PROGRAMS.**

22 The Attorney General shall compile information re-
23 garding sex offender treatment programs and ensure that
24 information regarding specialized community treatment

1 programs in the community into which a convicted sex of-
2 fender is released is made available to—

3 (1) each person serving a sentence of imprison-
4 ment in a penal or correctional institution for a com-
5 mission of an offense under chapter 109A of title 18
6 of the United States Code or for the commission of
7 a similar offense; and

8 (2) each person serving a sentence of imprison-
9 ment in an institution other than a penal or correc-
10 tional institution for a commission of an offense
11 under chapter 109A of title 18 of the United States
12 Code or for the commission for a similar offense.

13 **Subtitle G—Education and Train-**
14 **ing for Judges and Court Per-**
15 **sonnel in State Courts**

16 **SEC. 481. GRANTS AUTHORIZED.**

17 The State Justice Institute is authorized to award
18 grants for the purpose of developing, testing presenting,
19 and disseminating model programs to be used by States
20 in training judges and court personnel in the laws of the
21 States on rape, sexual assault, domestic violence, and
22 other crimes of violence motivated by the victim's gender.

1 **SEC. 482. TRAINING PROVIDED BY GRANTS.**

2 Training provided pursuant to grants made under
3 this subtitle may include current information, existing
4 studies, or current data on—

5 (1) the nature and incidence of rape and sexual
6 assault by strangers and nonstrangers, marital rape,
7 and incest;

8 (2) the underreporting of rape, sexual assault,
9 and child sexual abuse;

10 (3) the physical, psychological, and economic
11 impact of rape and sexual assault on the victim, the
12 costs to society, and the implications for sentencing;

13 (4) the psychology of sex offenders, their rate
14 of recidivism, and the implications for sentencing;

15 (5) the historical evolution of laws and attitudes
16 on rape and sexual assault;

17 (6) sex stereotyping of female and male victims
18 of rape and sexual assault, racial stereotyping of
19 rape victims and defendants, and the impact of such
20 stereotypes on credibility of witnesses, sentencing,
21 and other aspects of the administration of justice;

22 (7) application of rape shield laws and other
23 limits on introduction of evidence that may subject
24 victims to improper sex stereotyping and harassment
25 in both rape and nonrape cases, including the need

1 for sua sponte judicial intervention in inappropriate
2 cross-examination;

3 (8) the use of expert witness testimony on rape
4 trauma syndrome, child sexual abuse accommodation
5 syndrome, post-traumatic stress syndrome, and simi-
6 lar issues;

7 (9) the reasons why victims of rape, sexual as-
8 sault, domestic violence, and incest may refuse to
9 testify against a defendant;

10 (10) the nature and incidence of domestic vio-
11 lence;

12 (11) the physical, psychological, and economic
13 impact of domestic violence on the victim, the costs
14 to society, and the implications for court procedures
15 and sentencing;

16 (12) the psychology and self-presentation of
17 batterers and victims and the negative implications
18 for court proceedings and credibility of witnesses;

19 (13) sex stereotyping of female and male vic-
20 tims of domestic violence, myths about presence or
21 absence of domestic violence in certain racial, ethnic,
22 religious, or socioeconomic groups, and their impact
23 on the administration of justice;

24 (14) historical evolution of laws and attitudes
25 on domestic violence;

1 (15) proper and improper interpretations of the
2 defenses of self-defense and provocation, and the use
3 of expert witness testimony on battered woman syn-
4 drome;

5 (16) the likelihood of retaliation, recidivism,
6 and escalation of violence by batterers, and the po-
7 tential impact of incarceration and other meaningful
8 sanctions for acts of domestic violence including vio-
9 lations of orders of protection;

10 (17) economic, psychological, social and institu-
11 tional reasons for victims' inability to leave the
12 batterer, to report domestic violence or to follow
13 through on complaints, including the influence of
14 lack of support from police, judges, and court per-
15 sonnel, and the legitimate reasons why victims of do-
16 mestic violence may refuse to testify against a de-
17 fendant and should not be held in contempt;

18 (18) the need for orders of protection, and the
19 negative implications of mutual orders of protection,
20 dual arrest policies, and mediation in domestic vio-
21 lence cases; and

22 (19) recognition of and response to gender-mo-
23 tivated crimes of violence other than rape, sexual as-
24 sault and domestic violence, such as mass or serial
25 murder motivated by the gender of the victims.

1 **SEC. 483. COOPERATION IN DEVELOPING PROGRAMS.**

2 The State Justice Institute shall ensure that model
3 programs carried out pursuant to grants made under this
4 subtitle are developed with the participation of law en-
5 forcement officials, public and private nonprofit victim ad-
6 vocates, legal experts, prosecutors, defense attorneys, and
7 recognized experts on gender bias in the courts.

8 **SEC. 484. AUTHORIZATION OF APPROPRIATIONS.**

9 There is authorized to be appropriated for fiscal year
10 1995, \$600,000 to carry out the purposes of this subtitle.
11 Of amounts appropriated under this section, the State
12 Justice Institute shall expend no less than 40 percent on
13 model programs regarding domestic violence and no less
14 than 40 percent on model programs regarding rape and
15 sexual assault.

16 **Subtitle H—Education and Train-**
17 **ing for Judges and Court Per-**
18 **sonnel in Federal Courts**

19 **SEC. 491. AUTHORIZATIONS OF CIRCUIT STUDIES; EDU-**
20 **CATION AND TRAINING GRANTS.**

21 (a) STUDY.—In order to gain a better understanding
22 of the nature and the extent of gender bias in the Federal
23 courts, the circuit judicial councils shall conduct studies
24 of the instances of gender bias in their respective circuits.
25 The studies may include an examination of the effects of
26 gender on—

- 1 (1) the treatment of litigants, witnesses, attor-
- 2 neys, jurors, and judges in the courts, including be-
- 3 fore magistrate and bankruptcy judges;
- 4 (2) the interpretation and application of the
- 5 law, both civil and criminal;
- 6 (3) treatment of defendants in criminal cases;
- 7 (4) treatment of victims of violent crimes;
- 8 (5) sentencing;
- 9 (6) sentencing alternatives, facilities for incar-
- 10 ceration, and the nature of supervision of probation
- 11 and parole;
- 12 (7) appointments to committees of the Judicial
- 13 Conference and the courts;
- 14 (8) case management and court sponsored al-
- 15 ternative dispute resolution programs;
- 16 (9) the selection, retention, promotion, and
- 17 treatment of employees;
- 18 (10) appointment of arbitrators, experts, and
- 19 special masters; and
- 20 (11) the aspects of the topics listed in section
- 21 403 that pertain to issues within the jurisdiction of
- 22 the Federal courts.
- 23 (b) CLEARINGHOUSE.—The Judicial Conference of
- 24 the United States shall designate an entity within the Ju-
- 25 dicial branch to act as a clearinghouse to disseminate any

1 reports and materials issued by the gender bias task forces
2 under subsection (a) and to respond to requests for such
3 reports and materials. The gender bias task forces shall
4 provide this entity with their reports and related material.

5 (c) MODEL PROGRAMS.—The Federal Judicial Cen-
6 ter, in carrying out section 620(b)(3) of title 28, United
7 States Code, shall—

8 (1) include in the educational programs it pre-
9 sents and prepares, including the training programs
10 for newly appointed judges, information on issues re-
11 lated to gender bias in the courts including such
12 areas as are listed in subsection (a) along with such
13 other topics as the Federal Judicial Center deems
14 appropriate;

15 (2) prepare materials necessary to implement
16 this subsection; and

17 (3) take into consideration the findings and rec-
18 ommendations of the studies conducted pursuant to
19 subsection (a), and to consult with individuals and
20 groups with relevant expertise in gender bias issues
21 as it prepares or revises such materials.

22 **SEC. 492. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) IN GENERAL.—There is authorized to be appro-
24 priated—

1 (1) \$600,000 to the Salaries and Expenses Ac-
2 count of the Courts of Appeals, District Courts, and
3 other Judicial Services, to carry out section 491(a),
4 to be available until expended through fiscal year
5 1995;

6 (2) \$100,000 to the Federal Judicial Center to
7 carry out section 491(c) and any activities des-
8 ignated by the Judicial Conference under section
9 491(b); and

10 (3) such sums as are necessary to the Adminis-
11 trative Office of the United States Courts to carry
12 out any activities designated by the Judicial Con-
13 ference under section 491(b).

14 (b) THE JUDICIAL CONFERENCE OF THE UNITED
15 STATES.—(1) The Judicial Conference of the United
16 States Courts shall allocate funds to Federal circuit courts
17 under this subtitle that—

18 (A) undertake studies in their own circuits; or

19 (B) implement reforms recommended as a re-
20 sult of such studies in their own or other circuits,
21 including education and training.

22 (2) Funds shall be allocated to Federal circuits under
23 this subtitle on a first come first serve basis in an amount
24 not to exceed \$100,000 on the first application. If within
25 6 months after the date on which funds authorized under

1 this Act become available, funds are still available, circuits
2 that have received funds may reapply for additional funds,
3 with not more than \$200,000 going to any one circuit.

4 **TITLE V—COMMISSION ON**
5 **CRIME, DRUGS, AND VIOLENCE**

6 **SEC. 501. ESTABLISHMENT OF COMMISSION ON CRIME,**
7 **DRUGS, AND VIOLENCE.**

8 There is established a commission to be known as the
9 “National Commission on Crime, Drugs, and Violence in
10 America” (referred to in this title as “Commission”).

11 **SEC. 502. PURPOSE.**

12 The purposes of the Commission are to examine—

13 (1) the impact of criminal justice policy on the
14 African-American, Hispanic, Asian, and Native
15 American communities, and criticism that the crimi-
16 nal justice system functions in a racially disparate
17 manner;

18 (2) the root causes of violent crime and make
19 recommendation for the creation of a national public
20 education strategy on violence; and

21 (3) the root causes of the demand for drugs in
22 the United States, and an evaluation of the efficacy
23 of current Federal drug policy.

1 **SEC. 503. DUTIES.**

2 (a) IN GENERAL.—The Commission shall be respon-
3 sible for the following:

4 (1) Reviewing the effectiveness of traditional
5 criminal justice approaches in preventing and con-
6 trolling crime and violence.

7 (2) Examining the impact that changes to State
8 and Federal law have had in controlling crime and
9 violence.

10 (3) Examining the impact of changes in Fed-
11 eral immigration laws and policies and increased de-
12 velopment and growth along United States inter-
13 national borders on crime and violence in the United
14 States, particularly among our Nation's youth.

15 (4) Examining the problem of youth gangs and
16 provide recommendations as to how to reduce youth
17 involvement in violent crime.

18 (5) Examining the extent to which assault
19 weapons and high power firearms have contributed
20 to violence and murder in America.

21 (6) Convening field hearings in various regions
22 of the country to receive testimony from a cross sec-
23 tion of criminal justice professionals, business lead-
24 ers, elected officials, medical doctors, and other citi-
25 zens that wish to participate.

1 (7) Reviewing all segments of our criminal jus-
2 tice system, including the law enforcement, prosecu-
3 tion, defense, judicial, corrections components in de-
4 veloping the crime control plan.

5 (b) EXAMINATION.—Matters examined by the Com-
6 mission under this section shall include—

7 (1) the characteristics of potential illicit drug
8 users and abusers or drug traffickers, including age
9 and social, economic, and educational backgrounds;

10 (2) the environmental factors that contribute to
11 illicit drug use and abuse, including the correlation
12 between unemployment, poverty, and homelessness
13 on drug experimentation and abuse;

14 (3) the current status of, and models for pro-
15 viding more effective offender rehabilitation and vic-
16 tim assistance programs, including restitution to vic-
17 tims of crime;

18 (4) an evaluation of the efficacy of existing
19 Federal laws regarding the unlawful production, dis-
20 tribution, and use of controlled substances, including
21 the efficacy of Federal minimum sentences for viola-
22 tions of the laws regarding the unlawful sale and use
23 of controlled substances; and

24 (5) an analysis of the costs, benefits, risks, and
25 advantages of the present national policy regarding

1 controlled substances and of potential modifications
2 of that policy, including an analysis of what propor-
3 tion of the funds dedicated to combating the unlaw-
4 ful sale and use of controlled substances should be
5 devoted to—

6 (A) interdicting controlled substances en-
7 tering the United States unlawfully;

8 (B) enforcing Federal laws relating to the
9 unlawful production, distribution, and use of
10 controlled substances;

11 (C) education and other forms of prevent-
12 ing the unlawful use of controlled substances;
13 or

14 (D) rehabilitating individuals who use con-
15 trolled substances unlawfully.

16 **SEC. 504. MEMBERSHIP.**

17 (a) NUMBER AND APPOINTMENT.—

18 (1) IN GENERAL.—The Commission shall con-
19 sist of 13 members, as follows:

20 (A) PRESIDENT.—Three individuals ap-
21 pointed by the President.

22 (B) SENATE.—Five individuals appointed
23 jointly by the majority and minority leaders of
24 the Senate. Not more than 3 members ap-
25 pointed under this paragraph may be of the

1 same political party. At least 1 member ap-
2 pointed under this paragraph shall be a recover-
3 ing drug user.

4 (C) HOUSE OF REPRESENTATIVES.—Five
5 individuals appointed jointly by the Speaker,
6 majority leader, and minority leader of the
7 House of Representatives. Not more than 3
8 members appointed under this paragraph may
9 be of the same political party. At least 1 mem-
10 ber appointed under this paragraph shall be a
11 recovering drug abuser.

12 (2) GOALS IN MAKING APPOINTMENTS.—In ap-
13 pointing individuals as members of the Commission,
14 the President and the majority and minority leaders
15 of the House of Representatives and the Senate shall
16 seek to ensure that—

17 (A) the membership of the Commission re-
18 flects the racial, ethnic, and gender diversity of
19 the United States; and

20 (B) members are specially qualified to
21 serve on the Commission by reason of their edu-
22 cation, training, expertise, or experience in—

23 (i) sociology,

24 (ii) psychology,

25 (iii) law,

1 (iv) bio-medicine,
2 (v) addiction, and
3 (vi) ethnography and urban poverty,
4 including health care, housing, education,
5 and employment.

6 (b) PROHIBITION AGAINST OFFICER OR EM-
7 PLOYEE.—Each individual appointed under subsection (a)
8 shall not be an officer or employee of any government and
9 shall be qualified to serve the Commission by virtue of
10 education, training, or experience.

11 (c) DEADLINE FOR APPOINTMENT.—Members of the
12 Commission shall be appointed within 60 days after the
13 date of the enactment of this Act for the life of the Com-
14 mission.

15 (d) MEETINGS.—The Commission shall have its
16 headquarters in the District of Columbia, and shall meet
17 at least once each month for a business session that shall
18 be conducted by the Chairperson.

19 (e) QUORUM.—Seven members of the Commission
20 shall constitute a quorum, but a lesser number may hold
21 hearings.

22 (f) CHAIRPERSON AND VICE CHAIRPERSON.—No
23 later than 15 days after the members of the Commission
24 are appointed, such members shall designate a Chair-
25 person and Vice Chairperson of the Commission.

1 (g) CONTINUATION OF MEMBERSHIP.—If a member
2 of the Commission later becomes an officer or employee
3 of any government, the individual may continue as a mem-
4 ber until a successor is appointed.

5 (h) VACANCIES.—A vacancy in the Commission shall
6 be filled not later than 30 days after the Commission is
7 informed of the vacancy in the manner in which the origi-
8 nal appointment was made.

9 (i) COMPENSATION.—

10 (1) NO PAY, ALLOWANCE, OR BENEFIT.—Mem-
11 bers of the Commission shall receive no additional
12 pay, allowances, or benefits by reason of their serv-
13 ice on the Commission.

14 (2) TRAVEL EXPENSES.—Each member of the
15 Commission shall receive travel expenses, including
16 per diem in lieu of subsistence, in accordance with
17 sections 5702 and 5703 of title 5, United States
18 Code.

19 **SEC. 505. STAFF AND SUPPORT SERVICES.**

20 (a) DIRECTOR.—The Chairperson shall appoint a di-
21 rector after consultation with the members of the Commis-
22 sion, who shall be paid the rate of basic pay for level V
23 of the Executive Schedule.

1 (b) STAFF.—With the approval of the Commission,
2 the director may appoint personnel as the director consid-
3 ers appropriate.

4 (c) APPLICABILITY OF CIVIL SERVICE LAWS.—The
5 staff of the Commission shall be appointed without regard
6 to the provisions of title 5, United States Code, governing
7 appointments in the competitive service, and shall be paid
8 without regard to the provisions of chapter 51 and sub-
9 chapter III of chapter 53 of that title relating to classifica-
10 tion and General Schedule pay rates.

11 (d) EXPERTS AND CONSULTANTS.—With the ap-
12 proval of the Commission, the director may procure tem-
13 porary and intermittent services under section 3109(b) of
14 title 5, United States Code.

15 (e) STAFF OF FEDERAL AGENCIES.—Upon the re-
16 quest of the Commission, the head of any Federal agency
17 may detail, on a reimbursable basis, any of the personnel
18 of that agency to the Commission to assist in carrying out
19 its duties under this Act.

20 (f) OTHER RESOURCES.—The Commission shall have
21 reasonable access to materials, resources, statistical data,
22 and other information from the Library of Congress, as
23 well as agencies and elected representatives of the execu-
24 tive and legislative branches of government. The Chair-

1 person of the Commission shall make requests in writing
2 where necessary.

3 (g) PHYSICAL FACILITIES.—The General Services
4 Administration shall find suitable office space for the op-
5 eration of the Commission. The facilities shall serve as the
6 headquarters of the Commission and shall include all nec-
7 essary equipment and incidentals required for proper func-
8 tioning.

9 **SEC. 506. POWERS OF COMMISSION.**

10 (a) HEARINGS.—The Commission may conduct pub-
11 lic hearings or forums at its discretion, at any time and
12 place it is able to secure facilities and witnesses, for the
13 purpose of carrying out its duties.

14 (b) DELEGATION OF AUTHORITY.—Any member or
15 agent of the Commission may, if authorized by the Com-
16 mission, take any action the Commission is authorized to
17 take by this section.

18 (c) INFORMATION.—The Commission may secure di-
19 rectly from any Federal agency information necessary to
20 enable it to carry out this Act. Upon request of the Chair-
21 person or Vice Chairperson of the Commission, the head
22 of a Federal agency shall furnish the information to the
23 Commission to the extent permitted by law.

24 (d) GIFTS, BEQUESTS, AND DEVICES.—The Commis-
25 sion may accept, use, and dispose of gifts, bequests, or

1 devices of services or property, both real and personal, for
2 the purpose of aiding or facilitating the work of the Com-
3 mission. Gifts, bequests, or devises of money and proceeds
4 from sales of other property received as gifts, bequests,
5 or devices shall be deposited in the Treasury and shall be
6 available for disbursement upon order of the Commission.

7 (e) **MAILS.**—The Commission may use the United
8 States mails in the same manner and under the same con-
9 ditions as other Federal agencies.

10 **SEC. 507. REPORTS.**

11 (a) **MONTHLY REPORTS.**—The Commission shall
12 submit monthly activity reports to the President and the
13 Congress.

14 (b) **REPORTS.**—

15 (1) **INTERIM REPORT.**—The Commission shall
16 submit an interim report to the President and the
17 Congress not later than 1 year before the termi-
18 nation of the Commission. The interim report shall
19 contain a detailed statement of the findings and con-
20 clusions of the Commission, together with its rec-
21 ommendations for legislative and administrative ac-
22 tion based on the Commission's activities to date. A
23 strategy for disseminating the report to Federal,
24 State, and local authorities shall be formulated and

1 submitted with the formal presentation of the report
2 to the President and the Congress.

3 (2) FINAL REPORT.—Not later than the date of
4 the termination of the Commission, the Commission
5 shall submit to the Congress and the President a
6 final report with a detailed statement of final find-
7 ings, conclusions, and recommendations, including
8 an assessment of the extent to which recommenda-
9 tions of the Commission included in the interim re-
10 port under paragraph (1) have been implemented.

11 (c) PRINTING AND PUBLIC DISTRIBUTION.—Upon
12 receipt of each report of the Commission under this sec-
13 tion, the President shall—

14 (1) order the report to be printed; and

15 (2) make the report available to the public upon
16 request.

17 **SEC. 508. TERMINATION.**

18 The Commission shall terminate on the date which
19 is 2 years after the Members of the Commission have met
20 and designated a Chairperson and Vice Chairperson.

1 **TITLE VI—CONFIDENCE IN**
2 **CRIMINAL JUSTICE SYSTEM**
3 **Subtitle A—Racial Justice Act**

4 **SEC. 601. SHORT TITLE.**

5 This subtitle may be cited as the “Racial Justice Act
6 of 1993”.

7 **SEC. 602. FINDINGS.**

8 The Congress finds that—

9 (1) section 5 of the fourteenth amendment of
10 the United States Constitution calls upon Congress
11 to enforce the Constitution’s promise of equality
12 under law;

13 (2) equality under law is tested most profoundly
14 by whether a legal system tolerates race playing a
15 role in the determination of whether and when to
16 administer the ultimate penalty of death;

17 (3) the death penalty is being administered in
18 a pattern that evidences a significant risk that the
19 race of the defendant, or the race of the victim
20 against whom the crime was committed, influences
21 the likelihood that the defendant will be sentenced to
22 death;

23 (4) the Constitution’s guarantee of equal justice
24 for all is jeopardized when the death penalty is im-
25 posed in a pattern in which the likelihood of a death

1 sentence is affected by the race of the perpetrator or
2 of the victim;

3 (5) the United States Supreme Court has con-
4 cluded that the Federal judiciary is institutionally
5 unable to eliminate this jeopardy to equal justice in
6 the absence of proof that a legislature, prosecutor,
7 judge, or jury acted with racially invidious and dis-
8 criminatory motives in the case of a particular de-
9 fendant;

10 (6) the interest in ensuring equal justice under
11 law may be harmed, not only by decisions motivated
12 by explicit racial bias, but also by government rules,
13 policies, and practices that operate to reinforce the
14 subordinate status to which racial minorities were
15 relegated in our society;

16 (7) the institutional need of courts to identify
17 invidiously motivated perpetrators is not shared by
18 Congress, which is empowered by section 5 of the
19 fourteenth amendment to take system-wide, preven-
20 tive measures not only to eliminate adjudicated in-
21 stances of official race discrimination but also to
22 eradicate wide-scale patterns and practices that en-
23 tail an intolerable danger that persons of different
24 races would be treated differently; and

1 (8) the persistent racial problems pervading the
 2 implementation of the death penalty in many parts
 3 of this Nation require the Government of the United
 4 States to counteract the lingering effects of racial
 5 prejudice in order to enforce the constitutional guar-
 6 antee of equal justice for all Americans.

7 **SEC. 603. AMENDMENT TO TITLE 28.**

8 (a) PROCEDURE.—Part VI of title 28, United States
 9 Code, is amended by adding at the end thereof the follow-
 10 ing new chapter:

11 **“CHAPTER 177—RACIALLY DISCRIMINATORY**
 12 **CAPITAL SENTENCING**

“Sec.

“2921. Definitions.

“2922. Prohibition on the imposition or execution of the death penalty in a ra-
 cially discriminatory pattern.

“2923. Data on death penalty cases.

“2924. Enforcement of the chapter.

“2925. Construction of chapter.

13 **“§ 2921. Definitions**

14 “For purposes of this chapter—

15 “(1) the term ‘a racially discriminatory pattern’
 16 means a situation in which sentences of death are
 17 imposed more frequently—

18 “(A) upon persons of one race than upon
 19 persons of another race; or

20 “(B) as punishment for crimes against
 21 persons of one race than as punishment for
 22 crimes against persons of another race,

1 and the greater frequency is not explained by perti-
2 nent nonracial circumstances;

3 “(2) the term ‘death-eligible crime’ means a
4 crime for which death is a punishment that is au-
5 thorized by law to be imposed under any cir-
6 cumstances upon a conviction of that crime;

7 “(3) the term ‘case of death-eligible crime’
8 means a case in which the complaint, indictment, in-
9 formation, or any other initial or subsequent charg-
10 ing paper charges any person with a death-eligible
11 crime; and

12 “(4) the term ‘Federal or State entity’ means
13 any State, the District of Columbia, the United
14 States, any territory thereof, and any subdivision or
15 authority of any of these entities that is empowered
16 to provide by law that death be imposed as punish-
17 ment for crime.

18 **“§ 2922. Prohibition on the imposition or execution of**
19 **the death penalty in a racially discrimi-**
20 **natory pattern**

21 “(a) PROHIBITION.—It is unlawful to impose or exe-
22 cute sentences of death under color of State or Federal
23 law in a racially discriminatory pattern. No person shall
24 be put to death in the execution of a sentence imposed

1 pursuant to any law if that person's death sentence fur-
2 thers a racially discriminatory pattern.

3 “(b) ESTABLISHMENT OF A PATTERN.—To establish
4 that a racially discriminatory pattern exists for purposes
5 of this chapter—

6 “(1) ordinary methods of statistical proof shall
7 suffice; and

8 “(2) it shall not be necessary to show discrimi-
9 natory motive, intent, or purpose on the part of any
10 individual or institution.

11 “(c) PRIMA FACIE SHOWING.—(1) To establish a
12 prima facie showing of a racially discriminatory pattern
13 for purposes of this chapter, it shall suffice that death sen-
14 tences are being imposed or executed—

15 “(A) upon persons of one race with a frequency
16 that is disproportionate to their representation
17 among the numbers of persons arrested for, charged
18 with, or convicted of, death-eligible crimes; or

19 “(B) as punishment for crimes against persons
20 of one race with a frequency that is disproportionate
21 to their representation among persons against whom
22 death-eligible crimes have been committed.

23 “(2) To rebut a prima facie showing of a racially dis-
24 criminatory pattern, a State or Federal entity must estab-
25 lish by clear and convincing evidence that identifiable and

1 pertinent nonracial factors persuasively explain the observ-
2 able racial disparities comprising the pattern.

3 **“§ 2923. Data on death penalty cases**

4 “(a) DESIGNATION OF AGENCY.—Any State or Fed-
5 eral entity that provides by law for death to be imposed
6 as a punishment for any crime shall designate a central
7 agency to collect and maintain pertinent data on the
8 charging, disposition, and sentencing patterns for all cases
9 of death-eligible crimes.

10 “(b) RESPONSIBILITIES OF CENTRAL AGENCY.—
11 Each central agency designated pursuant to subsection (a)
12 shall—

13 “(1) affirmatively monitor compliance with this
14 chapter by local officials and agencies;

15 “(2) devise and distribute to every local official
16 or agency responsible for the investigation or pros-
17 ecution of death-eligible crimes a standard form to
18 collect pertinent data;

19 “(3) maintain all standard forms, compile and
20 index all information contained in the forms, and
21 make both the forms and the compiled information
22 publicly available;

23 “(4) maintain a centralized, alphabetically in-
24 dexed file of all police and investigative reports

1 transmitted to it by local officials or agencies in
2 every case of death-eligible crime; and

3 “(5) allow access to its file of police and inves-
4 tigative reports to the counsel of record for any per-
5 son charged with any death-eligible crime or sen-
6 tenced to death who has made or intends to make
7 a claim under section 2922 and it may also allow ac-
8 cess to this file to other persons.

9 “(c) RESPONSIBILITY OF LOCAL OFFICIAL.—(1)
10 Each local official responsible for the investigation or pros-
11 ecution of death-eligible crimes shall—

12 “(A) complete the standard form developed pur-
13 suant to subsection (b)(2) on every case of death-eli-
14 gible crime; and

15 “(B) transmit the standard form to the central
16 agency no later than 3 months after the disposition
17 of each such case whether that disposition is by dis-
18 missal of charges, reduction of charges, acceptance
19 of a plea of guilty to the death-eligible crime or to
20 another crime, acquittal, conviction, or any decision
21 not to proceed with prosecution.

22 “(2) In addition to the standard form, the local offi-
23 cial or agency shall transmit to the central agency one
24 copy of all police and investigative reports made in connec-
25 tion with each case of death-eligible crime.

1 “(d) PERTINENT DATA.—The pertinent data re-
2 quired in the standard form shall be designated by the
3 central agency but shall include, at a minimum, the follow-
4 ing information:

5 “(1) Pertinent demographic information on all
6 persons charged with the crime and all victims (in-
7 cluding race, sex, age, and national origin).

8 “(2) Information on the principal features of
9 the crime.

10 “(3) Information on the aggravating and miti-
11 gating factors of the crime, including the back-
12 ground and character of every person charged with
13 the crime.

14 “(4) A narrative summary of the crime.

15 **“§ 2924. Enforcement of the chapter**

16 “(a) ACTION UNDER SECTIONS 2241, 2254, OR 2255
17 OF THIS TITLE.—In any action brought in a court of the
18 United States within the jurisdiction conferred by sections
19 2241, 2254, or 2255, in which any person raises a claim
20 under section 2922—

21 “(1) the court shall appoint counsel for any
22 such person who is financially unable to retain coun-
23 sel; and

24 “(2) the court shall furnish investigative, expert
25 or other services necessary for the adequate develop-

1 ment of the claim to any such person who is finan-
2 cially unable to obtain such services.

3 “(b) DETERMINATION BY A STATE COURT.—Not-
4 withstanding section 2254, no determination on the merits
5 of a factual issue made by a State court pertinent to any
6 claim under section 2922 shall be presumed to be correct
7 unless—

8 “(1) the State is in compliance with section
9 2923;

10 “(2) the determination was made in a proceed-
11 ing in a State court in which the person asserting
12 the claim was afforded rights to the appointment of
13 counsel and to the furnishing of investigative, expert
14 and other services necessary for the adequate devel-
15 opment of the claim which were substantially equiva-
16 lent to those provided by subsection (a); and

17 “(3) the determination is one which is otherwise
18 entitled to be presumed to be correct under the cri-
19 teria specified in section 2254.

20 **“§ 2925. Construction of this chapter**

21 “Nothing contained in this chapter shall be construed
22 to affect in one way or the other the lawfulness of any
23 sentence of death that does not violate section 2922.”.

24 (b) AMENDMENT TO TABLE OF CHAPTERS.—The
25 table of chapters of part VI of title 28, United States

1 Code, is amended by adding at the end thereof the follow-
 2 ing new item:

“177. **Racially Discriminatory Capital Sentencing** 2921.”.

3 **SEC. 604. ACTIONS PRIOR TO THE DATE OF ENACTMENT.**

4 No person shall be barred from raising any claim
 5 under section 2922 of title 28, United States Code, as
 6 added by this subtitle, on the ground of having failed to
 7 raise or to prosecute the same or a similar claim before
 8 the enactment of the Act, nor by reason of any adjudica-
 9 tion rendered before that enactment.

10 **Subtitle B—Racial Bias**

11 **SEC. 611. SPECIAL RULE FOR CERTAIN HABEAS CORPUS**

12 **PETITIONS RELATING TO DEATH SENTENCES.**

13 (a) **IN GENERAL.**—Any existing race bias claim,
 14 whether or not previously raised or determined, unless de-
 15 termined on the merits in a Federal habeas corpus pro-
 16 ceeding, may be raised in a proceeding commenced under
 17 chapter 153 of title 28, United States Code, not later than
 18 1 year after the date of the enactment of this Act and
 19 shall be determined on the merits. In determining the mer-
 20 its of that claim, the law in effect at the time of the deter-
 21 mination shall apply.

22 (b) **DEFINITION.**—As used in this subsection, the
 23 term “existing race bias claim” means a claim of race dis-
 24 crimination, or bias on the basis of race—

1 (1) made by a person seeking relief with respect
2 to a sentence of death imposed before the date of
3 the enactment of this Act; and

4 (2) based on a Supreme court decision an-
5 nounced before such date of enactment.

6 **Subtitle C—Minimum Sentencing**

7 **SEC. 621. MINIMUM SENTENCING.**

8 Section 3553(e) of title 18, United States Code, is
9 amended to read as follows:

10 “(e) AUTHORITY TO IMPOSE A SENTENCE BELOW A
11 STATUTORY MINIMUM.—Notwithstanding any statutory
12 minimum term of imprisonment, the court shall impose
13 a sentence in accordance with this section.

14 **Subtitle D—Crack-Cocaine** 15 **Equitable Sentencing**

16 **SEC. 631. SHORT TITLE.**

17 This subtitle may be cited as the “Crack-Cocaine Eq-
18 uitable Sentencing Act of 1993”.

19 **SEC. 632. TRAFFICKING AMENDMENTS.**

20 (a) 50 GRAM PENALTY.—Section 401(b)(1)(A) of the
21 Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) is
22 amended by striking clause (iii).

23 (b) 5 GRAM PENALTY.—Section 401(b)(1)(B) of the
24 Controlled Substances Act (21 U.S.C. 841(b)(1)(B)) is
25 amended by striking clause (iii).

1 **SEC. 633. POSSESSION AMENDMENT.**

2 Section 404(a) of the Controlled Substances Act (21
3 U.S.C. 844(a)) is amended by striking the sentence that
4 begins “Notwithstanding the preceding sentence”.

5 **SEC. 634. IMPORTATION AMENDMENTS.**

6 (a) 50 GRAM PENALTY.—Section 1010(b)(1) of the
7 Controlled Substances Import and Export Act (21 U.S.C.
8 960(b)(1)) is amended by striking out subparagraph (C).

9 (b) 5 GRAM PENALTY.—Section 1010(b)(2) of the
10 Controlled Substances Import and Export Act (21 U.S.C.
11 960(b)(2)) is amended by striking out subparagraph (C).

12 **SEC. 635. SENTENCING COMMISSION TO AMEND GUIDE-**
13 **LINES.**

14 Not later than 30 days after the date of the enact-
15 ment of this Act, the United States Sentencing Commis-
16 sion shall promulgate such amendments to the Sentencing
17 Guidelines as are necessary to conform those Guidelines
18 to the amendments made by this subtitle.

19 **Subtitle E—Sentencing Uniformity**

20 **SEC. 641. SHORT TITLE.**

21 This subtitle may be cited as the “Sentencing Uni-
22 formity Act of 1993”.

23 **SEC. 642. AMENDMENTS TO ACHIEVE SENTENCING UNI-**
24 **FORMITY.**

25 (a) LAWS CODIFIED IN TITLE 2 OF THE UNITED
26 STATES CODE.—

1 (1) Section 102 of the Revised Statutes of the
2 United States (2 U.S.C. 192) is amended by striking
3 “deemed guilty” and all that follows through the end
4 of such section and inserting “fined under title 18,
5 United States Code, or imprisoned not more than
6 one year, or both.”.

7 (2) Section 11 of the Federal Contested Elec-
8 tions Act (2 U.S.C. 390) is amended by striking
9 “deemed guilty” and all that follows through the end
10 of such section and inserting “fined under title 18,
11 United States Code, or imprisoned not more than
12 one year, or both.”.

13 (b) LAWS CODIFIED IN TITLE 7 OF THE UNITED
14 STATES CODE.—

15 (1) Section 6b of the Commodity Exchange Act
16 (7 U.S.C. 13a) is amended by striking “shall be
17 fined not more than \$100,000, or imprisoned for not
18 less than six months nor” and inserting “shall be
19 fined under title 18, United States Code, or impris-
20 oned not”.

21 (2) Section 6(c) of the Commodity Exchange
22 Act (7 U.S.C. 13b) is amended by striking “shall be
23 fined” and all that follows through “not less than
24 six months nor” and inserting “shall be fined under
25 title 18, United States Code, or imprisoned not”.

1 (3) Section 205(3) of the Packers and Stock-
2 yards Act, 1921 (7 U.S.C. 195) is amended by strik-
3 ing “on conviction” and all that follows through
4 “five years” and inserting “be fined under title 18,
5 United States Code, or imprisoned not more than 5
6 years”.

7 (4) Section 15(b)(1) of the Food Stamp Act of
8 1977 (7 U.S.C. 2024(b)(1)) is amended by striking
9 “less than six months nor”.

10 (5) Section 15(c) of the Food Stamp Act of
11 1977 (7 U.S.C. 2024(c)) is amended by striking
12 “less than one year nor”.

13 (c) LAWS CODIFIED IN TITLE 12 OF THE UNITED
14 STATES CODE.—Section 25A of the Federal Reserve Act
15 (12 U.S.C. 617 and 630) is amended—

16 (1) by striking “liable to a fine” and all that
17 follows through “five years, or both, in the discretion
18 of the court” and inserting “fined under title 18,
19 United States Code, or imprisoned not more than 5
20 years, or both”; and

21 (2) by striking “upon conviction thereof” and
22 all that follows through “\$5,000, in the discretion of
23 the court” and inserting “be fined under title 18,
24 United States Code, or imprisoned not more than 10
25 years, or both”.

1 (d) LAWS CODIFIED IN TITLE 15 OF THE UNITED
2 STATES CODE.—

3 (1) Section 73 of the Wilson Tariff Act (15
4 U.S.C. 8) is amended by striking “is guilty of a mis-
5 demeanor” and all that follows through “twelve
6 months” and inserting “shall be fined under title 18,
7 United States Code, or imprisoned not more than
8 one year, or both”.

9 (2) Section 7(b) of the Act of August 12, 1958
10 (15 U.S.C. 1245(b)) is amended by striking “not
11 less than five years and”.

12 (e) LAWS CODIFIED IN TITLE 16 OF THE UNITED
13 STATES CODE.—Section 2 of the Act of March 3, 1897
14 (16 U.S.C. 414) is amended by striking “guilty of a mis-
15 demeanor” and all that follows through the end of such
16 section and inserting “fined under title 18, United States
17 Code, or imprisoned not more than 30 days, or both.”.

18 (f) AMENDMENTS TO TITLE 18 OF THE UNITED
19 STATES CODE.—

20 (1) Section 3561(a) of title 18, United States
21 Code, is amended to read as follows:

22 “(a) IN GENERAL.—A defendant who has been found
23 guilty of an offense may be sentenced to a term of proba-
24 tion unless the defendant is sentenced at the same time

1 to a term of imprisonment for the same or different of-
2 fense.”.

3 (2) Section 225(a) of title 18, United States
4 Code, is amended by striking “for a term” and all
5 that follows through “life” and inserting “for any
6 term or years or for life, or both”.

7 (3) Section 844(h) of title 18, United States
8 Code, is amended—

9 (A) by inserting “not more than” before
10 “five years”;

11 (B) by inserting “not more than” before
12 “ten years”; and

13 (C) by striking “the court shall not place”
14 and all that follows through “imposed under
15 this subsection” and inserting “a term imposed
16 under this subsection shall not”.

17 (4) Section 924(c)(1) of title 18, United States
18 Code, is amended—

19 (A) by inserting “not more than” before
20 “five years”;

21 (B) by inserting “not more than” before
22 “ten years”;

23 (C) by inserting “not more than” before
24 “thirty years”;

1 (D) by inserting “not more than” before
2 “twenty years”;

3 (E) by striking “without release” and in-
4 serting “or to imprisonment for any term of
5 years”;

6 (F) by striking “the court shall not place”
7 and all that follows through “imposed under
8 this subsection” and inserting “a term imposed
9 under this subsection shall not”; and

10 (G) by striking the last sentence.

11 (5) Section 924(e)(1) of title 18, United States
12 Code, is amended by striking “not less than fifteen
13 years” and all that follows through the end of para-
14 graph (1) and inserting “any term of years.”

15 (6) Section 929 of title 18, United States Code,
16 is amended—

17 (A) in subsection (a)(1), by striking “not
18 less than five years” and inserting “any term of
19 years”;

20 (B) in subsection (b), by striking “the
21 court shall not” and all that follows through
22 “the terms of imprisonment” and inserting “a
23 term of imprisonment under this section shall
24 not”; and

1 (C) by striking the last sentence of sub-
2 section (b).

3 (7) Section 1091(b)(1) of title 18, United
4 States Code, is amended by inserting “any term of
5 years or for” before “life”.

6 (8) Section 1111(b) of title 18, United States
7 Code, is amended by inserting “any term of years or
8 for” before “life” the first place it appears.

9 (9) Section 1116(a) of title 18, United States
10 Code, is amended by inserting “any term of years or
11 for” before “life”.

12 (10) Section 1651 of title 18, United States
13 Code, is amended by inserting “any term of years or
14 for” before “life”.

15 (11) Section 1652 of title 18, United States
16 Code, is amended by inserting “any term of years or
17 for” before “life”.

18 (12) Section 1653 of title 18, United States
19 Code, is amended by inserting “any term of years or
20 for” before “life”.

21 (13) Section 1655 of title 18, United States
22 Code, is amended by inserting “any term of years or
23 for” before “life”.

24 (14) Section 1658 of title 18, United States
25 Code, is amended by striking “not less than ten

1 years and may be imprisoned” and inserting “for
2 any term or years or”.

3 (15) Section 1661 of title 18, United States
4 Code, is amended by striking “, for each offense”
5 and all that follows through “days nor” and insert-
6 ing “be fined under this title, or imprisoned not”.

7 (16) Section 2113(e) of title 18, United States
8 Code, is amended by striking “not less than ten
9 years” and inserting “for any term or years or for
10 life”.

11 (17) Section 2251(d) of title 18, United States
12 Code, is amended by striking “less than five years
13 nor”.

14 (18) Section 2251A of title 18, United States
15 Code, is amended by striking “not less than 20
16 years” each place it appears and inserting “any
17 term of years”.

18 (19) Section 2252(b)(1) of title 18, United
19 States Code, is amended by striking “less than five
20 years nor”.

21 (20) Section 2257(i) of title 18, United States
22 Code, is amended by striking “imprisoned for any
23 period” and all that follows through the end of sub-
24 section (i) and inserting “fined under this title or
25 imprisoned for not more than 5 years, or both.”.

1 (21) Section 2381 of title 18, United States
2 Code, is amended—

3 (A) by striking “not less than \$10,000”
4 and inserting “under this title”; and

5 (B) by striking “not less than five years”
6 and inserting “for life or for any term of
7 years”.

8 (g) AMENDMENT TO LAW CODIFIED IN TITLE 19 OF
9 THE UNITED STATES CODE.—Section 3113 of the Re-
10 vised Statutes of the United States (19 U.S.C. 283) is
11 amended by striking “not less than three months, and”.

12 (h) AMENDMENTS TO LAWS CODIFIED IN TITLE 21
13 OF THE UNITED STATES CODE.—

14 (1) Section 11 of the Act of March 3, 1915 (21
15 U.S.C. 212) is amended by striking “deemed guilty
16 of a misdemeanor” and all that follows through
17 “discretion of the court” and inserting “fined under
18 title 18, United States Code, or imprisoned not more
19 than 60 days, or both”.

20 (2) Section 22 of the Federal Meat Inspection
21 Act (21 U.S.C. 622) is amended—

22 (A) by striking “deemed guilty of a felony”
23 the first place it appears and all that follows
24 through “three years” and inserting “fined

1 under title 18, United States Code, or impris-
2 oned not more than 3 years, or both”; and

3 (B) by striking “deemed guilty of a felony”
4 the second place it appears and all that follows
5 through the end of the section, and inserting
6 “summarily discharged from office and shall be
7 fined under title 18, United States Code, or im-
8 prisoned not more than 3 years, or both.”.

9 (3) Section 401(b)(1) of the Controlled Sub-
10 stances Act (21 U.S.C. 841(b)(1) is amended—

11 (A) in subparagraph (A)—

12 (i) by striking “which may not be less
13 than 10 years or” and all that follows
14 through “20 years or more than” and in-
15 serting “of any term of years or for”;

16 (ii) by striking “which may not be less
17 than 20 years and not more than life im-
18 prisonment” and inserting “of any term of
19 years or for life”;

20 (iii) by striking “and if death” the
21 second place it appears and all that follows
22 through “life imprisonment,” and inserting
23 a comma;

24 (iv) by striking “without release” and
25 inserting “or for any term of years”; and

1 (v) by striking the last two sentences;

2 (B) in subparagraph (B)—

3 (i) by striking “less than 5 years and
4 not”;

5 (ii) by striking “not less than 20
6 years or more than life” and inserting “for
7 life or any term of years”;

8 (iii) by striking “less than 10 years
9 and not”;

10 (iv) by striking “life imprisonment, a
11 fine” and inserting “imprisonment for life
12 or any term of years, a fine”; and

13 (v) by striking the last two sentences;
14 and

15 (C) in subparagraph (C), by striking “less
16 than twenty years or”.

17 (4) Section 404 of the Controlled Substances
18 Act (21 U.S.C. 844) is amended—

19 (A) by striking “not less than 15 days
20 but”;

21 (B) by striking “a minimum of \$2,500”
22 and inserting “under this title”;

23 (C) by striking “not less than 90 days
24 but”;

1 (D) by striking “a minimum of \$5,000”
2 and inserting “under this title”;

3 (E) by striking “not less than 5 years
4 and”;

5 (F) by striking “a minimum of \$1,000”
6 each place it appears and inserting “under this
7 title”; and

8 (G) by striking the sentence beginning
9 “The imposition”;

10 (5) Section 408 of the Controlled Substances
11 Act (21 U.S.C. 848) is amended—

12 (A) in subsection (a), by striking “which
13 may not be less” and all that follows through
14 “up to” each place they appear and inserting
15 “for any term of years or to”;

16 (B) in subsection (b), by inserting “any
17 term of years or for” before “life” and

18 (C) by striking subsection (d).

19 (6) Section 408(e) of the Controlled Substances
20 Act (21 U.S.C. 848(e)) is amended—

21 (A) by striking out “any term of imprison-
22 ment” each place it appears and inserting “a
23 term of imprisonment”; and

24 (B) by striking “which shall not be less”
25 and all that follows through “up to life impris-

1 onment” each place they appear and inserting
2 “for life or any term of years”.

3 (7) Section 418 of the Controlled Substances
4 Act (21 U.S.C. 859) is amended—

5 (A) by striking each sentence beginning
6 with “Except to the extent”; and

7 (B) by striking the sentence at the end of
8 subsection (a) that begins with “The mandatory
9 minimum”.

10 (8) Section 419 of the Controlled Substances
11 Act (21 U.S.C. 860) is amended—

12 (A) in each of subsections (a) and (b), by
13 striking the sentence beginning with “Except to
14 the extent”; and

15 (B) by striking the sentence at the end of
16 subsection (a) that begins with “The mandatory
17 minimum”;

18 (C) in subsection (b), by striking “of not
19 less than three years and not more than life im-
20 prisonment” and inserting “for life or any term
21 or years”; and

22 (D) by striking subsection (c).

23 (9) Section 420 of the Controlled Substances
24 Act (21 U.S.C. 861) is amended—

1 (A) in subsection (b), by striking the last
2 sentence;

3 (B) in subsection (c), by striking the pe-
4 nultimate sentence; and

5 (C) by striking subsection (e).

6 (10) Section 1010(b) of the Controlled Sub-
7 stances Act (21 U.S.C. 960(b) is amended—

8 (A) in paragraph (1)—

9 (i) by striking “of not less than 10
10 years and” and all that follows through
11 “20 years and not more than life,” the
12 first place it appears and inserting “for life
13 or any term of years,”;

14 (ii) by striking “of not less than 20
15 years and not more than life imprison-
16 ment” and inserting “for life or any term
17 of years”;

18 (iii) by striking “and if death” and all
19 that follows through “life imprisonment,”
20 and inserting a comma; and

21 (iv) by striking the last two sentences;

22 (B) in paragraph (2)—

23 (i) by striking “not less than 5 years
24 and”;

1 (ii) by striking “not less than twenty
2 years and”;

3 (iii) by striking “not less than 10
4 years and”; and

5 (iv) by striking the last sentence; and

6 (C) in paragraph (3), by striking “not less
7 than twenty years and”.

8 (i) AMENDMENT TO LAW CODIFIED IN TITLE 22 OF
9 THE UNITED STATES CODE.—Section 1750 of the Re-
10 vised Statutes of the United States (22 U.S.C. 4221) is
11 amended by striking “nor less than one year”.

12 (j) AMENDMENTS TO LAWS CODIFIED IN TITLE 33
13 OF THE UNITED STATES CODE.—

14 (1) Section 2 of the Act of May 9, 1900 (33
15 U.S.C. 410) is amended by striking “any violation
16 thereof” and all that follows through “committed
17 against the United States” and inserting “whoever
18 violates any such rule or regulation shall be fined
19 under title 18, United States Code, or imprisoned
20 not more than one year, or both”.

21 (2) Section 16 of the Act of March 3, 1899 (33
22 U.S.C. 411) is amended by striking “shall be guilty”
23 and all that follows through “discretion of the
24 court” and inserting “shall be fined under title 18,

1 United States Code, or imprisoned not more than
2 one year, or both”.

3 (3) Section 1 of the Act of June 29, 1888 (33
4 U.S.C. 441) is amended—

5 (A) by striking “and every such act is
6 made a misdemeanor,”; and

7 (B) by striking “, upon conviction” and all
8 that follows through “obtained shall decide”
9 and inserting “be fined under title 18, United
10 States Code, or imprisoned not more than one
11 year, or both”.

12 (4) Section 3 of the Act of June 29, 1888 (33
13 U.S.C. 447) is amended by striking “, on convic-
14 tion” and all that follows through “one year” and
15 inserting “be fined under title 18, United States
16 Code, or imprisoned not more than one year, or
17 both”.

18 (k) AMENDMENT TO LAW CODIFIED IN TITLE 45 OF
19 THE UNITED STATES CODE.—Section 15 of the Act of
20 July 2, 1864 (45 U.S.C. 83) is amended by striking
21 “deemed guilty” and all that follows through “six months”
22 and inserting “fined under title 18, United States Code,
23 or imprisoned not more than 6 months, or both”.

24 (l) AMENDMENT TO LAW IN TITLE 46 OF THE UNIT-
25 ED STATES CODE AND ITS APPENDIX.—Section 806(b)

1 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1228)
2 is amended by striking “less than one year or”.

3 (m) AMENDMENTS TO LAWS CODIFIED IN TITLE 47
4 OF THE UNITED STATES CODE.—

5 (1) Section 5 of the Act of August 7, 1888 (47
6 U.S.C. 13) is amended by striking “guilty of a mis-
7 demeanor” and all that follows through “less than
8 six months” and inserting “fined under title 18,
9 United States Code, or imprisoned not more than 6
10 months, or both”.

11 (2) Section 220(e) of the Communications Act
12 of 1934 (47 U.S.C. 220(e)) is amended by striking
13 “deemed guilty” and all that follows through “That
14 the” and inserting “fined under title 18, United
15 States Code, or imprisoned not more than 3 years,
16 or both. However, the”.

17 (n) AMENDMENTS TO LAWS IN TITLE 49 OF THE
18 UNITED STATES CODE AND ITS APPENDIX.—

19 (1) Section 11911 of title 49, United States
20 Code, is amended—

21 (A) in subsection (a)—

22 (i) by striking “at least \$1,000 but”;

23 and

24 (ii) by striking “at least one year

25 but”; and

- 1 (B) in subsection (b)—
2 (i) by striking “at least \$1,000 but”;
3 and
4 (ii) by striking “at least one year
5 but”.

6 (2) Section 902(i)(1) of the Federal Aviation
7 Act of 1958 (49 U.S.C. App. 1472(i)(1)) is amend-
8 ed—

9 (A) by striking “not less than 20 years”
10 and inserting “any term of years”; and

11 (B) by inserting “or for any term of years”
12 after “imprisonment for life”.

13 **Subtitle F—Coerced Confessions**
14 **and Harmless Error**

15 **SEC. 651. COERCED CONFESSIONS AND HARMLESS ERROR.**

16 If, on direct or collateral review of a Federal or State
17 criminal judgment, including an action pursuant to chap-
18 ter 153, title 28, United States Code, any court of the
19 United States determines that a Federal or State criminal
20 conviction or sentence was obtained in violation of the
21 United States Constitution, the court shall award relief
22 unless, in the case of a violation that can be harmless,
23 the Federal Government or the State concerned proves,
24 beyond a reasonable doubt, that the error did not contrib-
25 ute to the conviction or sentence. The admission into evi-

1 dence of a coerced confession shall not be considered
2 harmless error. For purposes of this section, a confession
3 is coerced if it is elicited involuntarily in violation of the
4 fifth or fourteenth articles of amendment to the Constitu-
5 tion of the United States.

6 **TITLE VII—FISCAL IMPACT OF**
7 **CRIMINAL JUSTICE SENTENC-**
8 **ING**

9 **SEC. 701. CRIMINAL JUSTICE IMPACT STATEMENT.**

10 (a) IN GENERAL.—The Congressional Budget Office
11 shall prepare a criminal justice impact assessment for any
12 bill, joint resolution, amendment, motion, or conference re-
13 port that could increase or decrease the number of persons
14 incarcerated in State or Federal penal institutions.

15 (b) CONTENTS.—A criminal justice impact assess-
16 ment shall include—

17 (1) an estimate of the costs which would be in-
18 curred in carrying out the bill, joint resolution,
19 amendment, motion, or conference report in the cur-
20 rent fiscal year and in each of the five succeeding
21 fiscal years, including the costs associated with—

22 (A) prison, probation, and post-prison su-
23 pervision services;

24 (B) the Department of Justice;

1 (C) the judiciary, including the expense of
2 additional panel attorneys and jurors; and

3 (D) any other significant factor affecting
4 the cost of the measure and its impact on the
5 operations of components of the criminal justice
6 system; and

7 (2) a description of the methodologies, sources,
8 and assumptions utilized in estimating each of these
9 categories.

10 (c) PREPARATION.—The Congressional Budget Of-
11 fice shall prepare a statement—

12 (1) not more than 7 days after a bill or con-
13 ference report is reported out of committee; or

14 (2) not more than 7 days after a bill, amend-
15 ment, or motion is submitted to the Congressional
16 Budget Office for evaluation by the sponsor.

17 In preparing a statement, the Congressional Budget Office
18 shall draw upon all relevant sources of information, includ-
19 ing the Administrative Office of the Courts, the Bureau
20 of Prisons, the United States Sentencing Commission, Of-
21 fice of Justice Programs, and, where appropriate, non-gov-
22 ernmental agencies.

23 **SEC. 702. POINT OF ORDER.**

24 It shall not be in order in either the House of Rep-
25 resentatives or the Senate to consider any bill, joint resolu-

1 tion, amendment, motion, or conference report that would
2 increase or decrease the number of persons incarcerated
3 in State or Federal penal institutions unless such bill,
4 joint resolution, amendment, motion, or conference report
5 is accompanied by a criminal justice impact statement pre-
6 pared by the Congressional Budget Office.

7 **SEC. 703. REPORT.**

8 The Congressional Budget Office shall prepare and
9 transmit to the Congress, by March 1 of each year, a sum-
10 mary report reflecting the cumulative fiscal effect of all
11 relevant changes in the law that will increase or decrease
12 the number of persons incarcerated in State or Federal
13 penal institutions taking effect during the preceding cal-
14 endar year.

15 **TITLE VIII—HABEAS CORPUS**
16 **REFORM**

17 **SEC. 801. SHORT TITLE.**

18 This title may be cited as the “Habeas Corpus Re-
19 form Act of 1993”.

20 **SEC. 802. STATUTE OF LIMITATIONS.**

21 Section 2254 of title 28, United States Code, is
22 amended by adding at the end the following:

23 “(g)(1) In the case of an applicant under sentence
24 of death, any application for habeas corpus relief under

1 this section must be filed in the appropriate district court
2 not later than 1 year after—

3 “(A) the date of denial of a writ of certiorari,
4 if a petition for a writ of certiorari to the highest
5 court of the State on direct appeal or unitary review
6 of the conviction and sentence is filed, within the
7 time limits established by law, in the Supreme
8 Court;

9 “(B) the date of issuance of the mandate of the
10 highest court of the State on direct appeal or uni-
11 tary review of the conviction and sentence, if a peti-
12 tion for a writ of certiorari is not filed, within the
13 time limits established by law, in the Supreme
14 Court; or

15 “(C) the date of issuance of the mandate of the
16 Supreme Court, if on a petition for a writ of certio-
17 rari the Supreme Court grants the writ and disposes
18 of the case in a manner that leaves the capital sen-
19 tence undisturbed.

20 “(2) The time requirements established by this sec-
21 tion shall be tolled—

22 “(A) during any period in which the State has
23 failed to provide counsel as required in section 2257
24 of this chapter;

1 “(B) during the period from the date the appli-
2 cant files an application for State postconviction re-
3 lief until final disposition of the application by the
4 State appellate courts, if all filing deadlines are met;
5 and

6 “(C) during an additional period not to exceed
7 90 days, if counsel moves for an extension in the
8 district court that would have jurisdiction of a ha-
9 beas corpus application and makes a showing of
10 good cause.”.

11 **SEC. 803. STAYS OF EXECUTION IN CAPITAL CASES.**

12 Section 2251 of title 28, United States Code, is
13 amended—

14 (1) by inserting “(a)(1)” before the first para-
15 graph;

16 (2) by inserting “(2)” before the second para-
17 graph; and

18 (3) by adding at the end the following:

19 “(b) In the case of an individual under sentence of
20 death, a warrant or order setting an execution shall be
21 stayed upon application to any court that would have ju-
22 risdiction over an application for habeas corpus under this
23 chapter. The stay shall be contingent upon reasonable dili-
24 gence by the individual in pursuing relief with respect to
25 such sentence and shall expire if—

1 “(1) the individual fails to apply for relief
2 under this chapter within the time requirements es-
3 tablished by section 2254(g) of this chapter;

4 “(2) upon completion of district court and court
5 of appeals review under section 2254 of this chapter,
6 the application is denied and—

7 “(A) the time for filing a petition for a
8 writ of certiorari expires before a petition is
9 filed;

10 “(B) a timely petition for a writ of certio-
11 rari is filed and the Supreme Court denies the
12 petition; or

13 “(C) a timely petition for certiorari is filed
14 and, upon consideration of the case, the Su-
15 preme Court disposes of it in a manner that
16 leaves the capital sentence undisturbed; or

17 “(3) before a court of competent jurisdiction, in
18 the presence of counsel qualified under section 2257
19 of this chapter and after being advised of the con-
20 sequences of the decision, an individual waives the
21 right to pursue relief under this chapter.”.

22 **SEC. 804. LAW APPLICABLE.**

23 (a) IN GENERAL.—Chapter 153 of title 28, United
24 States Code, is amended by adding at the end the follow-
25 ing:

1 **“§ 2256. Law applicable**

2 “(a) Except as provided in subsection (b), in an ac-
3 tion under this chapter, the court shall not apply a new
4 rule.

5 “(b) A court shall apply a new rule, if the new rule—

6 “(1) places the claimant’s conduct beyond the
7 power of the criminal law-making authority to pro-
8 scribe or punish with the sanction imposed; or

9 “(2) requires the observance of procedures
10 without which the likelihood of an accurate convic-
11 tion or valid capital sentence is seriously diminished.

12 “(c) As used in this section, the term ‘new rule’
13 means a clear break from precedent, announced by the
14 Supreme Court of the United States, that could not rea-
15 sonably have been anticipated at the time the claimant’s
16 sentence became final in State court. A rule is not ‘new’
17 merely because it was not dictated or compelled by the
18 precedents existing at that time or because, at that time,
19 it was susceptible to debate among reasonable minds.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 at the beginning of chapter 153 of title 28, United States
22 Code, is amended by adding at the end the following:

“2256. Law applicable.”.

1 **SEC. 805. COUNSEL IN CAPITAL CASES; STATE COURT.**

2 (a) IN GENERAL.—Chapter 153 of title 28, United
3 States Code, is amended by adding after the provision
4 added by section 804 of this subtitle the following:

5 **“§ 2257. Counsel in capital cases; State court**

6 “(a) Notwithstanding section 2254(d) of this chapter,
7 the court in an action under this chapter shall neither pre-
8 sume a finding of fact made in a State court proceeding
9 specified in subsection (b)(1) of this section to be correct
10 nor decline to consider a claim on the ground that it was
11 not raised in such a proceeding at the time or in the man-
12 ner prescribed by State law, unless—

13 “(1) the relevant State maintains a mechanism
14 for providing legal services to indigents in capital
15 cases that meets the specifications in subsection (b)
16 of this section;

17 “(2) if the applicant in the instant case was eli-
18 gible for the appointment of counsel and did not
19 waive such an appointment, the State actually ap-
20 pointed an attorney or attorneys to represent the ap-
21 plicant in the State proceeding in which the finding
22 of fact was made or the default occurred; and

23 “(3) the attorney or attorneys so appointed
24 substantially met both the qualification standards
25 specified in subsection (b)(3)(A) or (b)(4) of this

1 section and the performance standards established
2 by the appointing authority.

3 “(b) A mechanism for providing legal services to
4 indigents within the meaning of subsection (a)(1) of this
5 section shall include the following elements:

6 “(1) The State shall provide legal services to—

7 “(A) indigents charged with offenses for
8 which capital punishment is sought;

9 “(B) indigents who have been sentenced to
10 death and who seek appellate, collateral, or uni-
11 tary review in State court; and

12 “(C) indigents who have been sentenced to
13 death and who seek certiorari review of State
14 court judgments in the United States Supreme
15 Court.

16 “(2) The State shall establish a counsel author-
17 ity, which shall be—

18 “(A) a statewide defender organization;

19 “(B) a resource center; or

20 “(C) a counsel authority appointed by the
21 highest State court having jurisdiction over
22 criminal matters, consisting of members of the
23 bar with substantial experience in, or commit-
24 ment to, the representation of criminal defend-
25 ants in capital cases, and comprised of a bal-

1 anced representation from each segment of the
2 State’s criminal defense bar.

3 “(3) The counsel authority shall—

4 “(A) publish a roster of attorneys qualified
5 to be appointed in capital cases, procedures by
6 which attorneys are appointed, and standards
7 governing qualifications and performance of
8 counsel, which shall include—

9 “(i) knowledge and understanding of
10 pertinent legal authorities regarding issues
11 in capital cases; and

12 “(ii) skills in the conduct of negotia-
13 tions and litigation in capital cases, the in-
14 vestigation of capital cases and the psy-
15 chiatric history and current condition of
16 capital clients, and the preparation and
17 writing of legal papers in capital cases;

18 “(B) monitor the performance of attorneys
19 appointed and delete from the roster any attor-
20 ney who fails to meet qualification and perform-
21 ance standards; and

22 “(C) appoint a defense team, which shall
23 include at least 2 attorneys, to represent a cli-
24 ent at the relevant stage of proceedings, within

1 30 days after receiving notice of the need for
2 the appointment from the relevant State court.

3 “(4) An attorney who is not listed on the roster
4 shall be appointed only on the request of the client
5 concerned and in circumstances in which the attor-
6 ney requested is able to provide the client with qual-
7 ity legal representation.

8 “(5) No counsel appointed pursuant to this sec-
9 tion to represent a prisoner in State postconviction
10 proceedings shall have previously represented the
11 prisoner at trial or on direct appeal in the case for
12 which the appointment is made, unless the prisoner
13 and counsel expressly request continued representa-
14 tion.

15 “(6) The ineffectiveness or incompetence of
16 counsel appointed pursuant to this section during
17 State or Federal postconviction proceedings shall not
18 be a ground for relief in a proceeding arising under
19 section 2254 of this title. This limitation shall not
20 preclude the appointment of different counsel at any
21 phase of State or Federal postconviction proceed-
22 ings.

23 “(7) Upon receipt of notice from the counsel
24 authority that an individual entitled to the appoint-
25 ment of counsel under this section has declined to

1 accept such an appointment, the court requesting
2 the appointment shall conduct, or cause to be con-
3 ducted, a hearing, at which the individual and coun-
4 sel proposed to be appointed under this section shall
5 be present, to determine the individual's competency
6 to decline the appointment, and whether the individ-
7 ual has knowingly and intelligently declined it.

8 “(8) Attorneys appointed pursuant to this sec-
9 tion shall be compensated on an hourly basis pursu-
10 ant to a schedule of hourly rates as periodically es-
11 tablished by the counsel authority after consultation
12 with the highest State court with jurisdiction over
13 criminal matters. Appointed counsel shall be reim-
14 bursed for expenses reasonably incurred in rep-
15 resenting the client, including the costs of law clerks,
16 paralegals, investigators, experts, or other support
17 services.

18 “(9) Support services for staff attorneys of a
19 defender organization or resource center shall be
20 equal to the services listed in paragraph (8).”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 at the beginning of chapter 153 of title 28, United States
23 Code, is amended by adding after the provision added by
24 section 804 the following:

“2257. Counsel in capital cases; State court.”.

1 **SEC. 806. SUCCESSIVE FEDERAL PETITIONS.**

2 Section 2244(b) of title 28, United States Code, is
3 amended—

4 (1) by inserting “(1)” after “(b)”;

5 (2) by inserting “, in the case of an applicant
6 not under sentence of death,” after “When”; and

7 (3) by adding at the end the following:

8 “(2) In the case of an applicant under sentence
9 of death, a claim presented in a second or successive
10 application, that was not presented in a prior appli-
11 cation under this chapter, shall be dismissed un-
12 less—

13 “(A) the applicant shows that—

14 “(i) the basis of the claim could not
15 have been discovered by the exercise of
16 reasonable diligence before the applicant
17 filed the prior application; or

18 “(ii) the failure to raise the claim in
19 the prior application was due to action by
20 State officials in violation of the Constitu-
21 tion of the United States; and

22 “(B) the facts underlying the claim would
23 be sufficient, if proven, to undermine the
24 court’s confidence in the applicant’s guilt of the
25 offense or offenses for which the capital sen-

1 tence was imposed, or in the validity of that
2 sentence under Federal law.”.

3 **SEC. 807. CERTIFICATES OF PROBABLE CAUSE.**

4 The third paragraph of section 2253, of title 28,
5 United States Code, is amended to read as follows:

6 “An appeal may not be taken to the court of
7 appeals from the final order in a habeas corpus pro-
8 ceeding where the detention complained of arises out
9 of process issued by a State court, unless the justice
10 or judge who rendered the order or a circuit justice
11 or judge issues a certificate of probable cause. How-
12 ever, an applicant under sentence of death shall have
13 a right of appeal without a certification of probable
14 cause, except after denial of a second or successive
15 application.”.

16 **SEC. 808. DUTIES OF THE DISTRICT COURT.**

17 Section 2254(a) of title 28, United States Code, is
18 amended by adding at the end the following:

19 “In adjudicating the merits of any such ground,
20 the court shall exercise independent judgment in
21 ascertaining the pertinent Federal legal standards
22 and in applying those standards to the facts and
23 shall not defer to a previous State court judgment
24 regarding a Federal legal standard or its application.
25 Upon request, the court shall permit the parties to

1 present evidence regarding material facts that were
2 not adequately developed in State court. The court
3 shall award relief with respect to any meritorious
4 constitutional ground, unless, in the case of a viola-
5 tion that can be harmless, the respondent shows that
6 the error was harmless beyond a reasonable doubt.”.

7 **SEC. 809. CLAIMS OF INNOCENCE.**

8 (a) IN GENERAL.—Chapter 153 of title 28, United
9 States Code, is amended by adding after the provision
10 added by section 805 of this subtitle the following:

11 **“§ 2258. Claims of innocence**

12 “(a) At any time, and notwithstanding any other pro-
13 vision of law, a district court shall issue habeas corpus
14 relief on behalf of an applicant under sentence of death,
15 imposed either in Federal or in State court, who offers
16 credible newly discovered evidence which, had it been pre-
17 sented to the trier of fact or sentencing authority at trial,
18 would probably have resulted in—

19 “(1) an acquittal of the offense for which the
20 death sentence was imposed; or

21 “(2) a sentence other than death.

22 “(b) An application filed pursuant to subsection (a)
23 shall offer substantial evidence which, if credible, would
24 establish one of the standards in subsection (a)(1) or (2).
25 An application that fails to do so may be dismissed.

1 “(c) If the court concludes that an application meets
2 the requirements in subsection (b), the court shall—

3 “(1) order the respondent to file an answer;

4 “(2) permit the parties to conduct reasonable
5 discovery;

6 “(3) conduct a hearing to resolve disputed is-
7 sues of fact; and

8 “(4) upon request, issue a stay of execution
9 pending further proceedings in the district court and
10 on direct review of the district court’s judgment.

11 “(d) If the court concludes that the applicant meets
12 the standards established by subsection (a)(1) or (2), the
13 court shall order his or her release, unless a new trial or,
14 in an appropriate case, a new sentencing proceeding, is
15 conducted within a reasonable time.

16 “(e) If the court determines that the applicant is cur-
17 rently entitled to pursue other available and effective rem-
18 edies in either State or Federal court, the court may, at
19 the request of either party, suspend its consideration of
20 the application under this section until the applicant has
21 exhausted those remedies. A stay issued pursuant to sub-
22 section (c) shall remain in effect during such a suspension.

23 “(f) An application under this section may be consoli-
24 dated with any other pending application under this chap-
25 ter, filed by the same applicant.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 153 of title 28, United States
3 Code, is amended by adding after the provision added by
4 section 805 of this subtitle the following:

“2258. Claims of innocence.”.

5 **SEC. 810. PROCEDURAL DEFAULT IN STATE COURT.**

6 Section 2254 of title 28, United States Code, is
7 amended by adding the following:

8 “(h)(1) A district court shall decline to consider a
9 claim under this section if—

10 “(A) the applicant previously failed to raise the
11 claim in State court at the time and in the manner
12 prescribed by State law; the State courts, for that
13 reason, refused or would refuse to entertain the
14 claim; such refusal would constitute an adequate and
15 independent State law ground that would foreclose
16 direct review of the State court judgment in the Su-
17 preme Court of the United States; and

18 “(B) the applicant fails to show cause for the
19 failure to raise the claim in State court and preju-
20 dice to the applicant’s right to fair proceedings or to
21 an accurate outcome resulting from the alleged viola-
22 tion of the Federal right asserted, or that failure to
23 consider the claim would result in a miscarriage of
24 justice.

1 “(2) The court shall not find cause in any case in
2 which it appears that the applicant or counsel deliberately
3 withheld a claim from the State courts for strategic pur-
4 poses. An applicant may establish cause by showing that—

5 “(A) the factual basis of the claim could not
6 have been discovered by the exercise of reasonable
7 diligence before the applicant could have raised the
8 claim in State court;

9 “(B) the claim relies on a decision of the Su-
10 preme Court of the United States, announced after
11 the applicant might have raised the claim in State
12 court; or

13 “(C) the failure to raise the claim in State
14 court was due to interference by State officials,
15 counsel’s ignorance or neglect, or counsel’s ineffec-
16 tive assistance in violation of the Constitution.”.

17 **TITLE IX—GUN CONTROL**

18 **Subtitle A—Firearms**

19 **SEC. 901. FEDERAL FIREARMS LICENSEE REQUIRED TO**
20 **CONDUCT CRIMINAL BACKGROUND CHECK**
21 **BEFORE TRANSFER OF FIREARM TO**
22 **NONLICENSEE.**

23 (a) INTERIM PROVISION.—

1 (1) IN GENERAL.—Section 922 of title 18,
2 United States Code, is amended by adding at the
3 end the following:

4 “(s)(1) Beginning on the date that is 90 days after
5 the date of enactment of this subsection and ending on
6 the day before the date that the Attorney General certifies
7 under section 902(d)(1) of the Crime Prevention and
8 Criminal Justice Reform Act that the national instant
9 criminal background check system is established (except
10 as provided in paragraphs (2) and (3) of such section),
11 it shall be unlawful for any licensed importer, licensed
12 manufacturer, or licensed dealer to sell, deliver, or transfer
13 a handgun to an individual who is not licensed under sec-
14 tion 923, unless—

15 “(A) after the most recent proposal of such
16 transfer by the transferee—

17 “(i) the transferor has—

18 “(I) received from the transferee a
19 statement of the transferee containing the
20 information described in paragraph (3);

21 “(II) verified the identity of the trans-
22 feree by examining the identification docu-
23 ment presented;

24 “(III) within 1 day after the trans-
25 feree furnishes the statement, provided no-

1 tice of the contents of the statement to the
2 chief law enforcement officer of the place
3 of residence of the transferee; and

4 “(IV) within 1 day after the trans-
5 feree furnishes the statement, transmitted
6 a copy of the statement to the chief law
7 enforcement officer of the place of resi-
8 dence of the transferee; and

9 “(ii)(I) 7 business days (as defined by days
10 in which State offices are open) have elapsed
11 from the date the transferor furnished notice of
12 the contents of the statement to the chief law
13 enforcement officer, during which period the
14 transferor has not received information from
15 the chief law enforcement officer that receipt or
16 possession of the handgun by the transferee
17 would be in violation of Federal, State, or local
18 law; or

19 “(II) the transferor has received notice
20 from the chief law enforcement officer that the
21 officer has no information indicating that re-
22 ceipt or possession of the handgun by the trans-
23 feree would violate Federal, State, or local law;

24 “(B) the transferee has presented to the trans-
25 feror a written statement, issued by the chief law en-

1 enforcement officer of the place of residence of the
2 transferee during the 10-day period ending on the
3 date of the most recent proposal of such transfer by
4 the transferee, stating that the transferee requires
5 access to a handgun because of a threat to the life
6 of the transferee or of any member of the household
7 of the transferee;

8 “(C)(i) the transferee has presented to the
9 transferor a permit that—

10 “(I) allows the transferee to possess a
11 handgun; and

12 “(II) was issued not more than 5 years
13 earlier by the State in which the transfer is to
14 take place; and

15 “(ii) the law of the State provides that such a
16 permit is to be issued only after an authorized gov-
17 ernment official has verified that the information
18 available to such official does not indicate that pos-
19 session of a handgun by the transferee would be in
20 violation of the law;

21 “(D) the law of the State requires that, before
22 any licensed importer, licensed manufacturer, or li-
23 censed dealer completes the transfer of a handgun to
24 an individual who is not licensed under section 923,
25 an authorized government official verify that the in-

1 formation available to such official does not indicate
2 that possession of a handgun by the transferee
3 would be in violation of law, except that this sub-
4 paragraph shall not apply to a State that, on the
5 date of certification pursuant to section 902(d) of
6 the Crime Prevention and Criminal Justice Reform
7 Act, is not in compliance with the timetable estab-
8 lished pursuant to section 902(c) of such Act;

9 “(E) the Secretary has approved the transfer
10 under section 5812 of the Internal Revenue Code of
11 1986; or

12 “(F) on application of the transferor, the Sec-
13 retary has certified that compliance with subpara-
14 graph (A)(i)(III) is impracticable because—

15 “(i) the ratio of the number of law enforce-
16 ment officers of the State in which the transfer
17 is to occur to the number of square miles of
18 land area of the State does not exceed 0.0025;

19 “(ii) the business premises of the trans-
20 feror at which the transfer is to occur are ex-
21 tremely remote in relation to the chief law en-
22 forcement officer; and

23 “(iii) there is an absence of telecommuni-
24 cations facilities in the geographical area in
25 which the business premises are located.

1 “(2) A chief law enforcement officer to whom a trans-
2 feror has provided notice pursuant to paragraph
3 (1)(A)(i)(III) shall make a reasonable effort to ascertain
4 within 5 business days whether the transferee has a crimi-
5 nal record or whether there is any other legal impediment
6 to the transferee’s receiving a handgun, including research
7 in whatever State and local recordkeeping systems are
8 available and in a national system designated by the Attor-
9 ney General.

10 “(3) The statement referred to in paragraph
11 (1)(A)(i)(I) shall contain only—

12 “(A) the name, address, and date of birth ap-
13 pearing on a valid identification document (as de-
14 fined in section 1028(d)(1)) of the transferee con-
15 taining a photograph of the transferee and a de-
16 scription of the identification used;

17 “(B) a statement that transferee—

18 “(i) is not under indictment for, and has
19 not been convicted in any court of, a crime pun-
20 ishable by imprisonment for a term exceeding 1
21 year;

22 “(ii) is not a fugitive from justice;

23 “(iii) is not an unlawful user of or addicted
24 to any controlled substance (as defined in sec-
25 tion 102 of the Controlled Substances Act);

1 “(iv) has not been adjudicated as a mental
2 defective or been committed to a mental institu-
3 tion;

4 “(v) is not an alien who is illegally or un-
5 lawfully in the United States;

6 “(vi) has not been discharged from the
7 Armed Forces under dishonorable conditions;
8 and

9 “(vii) is not a person who, having been a
10 citizen of the United States, has renounced
11 such citizenship;

12 “(C) the date the statement is made; and

13 “(D) notice that the transferee intends to ob-
14 tain a handgun from the transferor.

15 “(4) Any transferor of a handgun who, after such
16 transfer, receives a report from a chief law enforcement
17 officer containing information that receipt or possession
18 of the handgun by the transferee violates Federal, State,
19 or local law shall immediately communicate all information
20 the transferor has about the transfer and the transferee
21 to—

22 “(A) the chief law enforcement officer of the
23 place of business of the transferor; and

24 “(B) the chief law enforcement officer of the
25 place of residence of the transferee.

1 “(5) Any transferor who receives information, not
2 otherwise available to the public, in a report under this
3 subsection shall not disclose such information except to
4 the transferee, to law enforcement authorities, or pursuant
5 to the direction of a court of law.

6 “(6)(A) Any transferor who sells, delivers, or other-
7 wise transfers a handgun to a transferee shall retain the
8 copy of the statement of the transferee with respect to
9 the handgun transaction, and shall retain evidence that
10 the transferor has complied with subclauses (III) and (IV)
11 of paragraph (1)(A)(i) with respect to the statement.

12 “(B) Unless the chief law enforcement officer to
13 whom a statement is transmitted under paragraph
14 (1)(A)(i)(IV) determines that a transaction would violate
15 Federal, State, or local law—

16 “(i) the officer shall, within 20 business days
17 after the date the transferee made the statement on
18 the basis of which the notice was provided, destroy
19 the statement and any record containing information
20 derived from the statement;

21 “(ii) the information contained in the statement
22 shall not be conveyed to any person except a person
23 who has a need to know in order to carry out this
24 subsection; and

1 “(iii) the information contained in the state-
2 ment shall not be used for any purpose other than
3 to carry out this subsection.

4 “(7) A chief law enforcement officer or other person
5 responsible for providing criminal history background in-
6 formation pursuant to this subsection shall not be liable
7 in an action at law for damages—

8 “(A) for failure to prevent the sale or transfer
9 of a handgun to a person whose receipt or posses-
10 sion of the handgun is unlawful under this section;
11 or

12 “(B) for preventing such a sale or transfer to
13 a person who may lawfully receive or possess a
14 handgun.

15 “(8) For purposes of this subsection, the term ‘chief
16 law enforcement officer’ means the chief of police, the
17 sheriff, or an equivalent officer or the designee of any such
18 individual.

19 “(9) The Secretary shall take necessary actions to en-
20 sure that the provisions of this subsection are published
21 and disseminated to licensed dealers, law enforcement offi-
22 cials, and the public.”.

23 (2) HANDGUN DEFINED.—Section 921(a) of
24 such title is amended by adding at the end the fol-
25 lowing:

1 “(29) The term ‘handgun’ means—

2 “(A) a firearm which has a short stock and is
3 designed to be held and fired by the use of a single
4 hand; and

5 “(B) any combination of parts from which a
6 firearm described in subparagraph (A) can be as-
7 sembled.”.

8 (b) PERMANENT PROVISION.—Section 922 of title
9 18, United States Code, as amended by subsection (a)(1)
10 of this section, is amended by adding at the end the follow-
11 ing:

12 “(t)(1) Beginning on the date that the Attorney Gen-
13 eral certifies under section 902(d)(1) of the Crime Preven-
14 tion and Criminal Justice Reform Act that the national
15 instant criminal background check system is established
16 (except as provided in paragraphs (2) and (3) of such sec-
17 tion), a licensed importer, licensed manufacturer, or li-
18 censed dealer shall not transfer a firearm to any other
19 person who is not such a licensee, unless—

20 “(A) before the completion of the transfer, the
21 licensee contacts the national instant criminal back-
22 ground check system established under section 903
23 of such Act;

24 “(B) the system notifies the licensee that the
25 system has not located any record that demonstrates

1 that the receipt of a firearm by such other person
2 would violate subsection (g) or (n) of this section or
3 any State or local law; and

4 “(C) the transferor has verified the identity of
5 the transferee by examining a valid identification
6 document (as defined in section 1028(d)(1) of this
7 title) of the transferee containing a photograph of
8 the transferee.

9 “(2) Paragraph (1) shall not apply to a firearm
10 transfer between a licensee and another person if—

11 “(A)(i) such other person has presented to the
12 licensee a permit that—

13 “(I) allows such other person to possess a
14 firearm; and

15 “(II) was issued not more than 5 years
16 earlier by the State in which the transfer is to
17 take place; and

18 “(ii) the law of the State provides that such a
19 permit is to be issued only after an authorized gov-
20 ernment official has verified that the information
21 available to such official does not indicate that pos-
22 session of a firearm by such other person would be
23 in violation of law;

1 “(B) the Secretary has approved the transfer
2 under section 5812 of the Internal Revenue Code of
3 1986; or

4 “(C) on application of the transferor, the Sec-
5 retary has certified that compliance with paragraph
6 (1)(A) is impracticable because—

7 “(i) the ratio of the number of law enforce-
8 ment officers of the State in which the transfer
9 is to occur to the number of square miles of
10 land area of the State does not exceed 0.0025;

11 “(ii) the business premises of the licensee
12 at which the transfer is to occur are extremely
13 remote in relation to the chief law enforcement
14 officer (as defined in subsection (s)(8)); and

15 “(iii) there is an absence of telecommuni-
16 cations facilities in the geographical area in
17 which the business premises are located.

18 “(3) If the national instant criminal background
19 check system notifies the licensee that the information
20 available to the system does not demonstrate that the re-
21 ceipt of a firearm by such other person would violate sub-
22 section (g) or (n), and the licensee transfers a firearm to
23 such other person, the licensee shall include in the record
24 of the transfer the unique identification number provided
25 by the system with respect to the transfer.

1 “(4) In addition to the authority provided under sec-
2 tion 923(e), if the licensee knowingly transfers a firearm
3 to such other person and knowingly fails to comply with
4 paragraph (1) of this subsection with respect to the trans-
5 fer and, at the time such other person most recently pro-
6 posed the transfer, the national instant criminal back-
7 ground check system was operating and information was
8 available to the system demonstrating that receipt of a
9 firearm by such other person would violate subsection (g)
10 or (n) of this section, the Secretary may, after notice and
11 opportunity for a hearing, suspend for not more than 6
12 months or revoke any license issued to the licensee under
13 section 923, and may impose on the licensee a civil fine
14 of not more than \$5,000.

15 “(5) Neither a local government nor an employee of
16 the Federal Government or of any State or local govern-
17 ment, responsible for providing information to the national
18 instant criminal background check system shall be liable
19 in an action at law for damages—

20 “(A) for failure to prevent the sale or transfer
21 of a handgun to a person whose receipt or posses-
22 sion of the handgun is unlawful under this section;
23 or

1 “(B) for preventing such a sale or transfer to
2 a person who may lawfully receive or possess a
3 handgun.”.

4 (c) PENALTY.—Section 924(a) of title 18, United
5 States Code, is amended—

6 (1) in paragraph (1), by striking “paragraph
7 (2) or (3) of”; and

8 (2) by adding at the end the following:

9 “(5) Whoever knowingly violates subsection (s) or (t)
10 of section 922 shall be fined not more than \$1,000, impris-
11 oned for not more than 1 year, or both.”.

12 **SEC. 902. NATIONAL INSTANT CRIMINAL BACKGROUND**
13 **CHECK SYSTEM.**

14 (a) ESTABLISHMENT OF SYSTEM.—The Attorney
15 General of the United States shall establish a national in-
16 stant criminal background check system that any licensee
17 may contact for information on whether receipt of a fire-
18 arm by a prospective transferee thereof would violate sub-
19 section (g) or (n) of section 922 of title 18, United States
20 Code, or any State or local law.

21 (b) EXPEDITED ACTION BY THE ATTORNEY GEN-
22 ERAL.—The Attorney General shall expedite—

23 (1) the upgrading and indexing of State crimi-
24 nal history records in the Federal criminal records

1 system maintained by the Federal Bureau of Inves-
2 tigation;

3 (2) the development of hardware and software
4 systems to link State criminal history check systems
5 into the national instant criminal background check
6 system established by the Attorney General pursuant
7 to this section; and

8 (3) the current revitalization initiatives by the
9 Federal Bureau of Investigation for technologically
10 advanced fingerprint and criminal records identifica-
11 tion.

12 (c) PROVISION OF STATE CRIMINAL RECORDS TO
13 THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK
14 SYSTEM.—(1) Not later than 6 months after the date of
15 enactment of this Act, the Attorney General shall—

16 (A) determine the type of computer hardware
17 and software that will be used to operate the na-
18 tional instant criminal background check system and
19 the means by which State criminal records systems
20 will communicate with the national system;

21 (B) investigate the criminal records system of
22 each State and determine for each State a timetable
23 by which the State should be able to provide crimi-
24 nal records on an on line capacity basis to the na-
25 tional system;

1 (C) notify each State of the determinations
2 made pursuant to subparagraphs (A) and (B).

3 (2) The Attorney General shall require as a part of
4 the State timetable that the State achieve, by the end of
5 5 years after the date of enactment of this Act, at least
6 80 percent currency of case dispositions in computerized
7 criminal history files for all cases in which there has been
8 an event of activity within the last 5 years and continue
9 to maintain such a system.

10 (d) NATIONAL SYSTEM CERTIFICATION.—(1) On the
11 date that is 30 months after the date of enactment of this
12 Act, and at any time thereafter, the Attorney General shall
13 determine whether—

14 (A) the national system has achieved at least
15 80 percent currency of case dispositions in comput-
16 erized criminal history files for all cases in which
17 there has been an event of activity within the last
18 5 years on a national average basis; and

19 (B) the States are in compliance with the time-
20 table established pursuant to subsection (c),
21 and, if so, shall certify that the national system is estab-
22 lished.

23 (2) If, on the date of certification in paragraph (1)
24 of this subsection, a State is not in compliance with the
25 timetable established pursuant to subsection (c) of this

1 section, section 922(s) of title 18, United States Code,
2 shall remain in effect in such State and section 922(t) of
3 such title shall not apply to the State. The Attorney Gen-
4 eral shall certify if a State subject to the provisions of
5 section 922(s) under the preceding sentence achieves com-
6 pliance with its timetable after the date of certification
7 in paragraph (1) of this subsection, and section 922(t) of
8 such title shall apply to the State.

9 (3) Six years after the date of enactment of this Act,
10 the Attorney General shall certify whether or not a State
11 is in compliance with subsection (c)(2) of this section and
12 if the State is not in compliance, section 922(s) of title
13 18, United States Code, shall apply to the State and sec-
14 tion 922(t) of such title shall not apply to the State. The
15 Attorney General shall certify if a State subject to the pro-
16 visions of section 922(s) under the preceding sentence
17 achieves compliance with the standards in subsection
18 (c)(2) of this section, and section 922(s) of title 18, United
19 States Code, shall not apply to the State and section
20 922(t) of such title shall apply to the State.

21 (e) NOTIFICATION OF LICENSEES.—On establish-
22 ment of the system under this section, the Attorney Gen-
23 eral shall notify each licensee and the chief law enforce-
24 ment officer of each State of the existence and purpose

1 of the system and the means to be used to contact the
2 system.

3 (f) ADMINISTRATIVE PROVISIONS.—

4 (1) AUTHORITY TO OBTAIN OFFICIAL INFORMA-
5 TION.—Notwithstanding any other law, the Attorney
6 General may secure directly from any department or
7 agency of the United States such information on
8 persons for whom receipt of a firearm would violate
9 subsection (g) or (n) of section 922 of title 18, Unit-
10 ed States Code, or any State or local law, as is nec-
11 essary to enable the system to operate in accordance
12 with this section. On request of the Attorney Gen-
13 eral, the head of such department or agency shall
14 furnish such information to the system.

15 (2) OTHER AUTHORITY.—The Attorney General
16 shall develop such computer software, design and ob-
17 tain such telecommunications and computer hard-
18 ware, and employ such personnel, as are necessary
19 to establish and operate the system in accordance
20 with this section.

21 (g) CORRECTION OF ERRONEOUS SYSTEM INFORMA-
22 TION.—If the system established under this section in-
23 forms an individual contacting the system that receipt of
24 a firearm by a prospective transferee would violate sub-
25 section (g) or (n) of section 922 of title 18, United States

1 Code, or any State or local law, the prospective transferee
2 may request the Attorney General to provide the prospec-
3 tive transferee with the reasons therefore. Upon receipt
4 of such a request, the Attorney General shall immediately
5 comply with the request. The prospective transferee may
6 submit to the Attorney General information that to cor-
7 rect, clarify, or supplement records of the system with re-
8 spect to the prospective transferee. After receipt of such
9 information, the Attorney General shall immediately con-
10 sider the information, investigate the matter further, and
11 correct all erroneous Federal records relating to the pro-
12 spective transferee and give notice of the error to any Fed-
13 eral department or agency or any State that was the
14 source of such erroneous records.

15 (h) REGULATIONS.—After 90 days notice to the pub-
16 lic and an opportunity for hearing by interested parties,
17 the Attorney General shall prescribe regulations to ensure
18 the privacy and security of the information of the system
19 established under this section.

20 (i) PROHIBITIONS RELATING TO ESTABLISHMENT OF
21 REGISTRATION SYSTEMS WITH RESPECT TO FIREARMS.—
22 No department, agency, officer, or employee of the United
23 States may—

24 (1) require that any record or portion thereof
25 maintained by the system established under this sec-

1 tion be recorded at or transferred to a facility
2 owned, managed, or controlled by the United States
3 or any State or political subdivision thereof; or

4 (2) use the system established under this sec-
5 tion to establish any system for the registration of
6 firearms, firearm owners, or firearm transactions or
7 dispositions, except with respect to persons prohib-
8 ited by section 922(g) or (n) of title 18, United
9 States Code, from receiving a firearm.

10 (j) DEFINITIONS.—As used in this section:

11 (1) LICENSEE.—The term “licensee” means a
12 licensed importer, licensed manufacturer, or licensed
13 dealer under section 923 of title 18, United States
14 Code.

15 (2) OTHER TERMS.—The terms “firearm”, “li-
16 censed importer”, “licensed manufacturer”, and “li-
17 censed dealer” have the meanings stated in section
18 921(a) (3), (9), (10), and (11), respectively, of title
19 18, United States Code.

20 **SEC. 903. FUNDING FOR IMPROVEMENT OF CRIMINAL**
21 **RECORDS.**

22 (a) IMPROVEMENTS IN STATE RECORDS.—

23 (1) USE OF FORMULA GRANTS.—Section 509(b)
24 of title I of the Omnibus Crime Control and Safe

1 Streets Act of 1968 (42 U.S.C. 3759(b)) is amend-
2 ed—

3 (A) in paragraph (2) by striking “and”
4 after the semicolon;

5 (B) in paragraph (3) by striking the period
6 and inserting “; and”; and

7 (C) by adding at the end the following new
8 paragraph:

9 “(4) the improvement of State record systems
10 and the sharing with the Attorney General of all of
11 the records described in paragraphs (1), (2), and (3)
12 of this subsection and the records required by the
13 Attorney General under section 902 of the Crime
14 Prevention and Criminal Justice Reform Act, for the
15 purpose of implementing such Act.”.

16 (2) ADDITIONAL FUNDING.—

17 (A) GRANTS FOR THE IMPROVEMENT OF
18 CRIMINAL RECORDS.—The Attorney General,
19 through the Bureau of Justice Statistics, shall,
20 subject to appropriations and with preference to
21 States that as of the date of enactment of this
22 Act have the lowest percent currency of case
23 dispositions in computerized criminal history
24 files, make a grant to each State to be used—

1 (i) for the creation of a computerized
2 criminal history record system or improve-
3 ment of an existing system;

4 (ii) to improve accessibility to the na-
5 tional instant criminal background system;
6 and

7 (iii) upon establishment of the na-
8 tional system, to assist the State in the
9 transmittal of criminal records to the na-
10 tional system.

11 (B) AUTHORIZATION OF APPROPRIA-
12 TIONS.—There are authorized to be appro-
13 priated for grants under subparagraph (A) a
14 total of \$100,000,000 for fiscal year 1995 and
15 all fiscal years thereafter.

16 (b) WITHHOLDING STATE FUNDS.—Effective on the
17 date of enactment of this Act the Attorney General may
18 reduce by up to 50 percent the allocation to a State for
19 a fiscal year under title I of the Omnibus Crime Control
20 and Safe Streets Act of 1968 of a State that is not in
21 compliance with the timetable established for such State
22 under section 902(c) of this Act.

23 (c) WITHHOLDING OF DEPARTMENT OF JUSTICE
24 FUNDS.—If the Attorney General does not certify the na-

1 tional instant criminal background check system pursuant
2 to section 902(d)(1) by—

3 (1) 30 months after the date of enactment of
4 this Act the general administrative funds appro-
5 priated to the Department of Justice for the fiscal
6 year beginning in the calendar year in which the
7 date that is 30 months after the date of enactment
8 of this Act falls shall be reduced by 5 percent on a
9 monthly basis; and

10 (2) 42 months after the date of enactment of
11 this Act the general administrative funds appro-
12 priated to the Department of Justice for the fiscal
13 year beginning in the calendar year in which the
14 date that is 42 months after the date of enactment
15 of this Act falls shall be reduced by 10 percent on
16 a monthly basis.

17 **Subtitle B—Semiautomatic Assault**
18 **Weapons**

19 **SEC. 911. SHORT TITLE.**

20 This subtitle may be cited as the “Semiautomatic As-
21 sault Weapon Violence Prevention Act of 1993”.

22 **SEC. 912. PROHIBITION OF SEMIAUTOMATIC ASSAULT**
23 **WEAPONS.**

24 (a) DEFINITIONS.—Section 921(a) of title 18, United
25 States Code, is amended—

1 (1) in paragraph (28) by striking “‘semiauto-
2 matic rifle’ means any repeating rifle” and inserting
3 “‘semiautomatic firearm’ means a repeating fire-
4 arm”; and

5 (2) by adding at the end the following new
6 paragraph:

7 “(29) The term ‘semiautomatic assault weapon’—

8 “(A) means—

9 “(i) any of the semiautomatic firearms

10 known as—

11 “(I) A.A. Arms AP-9;

12 “(II) Auto-Ordnance Thompson;

13 “(III) Barrett Light-Fifty;

14 “(IV) Beretta AR-70;

15 “(V) Bushmaster Auto Rifle;

16 “(VI) Calico M-900 and M-950;

17 “(VII) Cobray, Ingram and RPB

18 MAC-10 and MAC-11;

19 “(VIII) Colt AR-15 and Sporter;

20 “(IX) Encom MP-9 and MP-45;

21 “(X) Fabrique Nationale FN/FAL,

22 FN/LAR, and FNC;

23 “(XI) Feather AT-9;

24 “(XII) Federal XP900 and XP450;

25 “(XIII) Franchi SPAS-12;

1 “(XIV) Intratec TEC-9 and TEC-22;

2 “(XV) Israeli Military Industries UZI

3 and Galil;

4 “(XVI) Iver Johnson Enforcer 3000;

5 “(XVII) Norinco, Mitchell and Poly

6 Technologies Avtomat Kalashnikovs;

7 “(XVIII) Steyr AUG; or

8 “(XIX) USAS-12;

9 “(ii) a revolving-cylinder shotgun such as
10 or similar to the Street Sweeper or Striker 12;

11 and

12 “(iii) a semiautomatic firearm designated
13 by the Secretary as a semiautomatic assault
14 weapon under section 931; and

15 “(B) does not include (among other firearms)—

16 “(i) any of the firearms known as—

17 “(I) Remington Model 1100 shotgun;

18 “(II) Remington Model 7400 rifle;

19 “(III) Mossberg Model 5500 shotgun;

20 “(IV) HK Model 300 rifle;

21 “(V) Marlin Model 9 camp carbine;

22 “(VI) Browning High-Power rifle; or

23 “(VII) Remington Nylon 66 auto
24 loading rifle;

1 “(ii) a firearm that is a manually operated
2 bolt action firearm;

3 “(iii) a lever action firearm;

4 “(iv) a slide action firearm; or

5 “(v) a firearm that has been rendered per-
6 manently inoperable.”.

7 (b) PROHIBITION.—Section 922 of title 18, United
8 States Code, is amended by adding at the end the follow-
9 ing new subsection:

10 “(s)(1) Except as provided in paragraph (2), it shall
11 be unlawful for a person to transfer or possess a semiauto-
12 matic assault weapon.

13 “(2) This subsection does not apply with respect to—

14 “(A) a transfer to or by, or possession by or
15 under the authority of the United States or a de-
16 partment or agency of the United States or a State
17 or a department, agency, or political subdivision of
18 a State;

19 “(B) a lawful transfer or lawful possession of a
20 semiautomatic assault weapon that was lawfully pos-
21 sessed before the effective date of this subsection or,
22 in the case of a semiautomatic firearm that the Sec-
23 retary designates as a semiautomatic assault weapon
24 pursuant to section 931, before the date on which
25 the designation is made; or

1 “(C) the transfer or possession of a semiauto-
2 matic assault weapon by a licensed manufacturer or
3 licensed importer for the purposes of testing or ex-
4 perimentation authorized by the Secretary.”.

5 (c) DESIGNATION OF SEMIAUTOMATIC ASSAULT
6 WEAPONS.—

7 (1) IN GENERAL.—Chapter 44 of title 18, Unit-
8 ed States Code, is amended by adding at the end the
9 following new section:

10 **“§ 931. Designation of semiautomatic assault weapons**

11 “(a) IN GENERAL.—Not later than 180 days after
12 the date of enactment of this section, and annually there-
13 after, the Secretary, in consultation with the Attorney
14 General, shall determine whether any other semiautomatic
15 firearm (other than a firearm described in section
16 921(a)(29)(B)) should be designated as a semiautomatic
17 assault weapon in addition to those previously designated
18 by section 921(a)(29)(A) or by the Secretary under this
19 section.

20 “(b) CRITERIA.—(1) The Secretary shall by regula-
21 tion designate as a semiautomatic assault weapon a rifle,
22 pistol, or shotgun that is a semiautomatic firearm and
23 that is described in paragraph (2), (3), (4), or (5).

1 “(2) A replica or duplicate in any caliber of a semi-
2 automatic firearm described in section 921(a)(29)(A)(i) is
3 a semiautomatic assault weapon.

4 “(3) A rifle that is a semiautomatic firearm is a semi-
5 automatic assault weapon if it—

6 “(A) is not generally recognized as being par-
7 ticularly suitable for or readily adaptable to sporting
8 purposes;

9 “(B) has an ability to accept a detachable mag-
10 azine; and

11 “(C) has at least 2 of the following characteris-
12 tics:

13 “(i) A folding or telescoping stock.

14 “(ii) A pistol grip that protrudes conspicu-
15 ously beneath the action of the weapon.

16 “(iii) A bayonet mount.

17 “(iv) A flash suppressor or threaded barrel
18 designed to accommodate a flash suppressor.

19 “(v) A grenade launcher.

20 “(4) A pistol that is a semiautomatic firearm is a
21 semiautomatic assault weapon if it—

22 “(A) is not generally recognized as being par-
23 ticularly suitable for or adaptable to sporting pur-
24 poses; and

1 “(B) has an ability to accept a detachable mag-
2 azine; and

3 “(C) has at least 2 of the following characteris-
4 tics:

5 “(i) An ammunition magazine that at-
6 taches to the pistol outside of the pistol grip.

7 “(ii) A threaded barrel capable of accept-
8 ing a barrel extender, flash suppressor, forward
9 hand grip, or silencer.

10 “(iii) A shroud that is attached to or par-
11 tially or completely encircles the barrel and that
12 permits the shooter to hold the firearm with the
13 second hand without being burned.

14 “(iv) A manufactured weight of 50 ounces
15 or more when the pistol is unloaded.

16 “(v) A semiautomatic version of an auto-
17 matic firearm.

18 “(5) A shotgun that is a semiautomatic firearm is
19 a semiautomatic assault weapon if it—

20 “(A) is not generally recognized as being par-
21 ticularly suitable for or adaptable to sporting pur-
22 poses; and

23 “(B) has at least 2 of the following characteris-
24 tics:

25 “(i) A folding or telescoping stock.

1 amended by adding at the end the following new sub-
2 section:

3 “(t)(1) Except as provided in paragraph (2), it shall
4 be unlawful for a person to transfer or possess a large
5 capacity ammunition feeding device.

6 “(2) This subsection does not apply with respect to—

7 “(A) a transfer to or by, or possession by or
8 under the authority of, the United States or any de-
9 partment or agency of the United States or a State,
10 or a department, agency, or political subdivision of
11 a State;

12 “(B) a lawful transfer or lawful possession of a
13 large capacity ammunition feeding device that was
14 lawfully possessed before the effective date of this
15 subsection other than a transfer by a licensed dealer;
16 or

17 “(C) the transfer or possession of a large ca-
18 pacity ammunition feeding device by a licensed man-
19 ufacturer or licensed importer for the purposes of
20 testing or experimentation authorized by the Sec-
21 retary.”.

22 (b) LARGE CAPACITY AMMUNITION FEEDING DE-
23 VICE DEFINED.—Section 921(a) of title 18, United States
24 Code, as amended by section 902 of this Act, is amended
25 by adding at the end the following new paragraph:

1 “(30) The term ‘large capacity ammunition feeding
2 device’—

3 “(A) means—

4 “(i) a magazine, belt, drum, feed strip, or
5 similar device that has a capacity of, or that
6 can be readily restored or converted to accept,
7 more than 10 rounds of ammunition; and

8 “(ii) any combination of parts from which
9 a device described in clause (i) can be assem-
10 bled, but

11 “(B) does not include an attached tubular de-
12 vice designed to accept and capable of operating only
13 with .22 caliber rimfire ammunition.”.

14 (c) LARGE CAPACITY AMMUNITION FEEDING DE-
15 VICES DEFINED AND TREATED AS FIREARMS.—Section
16 921(a)(3) of title 18, United States Code, is amended in
17 the first sentence—

18 (1) by striking “or”; and

19 (2) by striking “device.” and inserting “, or (E)
20 any large capacity ammunition feeding device.”.

21 (d) PENALTY.—Section 924(a)(1)(B) of title 18,
22 United States Code, as amended by section 912(d) of this
23 Act, is amended by striking “or (s)” and inserting “(s),
24 or (t)”.

1 (e) IDENTIFICATION MARKINGS FOR LARGE CAPAC-
2 ITY AMMUNITION FEEDING DEVICES.—Section 923(i) of
3 title 18, United States Code, is amended by adding at the
4 end the following new sentence: “A large capacity ammu-
5 nition feeding device shall be identified by a serial number
6 that clearly shows the device was manufactured or im-
7 ported after the effective date of this subsection, and such
8 other identification as the Secretary may by regulations
9 prescribe.”.

10 **Subtitle C—Gun Violence Liability**

11 **SEC. 921. SHORT TITLE.**

12 This subtitle may be cited as the “Gun Violence Eco-
13 nomic Equity Act of 1993”.

14 **SEC. 922. CAUSE OF ACTION; FEDERAL JURISDICTION.**

15 (a) IN GENERAL.—Any person suffering bodily injury
16 or death as a result of the discharge of a handgun or an
17 assault weapon may bring an action in any United States
18 district court against any permissible defendant for dam-
19 ages and such other relief as the court deems appropriate.

20 (b) PERMISSIBLE DEFENDANTS.—The following per-
21 sons are permissible defendants in an action brought
22 under subsection (a) with respect to a handgun or an as-
23 sault weapon:

24 (1) Any manufacturer of the handgun or as-
25 sault weapon.

1 (2) Any importer of the handgun or assault
2 weapon.

3 (3) Any dealer who transferred the handgun or
4 assault weapon.

5 **SEC. 923. STRICT LIABILITY.**

6 (a) IN GENERAL.—Each defendant in an action
7 brought under section 922(a) shall be held strictly liable
8 in tort, without regard to fault or proof of defect, for all
9 direct and consequential damages that arise from bodily
10 injury or death proximately resulting from the discharge
11 of the handgun or assault weapon with respect to which
12 the defendant is a permissible defendant, except as pro-
13 vided in subsection (b) of this section.

14 (b) DEFENSES.—

15 (1) INJURY WHILE COMMITTING A FELONY.—
16 There shall be no liability under subsection (a) if it
17 is established by a preponderance of the evidence
18 that the plaintiff suffered the injury while commit-
19 ting a crime punishable by imprisonment for a term
20 exceeding 1 year.

21 (2) SELF-INFLICTED INJURY.—There shall be
22 no liability under subsection (a) if it is established
23 by a preponderance of the evidence that the plain-
24 tiff's injury was self-inflicted.

1 (3) INJURY BY LAW ENFORCEMENT OFFICER.—

2 There shall be no liability under subsection (a) if it
3 is established by a preponderance of the evidence
4 that the injury was suffered as a result of the dis-
5 charge, by a law enforcement officer in the perform-
6 ance of official duties, of a handgun or assault weap-
7 on issued by the United States or any department
8 or agency thereof, or any State or any department,
9 agency, or political subdivision thereof.

10 (4) INJURY BY MEMBER OF THE UNITED

11 STATES ARMED FORCES.—There shall be no liability
12 under subsection (a) if it is established by a prepon-
13 derance of the evidence that the injury was suffered
14 as a result of the discharge, by a member of the
15 Armed Forces of the United States in the perform-
16 ance of military duties, of a handgun or assault
17 weapon issued by the United States or any depart-
18 ment or agency thereof.

19 (c) AUTHORITY TO AWARD A REASONABLE ATTOR-

20 NEY'S FEE.—In an action brought under section 2(a), the
21 court may, in its discretion, allow the prevailing party a
22 reasonable attorney's fee as part of the costs.

1 **SEC. 924. STATUTE OF LIMITATIONS.**

2 An action may not be brought under section 922(a)
3 after the 2-year period that begins with the date the injury
4 described therein is discovered.

5 **SEC. 925. APPLICABILITY.**

6 This Act shall apply only to handguns and assault
7 weapons manufactured in, imported into, or transferred
8 in the United States, after the effective date of this Act.

9 **SEC. 926. NO EFFECT ON OTHER CAUSES OF ACTION.**

10 This Act shall not be construed to limit the scope of
11 any other cause of action available to a person injured as
12 a result of the discharge of a handgun or an assault weap-
13 on.

14 **SEC. 927. DEFINITIONS.**

15 As used in this subtitle:

16 (1) **HANDGUN.**—The term “handgun” means a
17 firearm which, at the time of manufacture, had a
18 barrel of less than 12 inches in length.

19 (2) **ASSAULT WEAPON.**—The term “assault
20 weapon” means—

21 (A) a firearm—

22 (i) which—

23 (I) has a barrel of 12 or more
24 inches in length; and

1 (II) is capable of receiving am-
2 munition directly from a large capac-
3 ity ammunition magazine; or

4 (ii) which is—

5 (I) a semiautomatic firearm; and

6 (II) not generally recognized as
7 particularly suitable for, or readily
8 adaptable to, sporting purposes; or

9 (B) a firearm which is substantially func-
10 tionally equivalent to a firearm described by
11 clause (i) or (ii) of subparagraph (A).

12 (3) LARGE CAPACITY AMMUNITION MAGA-
13 ZINE.—The term “large capacity ammunition maga-
14 zine” means a detachable magazine, belt, drum, feed
15 strip, or similar device which has, or which can be
16 readily restored or converted to have, a capacity of
17 15 or more rounds of ammunition.

18 (4) SEMIAUTOMATIC FIREARM.—The term
19 “semiautomatic firearm” means any repeating fire-
20 arm which utilizes a portion of the energy of a firing
21 cartridge to extract the fired cartridge case and
22 chamber the next round, and which requires a sepa-
23 rate pull of the trigger to fire each cartridge.

24 (5) LAW ENFORCEMENT OFFICER.—The term
25 “law enforcement officer” means any officer, agent,

1 or employee of the United States, or of a State or
2 political subdivision thereof, who is authorized by
3 law to engage in or supervise the prevention, detec-
4 tion, investigation, or prosecution of any violation of
5 law.

6 (6) OTHER TERMS.—The terms “firearm”,
7 “importer”, “manufacturer”, and “dealer” shall
8 have the meanings given such terms, respectively, in
9 paragraphs (3), (9), (10), and (11) of section 921(a)
10 of title 18, United States Code.

11 **SEC. 928. EFFECTIVE DATE.**

12 This subtitle shall apply to conduct occurring after
13 the end of the 20-day period that begins with the date
14 of the enactment of this Act.

15 **Subtitle D—Ammunition**

16 **SEC. 931. RECORDS OF DISPOSITION OF AMMUNITION.**

17 (a) AMENDMENT OF TITLE 18, UNITED STATES
18 CODE.—Section 923(g) of title 18, United States Code,
19 is amended—

20 (1) in paragraph (1)(A) by inserting after the
21 second sentence “Each licensed importer and manu-
22 facturer of ammunition shall maintain such records
23 of importation, production, shipment, sale, or other
24 disposition of ammunition at his place of business
25 for such period and in such form as the Secretary

1 may by regulations prescribe. Such records shall in-
2 clude the amount, caliber, and type of ammuni-
3 tion.”; and

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

6 “(6) Each licensed importer or manufacturer of am-
7 munition shall annually prepare a summary report of im-
8 ports, production, shipments, sales, and other dispositions
9 during the preceding year. The report shall be prepared
10 on a form specified by the Secretary, shall include the
11 amounts, calibers, and types of ammunition that were dis-
12 posed of, and shall be forwarded to the office specified
13 thereon not later than the close of business on the date
14 specified by the Secretary.”.

15 (b) STUDY OF CRIMINAL USE AND REGULATION OF
16 AMMUNITION.—The Secretary of the Treasury shall re-
17 quest the National Academy of Sciences to—

18 (1) prepare, in consultation with the Secretary,
19 a study of the criminal use and regulation of ammu-
20 nition; and

21 (2) to submit to Congress, not later than July
22 31, 1996, a report with recommendations on the po-
23 tential for preventing crime by regulating or restrict-
24 ing the availability of ammunition.

1 **SEC. 932. INCREASE IN TAX ON CERTAIN BULLETS.**

2 (a) IN GENERAL.—Section 4181 of the Internal Rev-
3 enue Code of 1986 (relating to the imposition of tax on
4 firearms, etc.) is amended by adding at the end the follow-
5 ing new flush sentence:

6 “In the case of 9 millimeter, .25 caliber, or .32 caliber
7 ammunition, the rate of tax under this section shall be
8 89 percent.”.

9 (b) EXEMPTION FOR LAW ENFORCEMENT PUR-
10 POSES.—Section 4182 of the Internal Revenue Code of
11 1986 (relating to exemptions) is amended by adding at
12 the end the following new subsection:

13 “(d) LAW ENFORCEMENT.—The last sentence of sec-
14 tion 4181 shall not apply to any sale (not otherwise ex-
15 empted) to, or for the use of, the United States (or any
16 department, agency, or instrumentality thereof) or a State
17 or political subdivision thereof (or any department, agen-
18 cy, or instrumentality thereof).”.

19 (c) EFFECTIVE DATE.—The amendments made by
20 this section shall apply to sales after October 1, 1994.

21 **SEC. 933. TRANSFER OF ADDITIONAL REVENUES TO TRAU-**
22 **MA CENTER TRUST FUND.**

23 (a) IN GENERAL.—Subchapter A of chapter 98 of the
24 Internal Revenue Code of 1986 (relating to Trust Fund
25 Code) is amended by adding at the end thereof the follow-
26 ing new section:

1 **“SEC. 9512. TRAUMA CENTER TRUST FUND.**

2 “(a) CREATION OF TRUST FUND.—There is estab-
3 lished in the Treasury of the United States a trust fund
4 to be known as the ‘Trauma Center Trust Fund’ (herein-
5 after in this section referred to as the ‘Trust Fund’), con-
6 sisting of such amounts as may be appropriated or cred-
7 ited to the Trust Fund as provided in this section or sec-
8 tion 9602(b).

9 “(b) TRANSFERS TO TRUST FUND.—

10 “(1) IN GENERAL.—There are hereby appro-
11 priated to the Trust Fund amounts equivalent to the
12 amounts received in the Treasury from the taxes im-
13 posed by section 4181 on bullets referred to in the
14 last sentence thereof.

15 “(2) COORDINATION WITH WILDLIFE RESTORA-
16 TION FUND.—The taxes referred to in paragraph (1)
17 shall not be covered into the Federal aid to wildlife
18 restoration fund in the Treasury.

19 “(c) EXPENDITURES FROM TRUST FUND.—Amounts
20 in the Trust Fund shall be available, as provided in appro-
21 priation Acts, for purposes of making grants for the oper-
22 ating expenses of trauma centers that have incurred sub-
23 stantial uncompensated costs in providing trauma care in
24 geographic areas with significant incidence of violence due
25 to crime.”

1 (b) CLERICAL AMENDMENT.—The table of sections
2 for such subchapter A is amended by adding at the end
3 thereof the following new item:

“Sec. 9512. Trauma Center Trust Fund.”

4 **Subtitle E—Multiple Handgun**
5 **Transfers**

6 **SEC. 941. SHORT TITLE.**

7 This subtitle may be cited as the “Multiple Handgun
8 Transfer Prohibition Act of 1993”.

9 **SEC. 942. MULTIPLE HANDGUN TRANSFER PROHIBITION.**

10 (a) IN GENERAL.—Section 922 of title 18, United
11 States Code, is amended by adding at the end the follow-
12 ing:

13 “(s)(1)(A)(i) It shall be unlawful for any licensed im-
14 porter, licensed manufacturer, or licensed dealer—

15 “(I) during any 30-day period, to transfer 2 or
16 more handguns to an individual who is not licensed
17 under section 923; or

18 “(II) to transfer a handgun to an individual
19 who is not licensed under section 923 and who re-
20 ceived a handgun during the 30-day period ending
21 on the date of the transfer.

22 “(ii) It shall be unlawful for any individual who is
23 not licensed under section 923 to receive 2 or more hand-
24 guns during any 30-day period.

1 “(iii) It shall be unlawful for any licensed importer,
2 licensed manufacturer, or licensed dealer to transfer a
3 handgun to an individual who is not licensed under section
4 923, unless, after the most recent proposal of the transfer
5 by the individual, the transferor has—

6 “(I) received from the individual a statement of
7 the individual containing the information described
8 in paragraph (3);

9 “(II) verified the identification of the individual
10 by examining the identification document presented;
11 and

12 “(III) within 1 day after the individual fur-
13 nishes the statement, provided a copy of the state-
14 ment to the chief law enforcement officer of the
15 place of residence of the individual.

16 “(B) Subparagraph (A) shall not apply to the trans-
17 fer of a handgun to, or the receipt of a handgun by, an
18 individual who has presented to the transferor a written
19 statement, issued by the chief law enforcement officer of
20 the place of residence of the individual during the 10-day
21 period ending on the date of the transfer or receipt, which
22 states that the individual requires access to a handgun be-
23 cause of a threat to the life of the individual or of any
24 member of the household of the individual.

1 “(2) Paragraph (1) shall not be interpreted to require
2 any action by a chief law enforcement officer which is not
3 otherwise required.

4 “(3) The statement referred to in paragraph
5 (1)(A)(iii)(I) shall contain only—

6 “(A) the name, address, and date of birth ap-
7 pearing on a valid identification document (as de-
8 fined in section 1028(d)(1)) of the individual con-
9 taining a photograph of the individual and a descrip-
10 tion of the identification used;

11 “(B) a statement that the individual—

12 “(i) is not under indictment for, and has
13 not been convicted in any court of, a crime pun-
14 ishable by imprisonment for a term exceeding
15 one year;

16 “(ii) is not a fugitive from justice;

17 “(iii) is not an unlawful user of or addicted
18 to any controlled substance (as defined in sec-
19 tion 102 of the Controlled Substances Act);

20 “(iv) has not been adjudicated as a mental
21 defective or been committed to a mental institu-
22 tion;

23 “(v) is not an alien who is illegally or un-
24 lawfully in the United States;

1 “(vi) has not been discharged from the
2 Armed Forces under dishonorable conditions;

3 “(vii) is not a person who, having been a
4 citizen of the United States, has renounced
5 such citizenship; and

6 “(viii) has not received a handgun during
7 the 30-day period ending on the date of the
8 statement;

9 “(C) the date the statement is made; and

10 “(D) notice that the individual intends to ob-
11 tain a handgun from the transferor.

12 “(4) Any transferor of a handgun who, after the
13 transfer, receives a report from a chief law enforcement
14 officer containing information that receipt or possession
15 of the handgun by the transferee violates Federal, State,
16 or local law shall immediately communicate all information
17 the transferor has about the transfer and the transferee
18 to—

19 “(A) the chief law enforcement officer of the
20 place of business of the transferor; and

21 “(B) the chief law enforcement officer of the
22 place of residence of the transferee.

23 “(5) Any transferor who receives information, not
24 otherwise available to the public, with respect to an indi-
25 vidual in a report under this subsection shall not disclose

1 such information except to the individual, to law enforce-
2 ment authorities, or pursuant to the direction of a court
3 of law.

4 “(6) In the case of a handgun transfer to which para-
5 graph (1)(A) applies—

6 “(A) the transferor shall retain—

7 “(i) the copy of the statement of the trans-
8 feree with respect to the transfer; and

9 “(ii) evidence that the transferor has com-
10 plied with paragraph (1)(A)(iii)(III) with re-
11 spect to the statement; and

12 “(B) the chief law enforcement officer to whom
13 a copy of a statement is sent pursuant to paragraph
14 (1)(A)(iii)(III) shall retain the copy for at least 30
15 calendar days after the date the statement was
16 made.

17 “(7) For purposes of this subsection, the term ‘chief
18 law enforcement officer’ means the chief of police, the
19 sheriff, or an equivalent officer, or the designee of any
20 such individual.

21 “(8) This subsection shall not apply to the sale of
22 a firearm in the circumstances described in subsection (c).

23 “(9) The Secretary shall take necessary actions to as-
24 sure that the provisions of this subsection are published
25 and disseminated to dealers and to the public.”.

1 (b) HANDGUN DEFINED.—Section 921(a) of such
2 title is amended by adding at the end the following:

3 “(29) The term ‘handgun’ means—

4 “(A) a firearm which has a short stock and is
5 designed to be held and fired by the use of a single
6 hand; and

7 “(B) any combination of parts from which a
8 firearm described in subparagraph (A) can be as-
9 sembled.”.

10 (c) PENALTY.—Section 924(a) of such title is amend-
11 ed—

12 (1) in paragraph (1), by striking “paragraph
13 (2) or (3) of”; and

14 (2) by adding at the end the following:

15 “(5) Whoever knowingly violates section 922(s) shall
16 be fined not more than \$1,000, imprisoned for not more
17 than one year, or both.”.

18 (d) EFFECTIVE DATE.—The amendments made by
19 this subtitle shall apply to conduct engaged in 90 or more
20 days after the date of the enactment of this Act.

21 **Subtitle F—Licensing**

22 **SEC. 951. IDENTIFICATION OF RECIPIENT OF FIREARM.**

23 Section 922(e) of title 18, United States Code, is
24 amended—

25 (1) by inserting “(1)” after “(e)”; and

1 (2) in paragraph (1), as designated by para-
2 graph (1), by striking “, to persons other than li-
3 censed importers, licensed manufacturers, licensed
4 dealers, or licensed collectors,”; and

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

7 “(2) It shall be unlawful for a common or contract
8 carrier knowingly to deliver in interstate or foreign com-
9 merce a firearm to a licensed importer, licensed manufac-
10 turer, licensed dealer, or licensed collector unless the car-
11 rier or other person identifies the person to whom the fire-
12 arm is delivered and makes and maintains a record of the
13 identity of the person in such a manner as the Secretary
14 may prescribe by regulation.”.

15 **SEC. 952. SALE OF FIREARMS OR AMMUNITION HAVING REA-**
16 **SONABLE CAUSE TO BELIEVE THAT IT WILL**
17 **BE USED TO KILL A PERSON.**

18 Section 922 of title 18, United States Code, is
19 amended by adding at the end the following new sub-
20 section:

21 “(s) It shall be unlawful for a person to sell or other-
22 wise dispose of a firearm or ammunition to another person
23 if the person who sells or otherwise disposes of it has rea-
24 sonable cause to believe that the person is acquiring the
25 firearm or ammunition with the intent that it will be used

1 by that person or any other person to commit a crime of
2 violence (as defined in section 924(c)(3)).”.

3 **SEC. 953. LICENSE APPLICATION FEES FOR DEALERS IN**
4 **FIREARMS.**

5 Section 923(a)(3) of title 18, United States Code, is
6 amended—

7 (1) in subparagraph (B) by striking “\$25” and
8 inserting “\$750”; and

9 (2) in subparagraph (C) by striking “\$10” and
10 inserting “\$750”.

11 **SEC. 954. ACTION ON APPLICATION FOR LICENSE.**

12 Section 923(d) of title 18, United States Code, is
13 amended—

14 (1) by striking “(1)” after “(d)”;

15 (2) by redesignating subparagraphs (A), (B),
16 (C), (D), and (E) as paragraphs (1), (2), (3), (4),
17 and (5), respectively; and

18 (3) by striking paragraph (2).

19 **SEC. 955. COMPLIANCE WITH STATE AND LOCAL LAW AS**
20 **CONDITION TO LICENSE.**

21 Section 923(d) of title 18, United States Code, as
22 amended by section 4, is amended—

23 (1) by striking “and” at the end of paragraph
24 (4);

1 (2) by striking the period at the end of para-
2 graph (5) and inserting “; and”; and

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

5 “(6)(A) the business to be conducted under the li-
6 cense is not prohibited by State or local law in the place
7 where the licensed premises is located; and
8 “(B) the applicant has complied with all requirements
9 of State and local law applicable to the conduct of such
10 a business.”.

11 **SEC. 956. INSPECTIONS OF FIREARMS LICENSEES.**

12 Section 923(g)(1) of title 18, United States Code, is
13 amended—

14 (1) in subparagraph (B)(ii) by striking “not
15 more than once during any twelve-month period”;

16 (2) in subparagraph (C)(i) by striking “not
17 more than once during any twelve-month period”;
18 and

19 (3) in subparagraph (D) by striking “the an-
20 nual inspection of records and inventory permitted
21 under this paragraph” and inserting “an inspection
22 under subparagraph (C)(i)”.

1 **SEC. 957. REPORTS OF THEFT OR LOSS OF FIREARMS.**

2 Section 923(g) of title 18, United States Code, is
3 amended by adding at the end the following new para-
4 graph:

5 “(6) Each licensee shall report the theft or loss of
6 a firearm from the licensee’s inventory or collection, within
7 24 hours after the theft or loss is discovered, to the Sec-
8 retary and to appropriate local authorities.”.

9 **SEC. 958. RESPONSES TO REQUESTS FOR INFORMATION.**

10 Section 923(g) of title 18, United States Code, as
11 amended by section 7, is amended by adding at the end
12 the following new paragraph:

13 “(7) Each licensee shall respond immediately to, and
14 in no event later than 24 hours after receipt of, a request
15 by the Secretary for information contained in the records
16 required to be kept by this chapter as may be required
17 for determining the disposition of one or more firearms.
18 The requested information shall be provided orally or in
19 writing, as the Secretary may require.”.

20 **SEC. 959. REGISTRATION TO REQUIRE A PHOTOGRAPH AND**
21 **FINGERPRINTS.**

22 Section 5802 of the Internal Revenue Code of 1986
23 is amended by inserting after the first sentence the follow-
24 ing: “An individual required to register under this section
25 shall include a photograph and fingerprints of the individ-
26 ual with the initial application.”.

1 **Subtitle G—Saturday Night**
2 **Specials**

3 **SEC. 961. PROHIBITION AGAINST POSSESSION OR TRANS-**
4 **FER OF NON-SPORTING HANDGUNS.**

5 (a) IN GENERAL.—Section 922 of title 18, United
6 States Code, is amended by adding at the end the
7 following:

8 “(s)(1) It shall be unlawful for any person to possess
9 or transfer a non-sporting handgun.

10 “(2) Paragraph (1) shall not apply to the continuous
11 and otherwise lawful possession of a non-sporting handgun
12 by a person during any period that began before the effec-
13 tive date of this subsection.”.

14 (b) NON-SPORTING HANDGUN DEFINED.—Section
15 921(a) of such title is amended by adding at the end the
16 following:

17 “(29)(A) The term ‘non-sporting handgun’ means a
18 firearm which—

19 “(i)(I) is designed to be fired by the use of a
20 single hand; and

21 “(II) is not a sporting handgun; and

22 “(ii) any combination of parts from which a
23 firearm described in clause (i) can be assembled.

24 “(B) The term ‘sporting handgun’ means a firearm
25 which—

1 “(i) is designed to be fired by the use of a sin-
2 gle hand; and

3 “(ii) the Secretary has determined, using the
4 criteria applied in making determinations under sec-
5 tion 925(d)(3), to be of a type generally recognized
6 as particularly suitable for or readily adaptable to
7 sporting purposes.”.

8 (c) PENALTY.—Section 924(a)(1)(B) of such title is
9 amended by striking “or (q)” and inserting “(r), or (s)”.

10 **TITLE X—ASSET FORFEITURE**

11 **SEC. 1001. SHORT TITLE.**

12 This subtitle may be cited as the “Asset Forfeiture
13 Reform Act of 1993”.

14 **SEC. 1002. REQUIRE CONVICTION FIRST.**

15 (a) TARIFF ACT OF 1930.—Section 604 of the Tariff
16 Act of 1930 (19 U.S.C. 1604) is amended by adding at
17 the end the following new sentence: “Proceedings for the
18 forfeiture of property, other than of merchandise upon
19 which the duties have not been paid or which has been
20 otherwise brought into the United States unlawfully, shall
21 be conducted only upon conviction of the owner of such
22 property for the crime upon which the forfeiture is
23 based.”.

1 (b) TITLE 18, UNITED STATES CODE.—Subsection
2 (c) of section 1082 of title 18, United States Code, is
3 amended to read as follows:

4 “(c) Whoever, being (1) the owner of an American
5 vessel, or (2) the owner of any vessel under or within the
6 jurisdiction of the United States, or (3) the owner of any
7 vessel and being an American citizen, uses, or knowingly
8 permits the use of, such vessel in violation of this section
9 shall upon conviction, in addition to any other penalties
10 provided by this chapter, forfeit such vessel, together with
11 her tackle, apparel, and furniture, to the United States.”.

12 **SEC. 1003. NOTICE REQUIREMENT.**

13 Section 607(a) of the Tariff Act of 1930 (19 U.S.C.
14 1607(a)) is amended by adding at the end the following
15 new sentence: “Such notice shall be sent not later than
16 60 days after the seizure to any possessor, owner, or other
17 interested party (including any lienholder).”.

18 **SEC. 1004. RAISE STANDARD OF PROOF.**

19 Section 615 of the Tariff Act of 1930 (19 U.S.C.
20 1615) is amended to read as follows:

21 **“SEC. 615. BURDEN OF PROOF IN FORFEITURE PROCEED-**
22 **INGS.**

23 “In—

24 “(1) all suits or actions (other than those aris-
25 ing under section 592) brought for forfeiture of any

1 vessel, vehicle, aircraft, merchandise, or baggage
2 seized under the provisions of any law relating to the
3 collection of duties on imports or tonnage; and

4 “(2) in all suits or actions brought for the re-
5 covery of the value of any vessel, vehicle, aircraft,
6 merchandise, or baggage, because of violation of any
7 such law;

8 the burden of proof is on the United States Government
9 to establish, by clear and convincing evidence, that the
10 property was subject to forfeiture.”.

11 **SEC. 1005. REQUIRE A PRELIMINARY HEARING PRIOR TO**
12 **SEIZURE.**

13 (a) CONTROLLED SUBSTANCES ACT.—Section
14 511(b) of the Controlled Substances Act (21 U.S.C.
15 881(b)) is amended to read as follows:

16 “(b)(1) Any property subject to civil forfeiture to the
17 United States under this section may be seized by the At-
18 torney General upon order of the District Court of the
19 United States in which the property is located or the
20 owner of such property is found.

21 “(2) The court may issue an order under subsection
22 (a)(1) if it determines, after notice to persons appearing
23 to have an interest in the property and opportunity for
24 hearing, that—

1 “(A) there is a substantial probability that the
2 United States will prevail on the issue of forfeiture
3 and that failure to enter the order will result in the
4 property being destroyed, removed from the jurisdic-
5 tion of the court, or otherwise made unavailable for
6 forfeiture; and

7 “(B) the need to preserve the availability of the
8 property through the entry of the requested order
9 outweighs the hardship to any party of interest.

10 “(3) A seizure without such order may be made
11 when—

12 “(A) the seizure is incident to an arrest or a
13 search under a search warrant or an inspection
14 under an administrative inspection warrant;

15 “(B) the property subject to seizure has been
16 the subject of a prior judgment in favor of the Unit-
17 ed States in a criminal injunction or forfeiture pro-
18 ceeding under this subchapter;

19 “(C) there is probable cause to believe that the
20 property is directly or indirectly dangerous to health
21 or safety; or

22 “(D) there is probable cause to believe that the
23 delay occasioned by the need to secure an order will
24 frustrate the seizure. Any officer having made a sei-
25 zure under the authority of this subparagraph shall,

1 as practicable thereafter, apply for an order under
2 subsection (b)(1); the property must be released to
3 the owner of such property immediately if the order
4 is denied.”.

5 (b) TITLE 18, UNITED STATES CODE.—Section 981
6 of title 18, United States Code, is amended to read as
7 follows:

8 “(b)(1) Any property subject to civil forfeiture to the
9 United States under subsection (a)(2) may be seized by
10 the Attorney General upon order of the District Court of
11 the United States in which the property is located or the
12 owner of such property is found.

13 “(2) The court may issue an order under subsection
14 (b)(1) if it determines, after notice to persons appearing
15 to have an interest in the property and opportunity for
16 hearing, that—

17 “(A) there is a substantial probability that the
18 United States will prevail on the issue of forfeiture
19 and that failure to enter the order will result in the
20 property being destroyed, removed from the jurisdic-
21 tion of the court, or otherwise made unavailable for
22 forfeiture; and

23 “(B) the need to preserve the availability of the
24 property through the entry of the requested order
25 outweighs the hardship to any party of interest.

1 “(3) A seizure without such order may be made
2 when—

3 “(A) the seizure is incident to an arrest or a
4 search under a search warrant or an inspection
5 under an administrative inspection warrant;

6 “(B) the property subject to seizure has been
7 the subject of a prior judgment in favor of the Unit-
8 ed States in a criminal injunction or forfeiture pro-
9 ceeding under this subchapter;

10 “(C) there is probable cause to believe that the
11 property is directly or indirectly dangerous to health
12 or safety; or

13 “(D) there is probable cause to believe that the
14 delay occasioned by the need to secure an order will
15 frustrate the seizure. Any officer having made a sei-
16 zure under the authority of this subparagraph shall,
17 as practicable thereafter, apply for an order under
18 subsection (b)(1); the property must be released to
19 the owner of such property immediately if the order
20 is denied.”.

21 (c) TARIFF ACT OF 1930.—(1) Section 603(a) of the
22 Tariff Act of 1930 (19 U.S.C. 1603(a)) is amended to
23 read as follows:

24 “(a) PROCESS FOR SEIZURE.—

1 “(1) IN GENERAL.—Any property which is sub-
2 ject to forfeiture to the United States for violations
3 of the customs law and which is not subject to
4 search and seizure in accordance with provisions of
5 section 595, may be seized by the appropriate officer
6 or person upon process issued under paragraph (2).

7 “(2) PROCEDURES.—

8 “(A) SEIZURE UNDER ORDER.—Any prop-
9 erty subject to forfeiture under the customs
10 laws of the United States may be seized by the
11 Attorney General upon order of the District
12 Court of the United States in which the prop-
13 erty is located or the owner of such property is
14 found.

15 “(B) DETERMINATIONS.—The court may
16 issue an order under paragraph (1) if it deter-
17 mines, after notice to persons appearing to have
18 an interest in the property and opportunity for
19 hearing, that—

20 “(i) there is a substantial probability
21 that the United States will prevail on the
22 issue of forfeiture and that failure to enter
23 the order will result in the property being
24 destroyed, removed from the jurisdiction of

1 the court, or otherwise made unavailable
2 for forfeiture; and

3 “(ii) the need to preserve the avail-
4 ability of the property through the entry of
5 the requested order outweighs the hardship
6 to any party of interest.

7 “(C) SEIZURE WITHOUT ORDER.—A sei-
8 zure without such order may be made when—

9 “(i) the seizure is incident to an ar-
10 rest or a search under a search warrant or
11 an inspection under an administrative in-
12 spection warrant;

13 “(ii) the property subject to seizure
14 has been the subject of a prior judgment
15 in favor of the United States in a criminal
16 injunction or forfeiture proceeding under
17 this subchapter;

18 “(iii) there is probable cause to believe
19 that the property is directly or indirectly
20 dangerous to health or safety; or

21 “(iv) there is probable cause to believe
22 that the delay occasioned by the need to
23 secure an order will frustrate the seizure.

24 Any officer having made a seizure under the
25 authority of this subparagraph shall, as prac-

1 ticable thereafter, apply for an order under
2 paragraph (1). Any property so seized must be
3 released to the owner of such property imme-
4 diately if the order is denied.”.

5 (2) Section 595(a)(1) of the Tariff Act of 1930 (19
6 U.S.C. 1595(a)(1)) is amended by adding at the end the
7 following: “Any seizure of property described in paragraph
8 (1)(B) of this section must be authorized under section
9 603(a).

10 **SEC. 1006. ELIMINATE THE BOND REQUIREMENT.**

11 Section 608 of the Tariff Act of 1930 (19 U.S.C.
12 1608) is amended to read as follows:

13 **“SEC. 608. SEIZURE; CLAIMS.**

14 “(a) Any person claiming such vessel, vehicle, air-
15 craft, merchandise, or baggage may at any time within
16 60 days from the date of the first publication of the notice
17 of seizure, file with the appropriate customs officer a claim
18 stating his interest therein. Upon the filing of such claim,
19 the customs officer shall transmit such claim, with a dupli-
20 cate list and description of the articles seized, to the Unit-
21 ed States attorney for the district in which seizure was
22 made, who shall proceed to a condemnation of the mer-
23 chandise or other property in the manner prescribed by
24 law.

1 “(b) If the person filing a claim under subsection (a),
2 or a claim regarding seized property under any other pro-
3 vision of law that incorporates by reference the seizure,
4 forfeiture, and condemnation procedures of the customs
5 laws, is financially unable to obtain representation of
6 counsel, the court may appoint appropriate counsel to rep-
7 resent that person with respect to the claim. The court
8 shall set the compensation for that representation, which
9 shall—

10 “(1) be equivalent to that provided for court-ap-
11 pointed representation under section 3006A of title
12 18, United State Code, and

13 “(2) be paid from the Justice Assets Forfeiture
14 Fund established under section 524 of title 28, Unit-
15 ed States Code.”.

16 **SEC. 1007. ALLOW ADMINISTRATIVE SEIZURES ONLY IN**
17 **UNCONTESTED CASES.**

18 Section 610 of the Tariff Act of 1930 (19 U.S.C.
19 1610(a)) is amended to read as follows:

20 **“SEC. 610. SEIZURE; JUDICIAL FORFEITURE PROCEEDINGS;**
21 **TIMELINESS; RIGHT TO JURY TRIALS.**

22 “(a) If any vessel, vehicle, aircraft, merchandise, or
23 baggage is not subject to section 607, or in any case upon
24 the filing of a claim pursuant to section 608 of this Act,
25 the appropriate customs officer shall transmit a report of

1 the case, with the names of available witnesses, to the
2 United States Attorney for the district in which the sei-
3 zure was made, or in which the property is located or the
4 owner of such property is found, for the institution of the
5 proper proceedings for the condemnation of such property.

6 “(b) No action to forfeit property shall be brought
7 more than 1 year from the date of the offense that is the
8 basis for the forfeiture, or when a stay has been granted
9 during the pendency of criminal proceedings, from the
10 date of the completion of such proceedings.

11 “(c) In the proceedings in such cases, either party
12 may demand trial by jury of any issue of fact joined in
13 the case.”.

14 **SEC. 1008. ALLOW FOR ADEQUATE REPRESENTATION.**

15 (a) TITLE 18, UNITED STATES CODE.—(1) Section
16 981(a)(2) of title 18, United States Code, is amended to
17 read as follows:

18 “(2) No property shall be forfeited under this section
19 to the extent of the interest of an owner or lienholder by
20 reason of any act or omission established by that owner
21 or lienholder to have been committed without the knowl-
22 edge of that owner or lienholder; nor shall any property
23 which has been paid or pledged as bona fide attorneys’
24 fees be forfeited under this section.”.

1 (2) Section 1963(c) of title 18, United States Code,
2 is amended by—

3 (A) striking the period at the end and inserting
4 a comma; and

5 (B) add at the end the following: “or that he
6 received or has been pledged the property as bona
7 fide attorneys’ fees.”

8 Section 1963(l)(6)(B) of title 18, United States Code, is
9 amended by adding at the end the following: “or the peti-
10 tioner received or has been pledged the property as bona
11 fide attorneys’ fees;”.

12 (b) CONTROLLED SUBSTANCES ACT.—

13 (1) Section 413(c) of the Controlled Substances
14 Act (21 U.S.C. 853(c)) is amended by—

15 (A) striking the period at the end and in-
16 serting a comma; and

17 (B) adding at the end the following: “or
18 that he received or has been pledged the prop-
19 erty as bona fide attorneys’ fees.”

20 (2) Section 413(n)(6)(B) of the Controlled Sub-
21 stances Act (21 U.S.C. 853(n)(6)(B)) is amended by
22 adding at the end the following: “or the petitioner
23 received or has been pledged the property as bona
24 fide attorneys’ fees;”.

1 (3) Section 511(a) of the Controlled Substances
2 Act (21 U.S.C. 881(a)) is amended by adding at the
3 end the following: “No property received or pledged
4 as bona fide attorneys’ fees shall be forfeited under
5 this section.”.

6 **SEC. 1009. MAKE CIVIL FORFEITURE PROCEEDINGS IN PER-**
7 **SONAM.**

8 Section 1082(c) of title 18, United States Code, is
9 amended to read as follows:

10 “(c) Whoever, being (1) the owner of an American
11 vessel, or (2) the owner of any vessel under or within the
12 jurisdiction of the United States, or (3) the owner of any
13 vessel and being an American citizen, shall use, or know-
14 ingly permit the use of, such vessel in violation of any pro-
15 vision of this section shall upon conviction, in addition to
16 any other penalties provided by this chapter, forfeit such
17 vessel, together with her tackle, apparel, and furniture, to
18 the United States. The Attorney General may institute
19 proceedings against the owner to recover such vessel and
20 her tackle, apparel, and furniture in the United States
21 District Court for the district in which the owner is or
22 in which the vessel is located.”.

1 **SEC. 1010. LENGTHEN THE FILING DEADLINES FOR CLAIM-**
2 **ANTS.**

3 Paragraph (6) of Rule C of the Supplemental Rules
4 for Certain Admiralty and Maritime Claims to the Federal
5 Rules of Civil Procedures (28 U.S.C. Appendix) is amend-
6 ed by striking out “10 days” and inserting “60 days”.

7 **SEC. 1011. MAKE FORFEITURES PROPORTIONAL.**

8 (a) CIVIL FORFEITURES UNDER THE CONTROLLED
9 SUBSTANCES ACT.—Section 511(a) of the Controlled Sub-
10 stances Act (21 U.S.C. 881(a)) is amended by striking
11 “The” and inserting: “Except that the value of the prop-
12 erty forfeited under this section may not exceed the pecu-
13 niary gain derived from the offense or the pecuniary loss
14 caused by the offense, the”.

15 (b) CRIMINAL FORFEITURES UNDER THE CON-
16 TROLLED SUBSTANCES ACT.—Section 413(a) of the Con-
17 trolled Substance Act (21 U.S.C. 853(a)) is amended by
18 striking the last sentence and inserting the following:
19 “The value of the property forfeited under this section
20 may not exceed the pecuniary gain derived from the of-
21 fense or the pecuniary loss caused by the offense.”

22 **SEC. 1012. ELIMINATE THE RELATION-BACK DOCTRINE OR**
23 **CREATE A STRICTER DEFINITION.**

24 (a) GENERAL TITLE 18, CIVIL FORFEITURE.—Sec-
25 tion 981(f) of title 18, United States Code, is amended
26 to read as follows:

1 “(f) All right, title, and interest in property described
2 in subsection (a) of this section shall vest in the United
3 States upon administrative or judicial declaration of for-
4 feiture.”

5 (b) RICO FORFEITURES.—Section 1963(c) of title
6 18, United States Code, is amended to read as follows:

7 “(c) All right, title, and interest in property described
8 in subsection (a) of this section shall vest in the United
9 States upon return of a special verdict of forfeiture.”.

10 (c) CONTROLLED SUBSTANCES ACT.—(1) Section
11 413(c) of the Controlled Substances Act (21 U.S.C.
12 853(c)) is amended to read as follows:

13 “(c) VESTING OF TITLE IN THE UNITED STATES.—
14 All right, title, and interest in property described in sub-
15 section (c) of this section vests in the United States upon
16 return of a special verdict of forfeiture.”

17 (2) Section 511(h) of the Controlled Substances Act
18 (21 U.S.C. 881(h)) is amended to read as follows:

19 “(h) VESTING OF TITLE IN THE UNITED STATES.—
20 All right, title, and interest in property described in sub-
21 section (a) of this section shall vest in the United States
22 upon administrative or judicial declaration of forfeiture.”.

1 **SEC. 1013. LIMIT KINDS OF PROPERTY THAT ARE SUBJECT**
2 **TO FORFEITURE.**

3 (a) CRIMINAL FORFEITURE UNDER CONTROLLED
4 SUBSTANCES ACT.—Section 413(a)(2) of the Controlled
5 Substances Act (21 U.S.C. 853(a)(2)) is amended to read
6 as follows:

7 “(2) any of the person’s property primarily
8 used to commit such violation;”.

9 (b) CIVIL FORFEITURE UNDER CONTROLLED SUB-
10 STANCES ACT.—Section 511(a) of the Controlled Sub-
11 stance Act (21 U.S.C. 881(a)) is amended to read as fol-
12 lows:

13 “(a) PROPERTY SUBJECT.—The following shall be
14 subject to forfeiture to the United States upon conviction
15 of the owner of such property of a violation of this title
16 and no property right shall exist in them:

17 “(1) All controlled substances which have been
18 manufactured, distributed, dispensed, or acquired in
19 violation of this title.

20 “(2) All raw materials, products, and equip-
21 ment of any kind which are used, or intended for
22 use, in manufacturing, compounding, processing, de-
23 livering, importing, or exporting any controlled sub-
24 stance in violation of this title.

1 “(3) All property which is used, or intended for
2 use, as a container for property described in para-
3 graph (1).

4 “(4) All conveyances, including aircraft, vehi-
5 cles, or vessels, which are used primarily to trans-
6 port or concealment of property described in para-
7 graph (1), except that—

8 “(A) no conveyance used by any person as
9 a common carrier in the transaction of business
10 as a common carrier shall be forfeited under
11 the provisions of this section unless it shall ap-
12 pear that the owner or other person in charge
13 of such conveyance was a consenting party or
14 privy to a violation of this title or title II.

15 “(B) no conveyance shall be forfeited
16 under the provisions of this section by reason of
17 any act or omission established by the owner
18 thereof to have been committed or omitted by
19 any person other than such owner while such
20 conveyance was unlawfully in the possession of
21 a person other than the owner in violation of
22 the criminal laws of the United States, or of
23 any State; and

24 “(C) no conveyance shall be forfeited under
25 this paragraph to the extent of an interest of an

1 owner, by reason of any act or omission estab-
2 lished by that owner to have been committed or
3 omitted without the knowledge, consent, or will-
4 ful blindness of the owner.

5 “(5) All books, records, and research, including
6 formulas, microfilm, tapes, and data which are used,
7 or intended for use, in violation of this title.

8 “(6) All moneys, negotiable instruments, securi-
9 ties, or other things of value furnished or intended
10 to be furnished by any person in exchange for a con-
11 trolled substance in violation of this title, and all
12 proceeds traceable to such exchange, except that no
13 property shall be forfeited under this paragraph, to
14 the extent of the interest of an owner, by reason of
15 any act or omission established by that owner to
16 have been committed or omitted without the knowl-
17 edge or consent of that owner.

18 “(7) All parts of real property used primarily to
19 commit a violation of this title punishable by more
20 than 1 year’s imprisonment, except that no property
21 shall be forfeited under this paragraph, to the extent
22 of an interest of an owner, by reason of any act or
23 omission established by that owner to have been
24 committed or omitted without the knowledge or con-
25 sent of that owner.

1 “(8) All controlled substances which have been
2 possessed in violation of this title.

3 “(9) All listed chemicals, all drug manufactur-
4 ing equipment, all tableting machines, all encap-
5 sulating machines, and all gelatin capsules, which
6 have been imported, exported, manufactured, pos-
7 sessed, distributed, or intended to be distributed, im-
8 ported, or exported, in violation of a felony provision
9 of this title or title II.

10 “(10) Any drug paraphernalia (as defined in
11 section 1822 of the Anti-Drug Abuse Act of 1986
12 (21 U.S.C. 863)).

13 “(11) Any firearm (as defined in section 921 of
14 title 18) used or intended to be used to facilitate the
15 transportation, sale, receipt, possession, or conceal-
16 ment of property described in paragraph (1) or (2)
17 and any proceeds traceable to such property.”.

18 **SEC. 1014. FORFEITURE PROCEEDS SHOULD GO DIRECTLY**
19 **TO STATE.**

20 (a) TARIFF ACT OF 1930.—Section 616a(c)(1)(B)(ii)
21 of the Tariff Act of 1930 (19 U.S.C. 1616a(c)(1)(B)(ii)
22 is amended to read as follows:

23 “(ii) any State or local law enforce-
24 ment agency that participated directly or
25 indirectly in the seizure or forfeiture of the

1 property for disposition according to State
2 law.”.

3 (b) TITLE 18, UNITED STATES CODE.—Section
4 981(e)(2) of title 18, United States Code, is amended to
5 read as follows:

6 “(2) to any State or local enforcement agency,
7 which participated directly in any of the acts which
8 lead to the seizure or forfeiture of the property, for
9 disposition according to State law.”.

10 (c) CONTROLLED SUBSTANCES ACT.—Section
11 511(e)(1)(A) of the Controlled Substances Act (21 U.S.C.
12 881(e)(1)(A)) is amended to read as follows:

13 “(A) retain the property for official use or,
14 in the manner provided with respect to trans-
15 fers under section 616a of the Tariff Act of
16 1930 (19 U.S.C. 1616a), transfer the property
17 to any Federal agency, or to any State or local
18 law enforcement agency which participated di-
19 rectly in the seizure or forfeiture of the prop-
20 erty for disposition according to State law.”.

21 **SEC. 1015. EXPAND USES OF FORFEITURE PROCEEDS.**

22 Section 524(c) of title 28, United States Code, is
23 amended by adding at the end the following new para-
24 graph:

1 “(12)(A) In addition to the purposes under
2 paragraph (1), the fund shall be available to the At-
3 torney General for community-based crime control
4 programs (including private, nonprofit programs) for
5 drug education, prevention, and treatment, with
6 amounts for such programs to be distributed, in ac-
7 cordance with criteria determined by the State, with
8 priority given to the communities in which the assets
9 involved are seized.

10 “(B) Not less than 50 percent of the total of
11 the amounts disbursed for all purposes under this
12 section in a fiscal year shall be for programs re-
13 ferred to in subparagraph (A). Not more than 10
14 percent of the total disbursed for such programs
15 may be used for administrative costs.”.

16 **SEC. 1016. PAYMENT OF INFORMANTS.**

17 (a) TARIFF ACT OF 1930.—(1) Section 619(c) of the
18 Tariff Act of 1930 (19 U.S.C. 1619(c)) is amended to
19 read as follows:

20 “(c) DOLLAR LIMITATION.—No person may be
21 awarded or paid more than \$250,000 in any year under
22 this section.”.

23 (2) Section 413(i)(3) of the Tariff Act of 1930 (21
24 U.S.C. 853(i)(3)), is amended by adding at the end the

1 following: “ except that, no person may be awarded or paid
2 more than \$250,000 in any year under this section.”.

3 (b) TITLE 18, UNITED STATES CODE.—Section
4 1963(g)(3) of title 18, United States Code, is amended
5 by inserting after “section” the following: “, except that
6 no person may be awarded or paid more than \$250,000
7 in any year under this section, or any other law of the
8 United States providing for moieties or awards of com-
9 pensation to informers in cases involving forfeiture.”.

10 (c) TITLE 28, UNITED STATES CODE.—Section
11 524(c)(2) of title 28, United States Code, is amended to
12 read as follows: “Any award paid from the Fund for infor-
13 mation, as provided in paragraph (1)(B) or (C), shall be
14 paid at the discretion of the Attorney General or his dele-
15 gate, under existing departmental delegation policies for
16 the payment of awards, except that no person may be
17 awarded or paid more than \$250,000 in any year under
18 this section. The Attorney General shall publish data an-
19 nually regarding amounts of awards paid by the United
20 States.”.

21 (d) TITLE 31, UNITED STATES CODE.—Section
22 9703(b) of title 31, United States Code, is amended by
23 adding following new subsection:

24 “(6) No person may be awarded or paid more
25 than \$250,000 in any year under subsection

1 (a)(1)(C) or (a)(2)(A), or any law of the United
2 States providing for moieties or awards of com-
3 pensation to informers in criminal cases.”.

4 **SEC. 1017. CHANGE ADOPTIVE SEIZURE REGULATIONS.**

5 (a) CONTROLLED SUBSTANCES ACT.—Section
6 511(e)(3) of the Controlled Substances Act (21 U.S.C
7 881(e)(3)) is amended—

8 (1) by striking “and” at the end of subpara-
9 graph (A);

10 (2) by striking the period and inserting a semi-
11 colon at the end of subparagraph (B);

12 (3) by inserting at the end of subparagraph (B)
13 the following:

14 “(C) is not so transferred to circumvent
15 any requirement of State law that prohibits for-
16 feiture or limits use or disposal of property for-
17 feited to State or local agencies.”.

18 (b) TITLE 31, UNITED STATES CODE.—Subsection
19 9703(b)(4) of title 31, United States Code, is amended—

20 (1) by striking “and” at the end of
21 subparagraph (A);

22 (2) by striking the period and inserting a semi-
23 colon at the end of subparagraph (B);

24 (3) by inserting at the end of subparagraph (B)
25 the following:

1 “(C) is not so transferred to circumvent
2 any requirement of State law that prohibits for-
3 feiture or limits use or disposal or property for-
4 feited to State or local agencies.”.

5 **SEC. 1018. REPORTING REQUIREMENTS.**

6 Section 616a(c) of the Tariff Act of 1930 (19 U.S.C.
7 1616a(c)) is amended by adding at the end of section
8 616a(c) the following:

9 “(4) The Secretary shall maintain individual records
10 concerning property transferred under paragraph
11 (1)(B)(ii) demonstrating, with particularity—

12 “(A) the circumstances of the investigation and
13 seizure of the forfeiture, including the race, national
14 origin, gender, and age of those with an interest in
15 the property prior to seizure; and

16 “(B) the disposition of the property after trans-
17 fer by each State.”.

18 **SEC. 1019. PROVIDE FOR MAINTENANCE OF SEIZED PROP-**
19 **ERTY.**

20 (a) IN GENERAL.—Section 2465 of title 28, United
21 States Code, is amended to read as follows:

22 **“§ 2465. Return of property to claimant**

23 “Upon the entry of judgment for the claimant in any
24 proceeding to condemn or forfeit property seized under
25 this Act of Congress or one year after the seizure of such

1 property if no such proceeding has been initiated, such
2 property shall be returned forthwith to the claimant or
3 his agent. At such time, interest shall be paid on any
4 seized coins, currency or negotiable obligations at a rate
5 equal to the greater of 6 percent or the prevailing market
6 rate. Compensation for any other injury to property,
7 caused by or occurring subsequent to its seizure, shall also
8 be paid.”.

9 (b) CLERICAL AMENDMENT.—The item relating to
10 section 2465 in the table of sections at the beginning of
11 chapter 163 of title 28, United States Code, is amended
12 to read as follows:

“2465. Return of property to claimant.”.

13 **SEC. 1020. LIMITATION ON ADMINISTRATIVE AND CON-**
14 **TRACTING EXPENSES.**

15 Section 524(c) of title 28, United States Code, as
16 amended in section 1, is further amended by adding at
17 the end the following:

18 “(13) The total of amounts paid from the Fund
19 with respect to a fiscal year for administrative and
20 contracting expenses under paragraph (1)(A) may
21 not exceed 10 percent of the total of amounts paid
22 from the Fund for all purposes with respect to such
23 fiscal year.”.

1 **SEC. 1021. REPORT TO CONGRESS ON ADMINISTRATIVE**
2 **AND CONTRACTING EXPENSES.**

3 Section 524(c)(6) of title 28, United States Code, is
4 amended—

5 (1) by striking “and” at the end of subpara-
6 graph (B);

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

9 (3) by adding at the end the following:

10 “(D) a report for such fiscal year contain-
11 ing a description of the administrative and con-
12 tracting expenses paid from the Fund under
13 paragraph (1)(A).”.

14 **SEC. 1022. NOMINAL CONSIDERATION SALES OF LOW**
15 **VALUE REAL PROPERTY TO CERTAIN TAX-EX-**
16 **EMPT ORGANIZATIONS.**

17 Section 511(e) of the Controlled Substances Act (21
18 U.S.C. 881(e)) is amended—

19 (1) by striking “(4)” and inserting “(4) or
20 (5)”; and

21 (2) by adding at the end the following:

22 “(5)(A) If any property referred to in para-
23 graph (1)(B) is low value real property located in a
24 metropolitan statistical area, the Attorney General
25 shall offer such property for sale, for nominal con-
26 sideration to tax-exempt organizations that provide

1 direct services furthering community-based crime
2 control, housing, or education efforts in such area.

3 “(B) As used in this paragraph—

4 “(i) the term ‘low value real property’
5 means, with respect to a metropolitan statistical
6 area, real property that is appraised at less
7 than 40 percent of the median value of com-
8 parable real property in the metropolitan statis-
9 tical area;

10 “(ii) the term ‘tax-exempt organization’
11 means an organization described in section
12 501(c)(3) of the Internal Revenue Code of
13 1986, and exempt from tax under section
14 501(a) of such Code; and

15 “(iii) the term ‘nominal consideration’
16 means minimal recompense not to exceed 1.5
17 percent of the value of the property, and shall
18 not include, directly or indirectly, equitable
19 sharing or any other cost, expense or payment
20 associated with the seizure, forfeiture, care or
21 maintenance of the property, or with the ad-
22 ministration of any fund or program, other
23 than the costs of the sale to the extent that
24 such sales costs do not exceed 1.5 percent of
25 the value of the property.”.

1 **SEC. 1023. LIMITATION ON CUSTOMS AND TAX EXEMPTION**
2 **UNDER THE TORT CLAIMS.**

3 Section 2680(c) of title 28, United States Code, is
4 amended by inserting before the period the following: “ex-
5 cept that this chapter and section 1346(b) of this title
6 shall apply to any claim based—

7 “(1) on the negligent destruction, injury, or loss
8 of goods or merchandise (including real property)
9 while in the possession of any officer of customs or
10 excise or any other law enforcement officer, or

11 “(2) on the destruction, injury, or loss of goods
12 or merchandise (including real property) caused by
13 the misfeasance, malfeasance, or nonfeasance of any
14 customs or excise or any other law enforcement offi-
15 cer while in the possession of such officer.”.

16 **TITLE XI—MISCELLANEOUS**
17 **PROVISIONS**

18 **Subtitle A—Amendments to Omni-**
19 **bus Crime Control and Safe**
20 **Streets Act**

21 **SEC. 1101. DISCRETIONARY GRANT AUTHORIZATION.**

22 Section 511 of title I of the Omnibus Crime Control
23 and Safe Streets Act of 1968 is amended by striking
24 “\$50,000,000,” and inserting “\$100,000,000,”.

1 **Subtitle B—Juvenile Justice and**
2 **Delinquency Prevention**

3 **SEC. 1111. JUVENILE JUSTICE AND PREVENTION OF JUVENILE DELINQUENCY.**
4

5 (a) AMENDMENTS TO THE JUVENILE JUSTICE AND
6 DELINQUENCY PREVENTION ACT OF 1974.—Section
7 299(a)(1) of the Juvenile Justice and Delinquency Preven-
8 tion Act of 1974 (42 U.S.C. 5671(a)(1)) is amended by
9 striking “\$15,000,000 for” and inserting “\$230,000,000
10 for each of the”.

11 (b) DUTIES OF ATTORNEY GENERAL.—(1) The At-
12 torney General of the United States shall—

13 (A) evaluate the effectiveness, and improve the
14 coordination, of the operation of all Federal pro-
15 grams relating to juvenile justice and to juvenile de-
16 linquency prevention, in order to maximize the effec-
17 tiveness of such programs, to reduce duplication of
18 effort, and to develop a unified strategy for address-
19 ing juvenile delinquency, and

20 (B) submit to the Speaker of the House of Rep-
21 resentatives and the President pro tempore of the
22 Senate, an annual report describing the results of
23 carrying out subparagraph (A) and containing a 5-
24 year plan for the coordinated operation of such pro-
25 grams.

1 (2) For purposes of carrying out paragraph (1), the
2 Attorney General shall consult with the Secretary of Edu-
3 cation, the Secretary of Health and Human Services, the
4 Secretary of Housing and Urban Development, and the
5 heads of other Federal entities that carry out such pro-
6 grams.

○

HR 3315 SC—2

HR 3315 SC—3

HR 3315 SC—4

HR 3315 SC—5

HR 3315 SC—6

HR 3315 SC—7

HR 3315 SC—8

HR 3315 SC—9

HR 3315 SC—10

HR 3315 SC—11

HR 3315 SC—12

HR 3315 SC—13

HR 3315 SC—14

HR 3315 SC—15

HR 3315 SC—16

HR 3315 SC—17

HR 3315 SC—18

HR 3315 SC—19