

103^D CONGRESS
2^D SESSION

H. R. 4848

To control crime.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 1994

Mr. DICKEY introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To control crime.

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 AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “People’s Protection Crime Control Act of 1994”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—PUBLIC SAFETY AND POLICING

Subtitle A—Cops on the Beat

Sec. 101. Short title.

Sec. 102. Findings and purposes.

Sec. 103. Community policing; “Cops on the Beat”.

Subtitle B—Safe Schools

- Sec. 111. Increased penalties for drug trafficking near schools.
- Sec. 112. Federal safe school districts.
- Sec. 113. Enhanced penalty for violation of the Gun-Free School Zones Act.

Subtitle C—Criminal Street Gangs; Crimes Against Children; Parental
Accountability

- Sec. 121. Criminal street gangs offenses.
- Sec. 122. Drive-by shootings.
- Sec. 123. Addition of anti-gang Byrne grant funding objective.
- Sec. 124. Increased penalties for drug trafficking near public housing.
- Sec. 125. Parental accountability.
- Sec. 126. Death penalty for murder during the sexual exploitation of children.
- Sec. 127. Increased penalties for sex offenses against victims below the age of
16.
- Sec. 128. Penalties for international trafficking in child pornography.
- Sec. 129. State legislation regarding child pornography.
- Sec. 130. National registration of convicted child abusers.
- Sec. 131. Increased penalties for assaults against children.
- Sec. 132. Offense of inducing minors or other persons to use steroids.
- Sec. 133. Increased penalties for drug distribution to pregnant women.
- Sec. 134. Interstate enforcement of child support orders.
- Sec. 135. Inclusion in consumer credit reports of information on overdue child
support obligations of the consumer.
- Sec. 136. Crimes involving the use of minors as RICO predicates.
- Sec. 137. Increased penalties for using minors in drug trafficking and drug dis-
tribution to minors.
- Sec. 138. Increased penalties for using a minor in commission of a Federal of-
fense.
- Sec. 139. International parental kidnapping.
- Sec. 140. State court programs regarding international parental child abduc-
tion.

Subtitle D—Punishment of Serious Juvenile Offenders

- Sec. 151. Serious juvenile drug offenses as Armed Career Criminal Act predi-
cates.
- Sec. 152. Prosecution as adults of violent juvenile offenders.
- Sec. 153. Amendments concerning records of crimes committed by juveniles.

TITLE II—STATE PRISON CONSTRUCTION GRANTS

- Sec. 201. Grants.
- Sec. 202. Federal funds.
- Sec. 203. Authorization of appropriations.
- Sec. 204. Definitions.

TITLE III—ELIMINATION OF DELAYS IN CARRYING OUT
SENTENCES

Subtitle A—Post Conviction Petitions: General Habeas Corpus Reform

- Sec. 301. Period of limitation for filing writ of habeas corpus following final
judgment of a State court.
- Sec. 302. Authority of appellate judges to issue certificates of probable cause
for appeal in habeas corpus and Federal collateral relief pro-
ceedings.

- Sec. 303. Conforming amendment to the rules of appellate procedure.
- Sec. 304. Discretion to deny habeas corpus application despite failure to exhaust State remedies.
- Sec. 305. Period of limitation for Federal prisoners filing for collateral remedy.

Subtitle B—Special Procedures for Collateral Proceedings in Capital Cases

- Sec. 311. Death penalty litigation procedures.

Subtitle C—Funding for Litigation of Federal Habeas Corpus Petitions in Capital Cases

- Sec. 321. Funding for death penalty prosecutions.

TITLE IV—TWO STRIKES, YOU'RE OUT

- Sec. 401. Life imprisonment or death penalty for second violent felony conviction.

TITLE V—TAKING PRISONERS OFF THE STREETS

Subtitle A—Expanding Prison Capacity

- Sec. 501. Non-applicability of Davis-Bacon to prison construction.

Subtitle B—Restriction on Court Jurisdiction

- Sec. 502. Restricted Federal court jurisdiction in imposing remedies on State and Federal prison systems.

Subtitle C—Limitation of Prisoners' Rights

- Sec. 511. Exhaustion requirement.
- Sec. 512. Frivolous actions.
- Sec. 513. Modification of required minimum standards.
- Sec. 514. Review and certification procedure changes.
- Sec. 515. Proceedings in forma pauperis.

Subtitle D—Prison Governance

- Sec. 521. Corporal punishment.
- Sec. 522. Incentive for work.

TITLE VI—VICTIMS RIGHTS

Subtitle A—Generally

- Sec. 601. Notification on release of prisoners.
- Sec. 602. Amendment of restitution provisions.
- Sec. 603. Right of the victim to an impartial jury.
- Sec. 604. Victim's right of allocution in sentencing.
- Sec. 605. Prohibition of retaliatory killings of witnesses, victims and informants.

Subtitle B—Admissibility of Evidence

- Sec. 611. Admissibility of evidence of similar crimes in sex offense cases.
- Sec. 612. Extension and strengthening of rape victim shield law.
- Sec. 613. Inadmissibility of evidence to show provocation or invitation by victim in sex offense cases.

Subtitle C—Good Faith Exemption to the Exclusionary Rule

Sec. 621. Admissibility of certain evidence.

TITLE VII—PROTECTION OF WOMEN

Subtitle A—Spouse Abuse and Stalking

Sec. 701. Interstate travel to commit spouse abuse or to violate protective order; interstate stalking.

Sec. 702. Full faith and credit for protective orders.

Subtitle B—Victims of Sexual Violence

Sec. 711. Civil remedy for victims of sexual violence.

Sec. 712. Extension and strengthening of restitution.

Sec. 713. Pre-trial detention in sex offense cases.

Subtitle C—Punishment of Sex Offenders

Sec. 721. Death penalty for rape and child molestation murders.

Sec. 722. Increased penalties for recidivist sex offenders.

Sec. 723. Sentencing guidelines increase for sex offenses.

Sec. 724. HIV testing and penalty enhancement in sexual offense cases.

Subtitle D—Rural Domestic Violence and Child Abuse Enforcement

Sec. 731. Rural domestic violence and child abuse enforcement assistance.

TITLE VIII—CRIMINAL ALIENS AND ALIEN SMUGGLING

Subtitle A—Deportation of Criminal Aliens

Sec. 801. Expediting criminal alien deportation and exclusion.

Sec. 802. Authorizing registration of aliens on criminal probation or criminal parole.

Sec. 803. Expansion in definition of “aggravated felony”.

Sec. 804. Deportation procedures for certain criminal aliens who are not permanent residents.

Sec. 805. Judicial deportation.

Sec. 806. Restricting defenses to deportation for certain criminal aliens.

Sec. 807. Enhancing penalties for failing to depart, or reentering, after final order of deportation.

Sec. 808. Miscellaneous and technical changes.

Sec. 809. Authorization of appropriations for criminal alien information system.

Subtitle B—Prevention and Punishment of Alien Smuggling

Sec. 811. Border patrol agents.

Sec. 812. Border patrol investigators.

Sec. 813. Including alien smuggling as a racketeering activity for purposes of Racketeering Influenced and Corrupt Organizations (RICO) enforcement authority.

Sec. 814. Enhanced penalties for employers who knowingly employ smuggled aliens.

Sec. 815. Enhanced penalties for certain alien smuggling.

Sec. 816. Expanded forfeiture for smuggling or harboring illegal aliens.

Sec. 817. Compensation for incarceration of undocumented criminal aliens.

TITLE IX—INSTANT CHECK, RURAL DRUG TASK FORCES, AND
ENHANCED DRUG PENALTIES

Subtitle A—Instant Check System for Handgun Purchases

- Sec. 901. Definitions.
- Sec. 902. State instant criminal check systems for handgun purchases.
- Sec. 903. Amendment of chapter 44 of title 18, United States Code.
- Sec. 904. Establishment and operation of criminal history system.
- Sec. 905. Operation of system for purpose of screening handgun purchasers.
- Sec. 906. Improvement of criminal justice records.
- Sec. 907. Access to State criminal records.
- Sec. 908. Improvements in State records.
- Sec. 909. Funding of State criminal records systems and dedication of funds.
- Sec. 910. Authorization of appropriations.

Subtitle B—Drug Trafficking in Rural Areas

- Sec. 911. Authorizations for rural law enforcement agencies.
- Sec. 912. Rural crime and drug enforcement task forces.
- Sec. 913. Cross-designation of Federal officers.
- Sec. 914. Rural drug enforcement training.
- Sec. 915. More agents for the Drug Enforcement Administration.

Subtitle C—Miscellaneous

- Sec. 921. Enhancement of penalties for drug trafficking in prisons.
- Sec. 922. Crack penalty amendments.

TITLE X—MISCELLANEOUS

- Sec. 1001. Awards of Pell grants to prisoners prohibited.
- Sec. 1002. Professional and commercial licences.
- Sec. 1003. Limitations on payment of OASDI benefits to prisoners.
- Sec. 1004. Limitation on use of veterans' educational assistance by prisoners.

TITLE XI—PENALTIES FOR HARASSMENT OR OBSTRUCTION OF
LAWFUL HUNTING

- Sec. 1101. Short title.
- Sec. 1102. Findings.
- Sec. 1103. Definitions.
- Sec. 1104. Obstruction of a lawful hunt.
- Sec. 1105. Civil penalties.
- Sec. 1106. Other relief.
- Sec. 1107. Relationship to State and local law and civil actions.
- Sec. 1108. Regulations.

TITLE XII—VIOLENT CRIME REDUCTION TRUST FUND

- Sec. 1201. Purposes.
- Sec. 1202. Reduction of Federal full-time equivalent positions.
- Sec. 1203. Creation of Violent Crime Reduction Trust Fund.
- Sec. 1204. Conforming reduction in discretionary spending limits.

1 **TITLE I—PUBLIC SAFETY AND**
2 **POLICING**

3 **Subtitle A—Cops on the Beat**

4 **SEC. 101. SHORT TITLE.**

5 This title may be cited as the “Public Safety Partner-
6 ship and Community Policing Act of 1994”.

7 **SEC. 102. FINDINGS AND PURPOSES.**

8 (a) FINDINGS.—The Congress finds that—

9 (1) according to data compiled by the Federal
10 Bureau of Investigation, in 1961, there was approxi-
11 mately 1 reported violent crime per city police offi-
12 cer, but while from 1961 to 1991 there was no sub-
13 stantial increase in United States cities’ police em-
14 ployment rate, during the same period the number
15 of reported violent crimes per city police officer rose
16 to approximately 4.6 per officer;

17 (2) National Crime Survey figures indicate that
18 nearly 5,000,000 households in the United States
19 had at least 1 member who had been a victim of vio-
20 lent crime during 1991;

21 (3) these victims of violence experienced more
22 than 6,400,000 crimes of which about one-half were
23 reported to law enforcement authorities;

24 (4) community-oriented policing (“cops on the
25 beat”) enhances communication and cooperation be-

1 tween law enforcement and members of the commu-
2 nity;

3 (5) such communication and cooperation be-
4 tween law enforcement and members of the commu-
5 nity significantly assists in preventing and control-
6 ling crime and violence, thus enhancing public safe-
7 ty; and

8 (6) while increasing and maintaining police re-
9 sources and presence in the community are the long-
10 term responsibility of State and local governments,
11 State and local law enforcement agencies are in need
12 of immediate assistance to begin the process of re-
13 hiring officers who have been laid off for budgetary
14 reasons and hiring new, additional officers to assist
15 in the implementation of community-oriented polic-
16 ing.

17 (b) PURPOSES.—The purposes of this title are to—

18 (1) substantially increase the number of law en-
19 forcement officers interacting directly with members
20 of the community (“cops on the beat”);

21 (2) provide additional and more effective train-
22 ing to law enforcement officers to enhance their
23 problemsolving, service, and other skills needed in
24 interacting with members of the community;

1 (3) encourage the development and implementa-
2 tion of innovative programs to permit members of
3 the community to assist State and local law enforce-
4 ment agencies in the prevention of crime in the com-
5 munity; and

6 (4) encourage the development of new tech-
7 nologies to assist State and local law enforcement
8 agencies in reorienting the emphasis of their activi-
9 ties from reacting to crime to preventing crime,
10 by establishing a program of grants and assistance in fur-
11 therance of these objectives, including the authorization
12 for a period of 6 years of grants for the hiring and rehiring
13 of additional career law enforcement officers.

14 **SEC. 103. COMMUNITY POLICING; “COPS ON THE BEAT”.**

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

18 (1) by redesignating part Q as part R;

19 (2) by redesignating section 1701 as section
20 1801; and

21 (3) by inserting after part P the following new
22 part:

1 **“PART Q—PUBLIC SAFETY AND CITY POLICING;**

2 **‘COPS ON THE BEAT’**

3 **“SEC. 1701. AUTHORITY TO MAKE PUBLIC SAFETY AND**

4 **COMMUNITY POLICING GRANTS.**

5 “(a) GRANT AUTHORIZATION.—The Attorney Gen-
6 eral may make grants to units of State and local govern-
7 ment, and to other public and private entities, to increase
8 police presence, to expand and improve cooperative efforts
9 between law enforcement agencies and members of the
10 community to address crime and disorder problems, and
11 otherwise to enhance public safety.

12 “(b) REHIRING AND HIRING GRANT PROJECTS.—
13 Grants made under subsection (a) may be used for pro-
14 grams, projects, and other activities to—

15 “(1) rehire law enforcement officers who have
16 been laid off as a result of State and local budget
17 reductions for deployment in community-oriented po-
18 licing; and

19 “(2) hire new, additional career law enforce-
20 ment officers for deployment in community-oriented
21 policing across the Nation.

22 “(c) TROOPS-TO-COPS PROGRAMS.—(1) Grants made
23 under subsection (a) may be used to hire former members
24 of the Armed Forces to serve as career law enforcement
25 officers for deployment in community-oriented policing,

1 particularly in communities that are adversely affected by
2 a recent military base closing.

3 “(2) In this subsection, ‘former member of the Armed
4 Forces’ means a member of the Armed Forces of the Unit-
5 ed States who is involuntarily separated from the Armed
6 Forces within the meaning of section 1141 of title 10,
7 United States Code.

8 “(d) ADDITIONAL GRANT PROJECTS.—Grants made
9 under subsection (a) may include programs, projects, and
10 other activities to—

11 “(1) increase the number of law enforcement
12 officers involved in activities that are focused on
13 interaction with members of the community on
14 proactive crime control and prevention by redeploy-
15 ing officers to such activities;

16 “(2) provide specialized training to law enforce-
17 ment officers to enhance their conflict resolution,
18 mediation, problemsolving, service, and other skills
19 needed to work in partnership with members of the
20 community;

21 “(3) increase police participation in multidisci-
22 plinary early intervention teams;

23 “(4) develop new technologies to assist State
24 and local law enforcement agencies in reorienting

1 the emphasis of their activities from reacting to
2 crime to preventing crime;

3 “(5) develop and implement innovative pro-
4 grams to permit members of the community to assist
5 State and local law enforcement agencies in the pre-
6 vention of crime in the community, such as a citi-
7 zens police academy, including programs designed to
8 increase the level of access to the criminal justice
9 system enjoyed by victims, witnesses, and ordinary
10 citizens by establishing decentralized satellite offices
11 (including video facilities) of principal criminal
12 courts buildings;

13 “(6) establish innovative programs to reduce,
14 and keep to a minimum, the amount of time that
15 law enforcement officers must be away from the
16 community while awaiting court appearances;

17 “(7) establish and implement innovative pro-
18 grams to increase and enhance proactive crime con-
19 trol and prevention programs involving law enforce-
20 ment officers and young persons in the community;
21 and

22 “(8) develop and establish new administrative
23 and managerial systems to facilitate the adoption of
24 community-oriented policing as an organization-wide
25 philosophy.

1 “(e) PREFERENTIAL CONSIDERATION OF APPLICA-
2 TIONS FOR CERTAIN GRANTS.—In awarding grants under
3 this part, the Attorney General shall give preferential con-
4 sideration, where feasible, to applications for hiring and
5 rehiring additional career law enforcement officers that in-
6 volve—

7 (1) a non-Federal contribution exceeding the 25
8 percent minimum under subsection (i); and

9 (2) hiring former members of the Armed Forces
10 to serve as career law enforcement officers under
11 subsection (c).

12 “(f) TECHNICAL ASSISTANCE.—(1) The Attorney
13 General may provide technical assistance to units of State
14 and local government, and to other public and private enti-
15 ties, in furtherance of the purposes of the Public Safety
16 Partnership and Community Policing Act of 1993.

17 “(2) The technical assistance provided by the Attor-
18 ney General may include the development of a flexible
19 model that will define for State and local governments,
20 and other public and private entities, definitions and strat-
21 egies associated with community or problem-oriented po-
22 licing and methodologies for its implementation.

23 “(3) The technical assistance provided by the Attor-
24 ney General may include the establishment and operation
25 of training centers or facilities, either directly or by con-

1 tracting or cooperative arrangements. The functions of the
2 centers or facilities established under this paragraph may
3 include instruction and seminars for police executives,
4 managers, trainers and supervisors concerning community
5 or problem-oriented policing and improvements in police-
6 community interaction and cooperation that further the
7 purposes of the Public Safety Partnership and Community
8 Policing Act of 1993.

9 “(g) UTILIZATION OF COMPONENTS.—The Attorney
10 General may utilize any component or components of the
11 Department of Justice in carrying out this part.

12 “(h) MINIMUM AMOUNT.—Each qualifying State, to-
13 gether with grantees within the State, shall receive in each
14 fiscal year pursuant to subsection (a) not less than 0.6
15 percent of the total amount appropriated in the fiscal year
16 for grants pursuant to that subsection. In this subsection,
17 ‘qualifying State’ means any State which has submitted
18 an application for a grant, or in which an eligible entity
19 has submitted an application for a grant, which meets the
20 requirements prescribed by the Attorney General and the
21 conditions set out in this part.

22 “(i) MATCHING FUNDS.—The portion of the costs of
23 a program, project, or activity provided by a grant under
24 subsection (a) may not exceed 75 percent, unless the At-
25 torney General waives, wholly or in part, the requirement

1 under this subsection of a non-Federal contribution to the
2 costs of a program, project, or activity. In relation to a
3 grant for a period exceeding 1 year for hiring or rehiring
4 career law enforcement officers, the Federal share shall
5 decrease from year to year for up to 5 years, looking to-
6 ward the continuation of the increased hiring level using
7 State or local sources of funding following the conclusion
8 of Federal support, as provided in an approved plan pur-
9 suant to section 1702(c)(8).

10 “(j) ALLOCATION OF FUNDS.—The funds available
11 under this part shall be allocated as provided in section
12 1001(a)(11)(B).

13 “(k) TERMINATION OF GRANTS FOR HIRING OFFI-
14 CERS.—The authority under subsection (a) of this section
15 to make grants for the hiring and rehiring of additional
16 career law enforcement officers shall lapse at the conclu-
17 sion of 6 years from the date of enactment of this part.
18 Prior to the expiration of this grant authority, the Attor-
19 ney General shall submit a report to Congress concerning
20 the experience with and effects of such grants. The report
21 may include any recommendations the Attorney General
22 may have for amendments to this part and related provi-
23 sions of law in light of the termination of the authority
24 to make grants for the hiring and rehiring of additional
25 career law enforcement officers.

1 **“SEC. 1702. APPLICATIONS.**

2 “(a) IN GENERAL.—No grant may be made under
3 this part unless an application has been submitted to, and
4 approved by, the Attorney General.

5 “(b) APPLICATION.—An application for a grant
6 under this part shall be submitted in such form, and con-
7 tain such information, as the Attorney General may pre-
8 scribe by regulation or guidelines.

9 “(c) CONTENTS.—In accordance with the regulations
10 or guidelines established by the Attorney General, each ap-
11 plication for a grant under this part shall—

12 “(1) include a long-term strategy and detailed
13 implementation plan that reflects consultation with
14 community groups and appropriate private and pub-
15 lic agencies and reflects consideration of the state-
16 wide strategy under section 503(a)(1);

17 “(2) demonstrate a specific public safety need;

18 “(3) explain the locality’s inability to address
19 the need without Federal assistance;

20 “(4) identify related governmental and commu-
21 nity initiatives which complement or will be coordi-
22 nated with the proposal;

23 “(5) certify that there has been appropriate co-
24 ordination with all affected agencies;

25 “(6) outline the initial and ongoing level of
26 community support for implementing the proposal

1 including financial and in-kind contributions or
2 other tangible commitments;

3 “(7) specify plans for obtaining necessary sup-
4 port and continuing the proposed program, project,
5 or activity following the conclusion of Federal sup-
6 port; and

7 “(8) if the application is for a grant for hiring
8 or rehiring additional career law enforcement offi-
9 cers—

10 “(A) specify plans for the assumption by
11 the grantee of a progressively larger share of
12 the cost in the course of time, looking toward
13 the continuation of the increased hiring level
14 using State or local sources of funding following
15 the conclusion of Federal support;

16 “(B) assess the impact, if any, of the in-
17 crease in police resources on other components
18 of the criminal justice system; and

19 “(C) explain how the grant will be utilized
20 to reorient the affected law enforcement agen-
21 cy’s mission toward community-oriented polic-
22 ing or enhance its involvement in or commit-
23 ment to community-oriented policing.

1 **“SEC. 1703. REVIEW OF APPLICATIONS BY STATE OFFICE.**

2 “(a) IN GENERAL.—Except as provided in subsection
3 (c) or (d), an applicant for a grant under this part shall
4 submit an application to the State office designated under
5 section 507 in the State in which the applicant is located
6 for initial review.

7 “(b) INITIAL REVIEW OF APPLICATION.—(1) The
8 State office referred to in subsection (a) shall review appli-
9 cations for grants under this part submitted to it, based
10 upon criteria specified by the Attorney General by regula-
11 tion or guidelines.

12 “(2) Upon completion of the reviews required by
13 paragraph (1), the State office referred to in subsection
14 (a) shall determine which, if any, of the applications for
15 grants under this part are most likely to be successful in
16 achieving the purposes of the Public Safety Partnership
17 and Community Policing Act of 1993.

18 “(3)(A) The State office referred to in subsection (a)
19 shall list the applications for grants under this part in
20 order of their likelihood of achieving the purposes of the
21 Public Safety Partnership and Community Policing Act
22 of 1993 and shall submit the list along with all grant ap-
23 plications and supporting materials received to the Attor-
24 ney General.

25 “(B) In making the submission to the Attorney Gen-
26 eral required by subparagraph (A), the State office re-

1 ferred to in subsection (a) may recommend that a
2 particular application or applications should receive spe-
3 cial priority and provide supporting reasons for the
4 recommendation.

5 “(c) DIRECT APPLICATION TO THE ATTORNEY GEN-
6 ERAL BY CERTAIN MUNICIPALITIES.—Notwithstanding
7 subsection (a), municipalities the population of which ex-
8 ceeds 150,000 may submit an application for a grant
9 under this part directly to the Attorney General. In this
10 subsection, ‘municipalities the population of which exceeds
11 150,000’ means units of local government or law enforce-
12 ment agencies having jurisdiction over areas with popu-
13 lations exceeding 150,000, and consortia or associations
14 that include one or more such units of local government
15 or law enforcement agencies.

16 “(d) DIRECT APPLICATION TO THE ATTORNEY GEN-
17 ERAL BY OTHER APPLICANTS.—(1) Notwithstanding sub-
18 section (a), if a State chooses not to carry out the func-
19 tions described in subsection (b), an applicant in the State
20 may submit an application for a grant under this part di-
21 rectly to the Attorney General.

22 “(2) Notwithstanding subsection (a), an applicant
23 that is an Indian tribe or tribal law enforcement agency
24 may submit an application for a grant under this part di-
25 rectly to the Attorney General.

1 **“SEC. 1704. RENEWAL OF GRANTS.**

2 “(a) IN GENERAL.—Except for grants made for hir-
3 ing or rehiring additional career law enforcement officers,
4 a grant under this part may be renewed for up to 2 addi-
5 tional years after the first fiscal year during which a recip-
6 ient receives its initial grant, if the Attorney General de-
7 termines that the funds made available to the recipient
8 were used in a manner required under an approved appli-
9 cation and if the recipient can demonstrate significant
10 progress in achieving the objectives of the initial
11 application.

12 “(b) GRANTS FOR HIRING.—Grants made for hiring
13 or rehiring additional career law enforcement officers may
14 be renewed for up to 5 years, subject to the requirements
15 of subsection (a), but notwithstanding the limitation in
16 that subsection concerning the number of years for which
17 grants may be renewed.

18 “(c) MULTIYEAR GRANTS.—A grant for a period ex-
19 ceeding 1 year may be renewed as provided in this section,
20 except that the total duration of such a grant including
21 any renewals may not exceed 3 years, or 6 years if it is
22 a grant made for hiring or rehiring additional career law
23 enforcement officers.

24 **“SEC. 1705. LIMITATION ON USE OF FUNDS.**

25 “(a) NONSUPPLANTING REQUIREMENT.—Funds
26 made available under this part to State or local govern-

1 ments or to Indian tribal governments shall not be used
2 to supplant State or local funds, or, in the case of Indian
3 tribes, funds supplied by the Department of the Interior,
4 but shall be used to increase the amount of funds that
5 would, in the absence of Federal funds received under this
6 part, be made available from State or local sources, or in
7 the case of Indian tribes, from funds supplied by the De-
8 partment of the Interior.

9 “(b) ADMINISTRATIVE COSTS.—No more than 5 per-
10 cent of the funds available under this part may be used
11 for the costs of States in carrying out the functions de-
12 scribed in section 1703(b) or other administrative costs.

13 “(c) NON-FEDERAL COSTS.—State and local units of
14 government may use assets received through the Assets
15 Forfeiture equitable sharing program to cover the non-
16 Federal portion of programs, projects, and activities
17 funded under this part.

18 “(d) HIRING COSTS.—Annual funding provided
19 under this part for hiring or rehiring a career law enforce-
20 ment officer may not exceed \$50,000, unless the Attorney
21 General grants a waiver from this limitation.

22 **“SEC. 1706. PERFORMANCE EVALUATION.**

23 “(a) EVALUATION COMPONENTS.—Each program,
24 project, or activity funded under this part shall contain
25 an evaluation component, developed pursuant to guidelines

1 established by the Attorney General. The evaluations re-
2 quired by this subsection shall include outcome measures
3 that can be used to determine the effectiveness of the
4 funded programs, projects, and activities. Outcome meas-
5 ures may include crime and victimization indicators, qual-
6 ity of life measures, community perceptions, and police
7 perceptions of their own work.

8 “(b) PERIODIC REVIEW AND REPORTS.—The Attor-
9 ney General shall review the performance of each grant
10 recipient under this part. The Attorney General may re-
11 quire a grant recipient to submit to the Attorney General
12 the results of the evaluations required under subsection
13 (a) and such other data and information as the Attorney
14 General deems reasonably necessary to carry out the re-
15 sponsibilities under this subsection.

16 **“SEC. 1707. REVOCATION OR SUSPENSION OF FUNDING.**

17 “‘If the Attorney General determines, as a result of
18 the reviews required by section 1706, or otherwise, that
19 a grant recipient under this part is not in substantial com-
20 pliance with the terms and requirements of an approved
21 grant application submitted under section 1702, the Attor-
22 ney General may revoke or suspend funding of that grant,
23 in whole or in part.

1 **“SEC. 1708. ACCESS TO DOCUMENTS.**

2 “(a) BY THE ATTORNEY GENERAL.—The Attorney
3 General shall have access for the purpose of audit and ex-
4 amination to any pertinent books, documents, papers, or
5 records of a grant recipient under this part and to the
6 pertinent books, documents, papers, or records of State
7 and local governments, persons, businesses, and other en-
8 tities that are involved in programs, projects, or activities
9 for which assistance is provided under this part.

10 “(b) BY THE COMPTROLLER GENERAL.—Subsection
11 (a) shall apply with respect to audits and examinations
12 conducted by the Comptroller General of the United
13 States or by an authorized representative of the Comptrol-
14 ler General.

15 **“SEC. 1709. GENERAL REGULATORY AUTHORITY.**

16 “The Attorney General may promulgate regulations
17 and guidelines to carry out this part.

18 **“SEC. 1710. DEFINITIONS.**

19 “In this part—

20 “ ‘Career law enforcement officers’ means a
21 person hired on a permanent basis who is authorized
22 by law or by a State or local public agency to engage
23 in or supervise the prevention, detection, or inves-
24 tigation of violations of criminal laws.

25 “ ‘Citizens police academy’ means a program
26 by local law enforcement agencies or private non-

1 profit organizations in which citizens, especially
 2 those who participate in neighborhood watch pro-
 3 grams, are given training in police policy and proce-
 4 dure, criminal law, the legal system, crime aware-
 5 ness, personal safety measures, and ways of facilitat-
 6 ing communication between the community and local
 7 law enforcement in the prevention of crime.’ ”.

8 (b) TECHNICAL AMENDMENT.—The table of contents
 9 of title I of the Omnibus Crime Control and Safe Streets
 10 Act of 1968 (42 U.S.C. 3711, et seq.) is amended by strik-
 11 ing the item relating to part Q and inserting the following:

“PART Q—PUBLIC SAFETY AND COMMUNITY POLICING; ‘COPS ON THE
 BEAT’

“Sec. 1701. Authority to make public safety and community policing grants.

“Sec. 1702. Applications.

“Sec. 1703. Review of applications by State office.

“Sec. 1704. Renewal of grants.

“Sec. 1705. Limitation on use of funds.

“Sec. 1706. Performance evaluation.

“Sec. 1707. Revocation or suspension of funding.

“Sec. 1708. Access to documents.

“Sec. 1709. General regulatory authority.

“Sec. 1710. Definitions.

“PART R—TRANSITION; EFFECTIVE DATE; REPEALER

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

12 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
 13 1001(a) of title I of the Omnibus Crime Control and Safe
 14 Streets Act of 1968 (42 U.S.C. 3793) is amended—

15 (1) in paragraph (3) by striking “and O” and
 16 inserting “O, P, and Q”; and

17 (2) by adding at the end the following new
 18 paragraph:

1 “(11)(A) There are authorized to be appropriated to
2 carry out part Q, to remain available until expended—

3 “(i) \$1,035,000,000 for fiscal year 1994;

4 “(ii) \$1,720,000,000 for fiscal year 1995;

5 “(iii) \$2,070,000,000 for fiscal year 1996;

6 “(iv) \$2,270,000,000 for fiscal year 1997; and

7 “(v) \$1,900,000,000 for fiscal year 1998.

8 “(B) Of funds available under part Q in any fiscal
9 year, up to 5 percent may be used for technical assistance
10 under section 1701(e) or for evaluations or studies carried
11 out or commissioned by the Attorney General in further-
12 ance of the purposes of part Q, and up to 5 percent may
13 be used for the costs of States in carrying out the func-
14 tions described in section 1703(b) or other administrative
15 costs. Of the remaining funds, 60 percent shall be allo-
16 cated for grants pursuant to applications submitted as
17 provided in section 1703(a) or (d), and 40 percent shall
18 be allocated for grants pursuant to applications submitted
19 as provided in section 1703(c). Of the funds available in
20 relation to grants pursuant to applications submitted as
21 provided in section 1703(a) or (d), at least 85 percent
22 shall be applied to grants for the purposes specified in sec-
23 tion 1701(b), and no more than 15 percent may be applied
24 to other grants in furtherance of the purposes of part Q.
25 Of the funds available in relation to grants pursuant to

1 applications submitted as provided in section 1703(c), at
2 least 85 percent shall be applied to grants for the purposes
3 specified in section 1701(b), and no more than 15 percent
4 may be applied to other grants in furtherance of the pur-
5 poses of part Q. In view of the extraordinary need for law
6 enforcement in Indian country, an appropriate amount of
7 funds available under part Q shall be made available for
8 grants to Indian tribes or tribal law enforcement agen-
9 cies.”.

10 **Subtitle B—Safe Schools**

11 **SEC. 111. INCREASED PENALTIES FOR DRUG TRAFFICKING**

12 **NEAR SCHOOLS.**

13 Section 419 of the Controlled Substances Act (21
14 U.S.C. 860) is amended—

15 (1) in subsection (a) by striking “one year” and
16 inserting “3 years”; and

17 (2) in subsection (b) by striking “three years”
18 each place it appears and inserting “5 years”.

19 **SEC. 112. FEDERAL SAFE SCHOOL DISTRICTS.**

20 (a) ELECTION TO QUALIFY.—

21 (1) IN GENERAL.—By decision of a local edu-
22 cational agency or by referendum of the voters in a
23 school district served by a local educational agency,
24 a school district may elect to qualify as a Federal
25 safe school district under this section.

1 (2) DEFINITION.—For purposes of this section,
2 the term “local educational agency” shall have the
3 meaning given such term in section 1471(12) of the
4 Elementary and Secondary Education Act of 1965.

5 (b) FUNDING FOR ENHANCED SCHOOL SECURITY.—

6 (1) IN GENERAL.—The Attorney General may
7 make a grant to a local educational agency serving
8 a Federal safe school district or to a local law en-
9 forcement agency with jurisdiction over the school
10 district, as appropriate, to pay for enhanced school
11 security measures.

12 (2) ENHANCED SCHOOL SECURITY MEAS-
13 URES.—The measures that may be funded by a
14 grant under paragraph (1) include—

15 (A) equipping schools with metal detectors,
16 fences, closed circuit cameras, and other phys-
17 ical security measures;

18 (B) providing increased police patrols in
19 and around schools, including police hired pur-
20 suant to this title;

21 (C) mailings to parents at the beginning of
22 the school year stating that the possession of a
23 gun or other weapon in school will not be toler-
24 ated by school authorities;

1 (D) signs on each school indicating that
 2 the school is part of a Federal Safe School Dis-
 3 trict; and

4 (E) gun hotlines.

5 **SEC. 113. ENHANCED PENALTY FOR VIOLATION OF THE**
 6 **GUN-FREE SCHOOL ZONES ACT.**

7 (a) IN GENERAL.—Section 924(a)(4) of title 18,
 8 United States Code, is amended—

9 (1) by striking “not more than 5 years” the 1st
 10 place such term appears and inserting “not less than
 11 5 years and not more than 10 years”; and

12 (2) by striking the 3rd sentence.

13 (b) TECHNICAL AMENDMENT.—Section 924(a)(1)(B)
 14 of such title is amended by striking “(q)” and inserting
 15 “(r)”.

16 **Subtitle C—Criminal Street Gangs;**
 17 **Crimes Against Children; Paren-**
 18 **tal Accountability**

19 **SEC. 121. CRIMINAL STREET GANGS OFFENSES.**

20 (a) OFFENSE.—Title 18, United States Code, is
 21 amended by inserting after chapter 93 the following:

22 **“CHAPTER 94—PROHIBITED PARTICIPATION IN**
 23 **CRIMINAL STREET GANGS AND GANG CRIME**

“Sec.

“1930. Prohibited activity.

“1931. Penalties.

“1932. Investigative authority.

“1933. Definitions.

1 **“§ 1930. Prohibited activity**

2 “It shall be unlawful—

3 “(1) to commit, or to attempt to commit, a
4 predicate gang crime with intent to promote or fur-
5 ther the activities of a criminal street gang or for
6 the purpose of gaining entrance to or maintaining or
7 increasing position in such a gang;

8 “(2) to participate, or attempt to participate, in
9 a criminal street gang, or conspire to do so;

10 “(3) to command, counsel, persuade, induce,
11 entice, or coerce any individual to participate in a
12 criminal street gang;

13 “(4) to employ, use, command, counsel, per-
14 suade, induce, entice, or coerce any individual to
15 commit, cause to commit, or facilitate the commis-
16 sion of, a predicate gang crime, with intent to pro-
17 mote the activities of a criminal street gang or for
18 the purpose of gaining entrance to or maintaining or
19 increasing position in such a gang; or

20 “(5) to use any communication facility, as de-
21 fined in section 403(b) of the Controlled Substances
22 Act, in causing or facilitating the commission, or at-
23 tempted commission, of a predicate gang crime with
24 intent to promote or further the activities of a crimi-
25 nal street gang or for the purpose of gaining en-
26 trance to or maintaining or increasing position in

1 such a gang. Each separate use of a communication
2 facility shall be a separate offense under this section.

3 **“§ 1931. Penalties**

4 “(a) PENALTIES OF UP TO 20 YEARS OR LIFE IM-
5 PRISONMENT.—Whoever violates section 1930(b) (1) or
6 (2) shall be punished by imprisonment for not more than
7 20 years, or by imprisonment for any term of years or
8 for life if the violation is based on a predicate gang crime
9 for which the maximum penalty includes life imprison-
10 ment, and if the violation occurs after 1 or more prior
11 convictions for such a predicate gang crime, that is not
12 part of the instant violation, such person shall be sen-
13 tenced to a term of imprisonment which shall not be less
14 than 10 years and which may be for any term of years
15 exceeding 10 years or for life.

16 “(b) PENALTIES BETWEEN 5 AND 10 YEARS.—Who-
17 ever violates section 1930 (b)(3) or (b)(4) shall be sen-
18 tenced to imprisonment for not less than 5 and not more
19 than 10 years, and if the individual who was the subject
20 of the act was less than 18 years of age, such person shall
21 be imprisoned for 10 years. A term of imprisonment under
22 this subsection shall run consecutively to any other term
23 of imprisonment, including that imposed for any other vio-
24 lation of this chapter.

1 “(c) PENALTIES OF UP TO 5 YEARS.—Whoever vio-
2 lates section 1930(b)(5) shall be punished by imprison-
3 ment for not more than 5 years.

4 “(d) ADDITIONAL PENALTIES.—In addition to the
5 other penalties set forth in this section—

6 “(1) whoever violates section 1930(b) (1) or
7 (2), 1 of whose predicate gang crimes involves mur-
8 der or conspiracy to commit murder which results in
9 the taking of a life, and who commits, counsels,
10 commands, induces, procures, or causes that mur-
11 der, shall be punished by death or by imprisonment
12 for life;

13 “(2) any person who violates section 1930(b)
14 (1) or (2), 1 of whose predicate gang crimes involves
15 attempted murder or conspiracy to commit murder,
16 shall be sentenced to a term of imprisonment which
17 shall not be less than 20 years and which may be
18 for any term of years exceeding 20 years or for life;
19 and

20 “(3) any person who violates section 1930(b)
21 (1) or (2), and who at the time of the offense occu-
22 pied a position of organizer or supervisor, or other
23 position of management in that street gang, shall be
24 sentenced to a term of imprisonment which shall not

1 be less than 15 years and which may be for any
2 term of years exceeding 15 years or for life.

3 For purposes of paragraph (3) of this subsection, if it is
4 shown that the defendant counseled, commanded, induced,
5 or procured 5 or more individuals to participate in a street
6 gang, there shall be a rebuttable presumption that the de-
7 fendant occupied a position of organizer or supervisor, or
8 other position of management in the gang.

9 “(e) FORFEITURE.—Whoever violates section
10 1930(b) (1) or (2) shall, in addition to any other penalty
11 and irrespective of any provision of State law, forfeit to
12 the United States—

13 “(1) any property constituting, or derived from,
14 any proceeds the person obtained, directly or indi-
15 rectly, as a result of the violation; and

16 “(2) any property used, or intended to be used,
17 in any manner or part, to commit, or to facilitate
18 the commission of, the violation.

19 Sections 413(b), 413(c), and 413 (e) through (p) of the
20 Controlled Substances Act apply to a forfeiture under this
21 section.

22 **“§ 1932. Investigative authority**

23 “The Attorney General and the Secretary of the
24 Treasury shall have the authority to investigate offenses
25 under this chapter. This authority shall be exercised in

1 accordance with an agreement which shall be entered into
2 by the Attorney General and the Secretary of the
3 Treasury.

4 **“§ 1133. Definitions**

5 “As used in this chapter—

6 “(1) the term ‘predicate gang crime’ means—

7 “(A) any act or threat, or attempted act or
8 threat, which is chargeable under Federal or
9 State law and punishable by imprisonment for
10 more than 1 year, involving murder, assault,
11 kidnapping, robbery, extortion, burglary, arson,
12 property damage or destruction, obstruction of
13 justice, tampering with or retaliating against a
14 witness, victim, or informant, or manufacturing,
15 importing, receiving, concealing, purchasing,
16 selling, possessing, or otherwise dealing in a
17 controlled substance or controlled substance
18 analogue (as those terms are defined in section
19 102 of the Controlled Substances Act (21
20 U.S.C. 802));

21 “(B) any act, punishable by imprisonment
22 for more than 1 year, which is indictable under
23 any of the following provisions of title 18,
24 United States Code: sections 922 and
25 924(a)(2), (b), (c), (g), or (h) (relating to re-

1 receipt, possession, and transfer of firearms); sec-
2 tion 1503 (relating to obstruction of justice);
3 section 1510 (relating to obstruction of criminal
4 investigations); section 1512 (relating to tam-
5 pering with a witness, victim, or informant);
6 section 1513 (relating to retaliating against a
7 witness, victim, or informant); or

8 “(C) any act indictable under subsection
9 (b)(5) of this section;

10 “(2) the term ‘criminal street gang’ means any
11 organization, or group, of 5 or more individuals,
12 whether formal or informal, who act in concert, or
13 agree to act in concert, for a period in excess of 30
14 days, with a purpose that any of those individuals
15 alone, or in any combination, commit or will commit,
16 2 or more predicate gang crimes, one of which must
17 occur after the enactment of this chapter and the
18 last of which occurred within 10 years (excluding
19 any period of imprisonment) after the commission of
20 a prior predicate gang crime;

21 “(3) the term ‘participate in a criminal street
22 gang’ means to act in concert with a criminal street
23 gang with intent to commit, or that any other indi-
24 vidual associated with the criminal street gang will
25 commit, 1 or more predicate gang crimes; and

1 “(4) the term ‘State’ means a State of the
2 United States, the District of Columbia, and any
3 commonwealth, territory, or possession of the United
4 States.”.

5 (b) CLERICAL AMENDMENT.—The table of chapters
6 for part I of title 18, United States Code, is amended by
7 inserting after the item for chapter 93 the following:

**“94. Prohibited participation in criminal street gangs
and gang crimes 1930”.**

8 (c) SENTENCING GUIDELINES INCREASE FOR GANG
9 CRIMES.—The United States Sentencing Commission
10 shall at the earliest opportunity amend the sentencing
11 guidelines to increase by at least 4 levels the base offense
12 level for any felony committed for the purpose of gaining
13 entrance into, or maintaining or increasing position in, a
14 criminal street gang. For purposes of this subsection,
15 “criminal street gang” means any organization, or group,
16 of 5 or more individuals, whether formal or informal, who
17 act in concert, or agree to act in concert, for a period in
18 excess of 30 days, with the intent that any of those indi-
19 viduals alone, or in any combination, commit or will com-
20 mit, 2 or more acts punishable under State or Federal
21 law by imprisonment for more than 1 year.

1 **SEC. 122. DRIVE-BY SHOOTINGS.**

2 (a) OFFENSE.—Chapter 44 of title 18, United States
3 Code, is amended by adding at the end the following new
4 section:

5 **“§ 931. Drive-by shootings**

6 “(a) Whoever knowingly discharges a firearm at a
7 person—

8 “(1) in the course of or in furtherance of drug
9 trafficking activity; or

10 “(2) from a motor vehicle;

11 shall be punished by imprisonment for up to 25 years, and
12 if death results shall be punished by death or by imprison-
13 ment for any term of years or for life.

14 “(b) For purposes of this section, the term ‘drug traf-
15 ficking activity’ means a drug trafficking crime as defined
16 in section 929(a)(2) of this title, or a pattern or series
17 of acts involving one or more drug trafficking crimes.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of chapter 44 of title 18, United States
20 Code, is amended by adding at the end the following:

“931. Drive-by shootings.”.

21 **SEC. 123. ADDITION OF ANTI-GANG BYRNE GRANT FUNDING**

22 **OBJECTIVE.**

23 Section 501(b) of title I of the Omnibus Crime Con-
24 trol and Safe Streets Act of 1968 (42 U.S.C. 3751) is
25 amended—

1 (1) in paragraph (20) by striking “and” at the
2 end;

3 (2) in paragraph (21) by striking the period
4 and inserting “; and”; and

5 (3) by inserting after paragraph (21) the fol-
6 lowing new paragraph:

7 “(22) law enforcement and prevention programs
8 relating to gangs, or to youth who are involved or
9 at risk of involvement in gangs.”.

10 **SEC. 124. INCREASED PENALTIES FOR DRUG TRAFFICKING**
11 **NEAR PUBLIC HOUSING.**

12 Section 419 of the Controlled Substances Act (21
13 U.S.C. 860) is amended—

14 (1) in subsection (a) by striking “playground,
15 or within” and inserting “playground, or housing
16 facility owned by a public housing authority, or
17 within”; and

18 (2) in subsection (b) by striking “playground,
19 or within” and inserting “playground, or housing
20 facility owned by a public housing authority, or
21 within”.

22 **SEC. 125. PARENTAL ACCOUNTABILITY.**

23 (a) IN GENERAL.—Chapter 43 of title 18, United
24 States Code, is amended by adding at the end the follow-
25 ing:

1 **“§ 5043. Civil penalties for parents of certain juvenile**
2 **offenders**

3 “(a) IN GENERAL.—(1) The parent or legal guard-
4 ians of any juvenile charged with any violation of Federal
5 law shall attend all court proceedings involving the
6 juvenile, and

7 “(2) Except as provided in subsection (b), the parents
8 or legal guardians of a juvenile who has been convicted
9 of a criminal offense under any Federal law may be liable
10 to the United States for a civil penalty of not more than
11 \$10,000.

12 “(b) EXERCISE OF PARENTAL RESPONSIBILITY.—
13 The court may decline to enforce, if it would cause undue
14 hardship, subsection (a)(1) or to impose a fine under sub-
15 section (a)(2) if the court makes an affirmative determina-
16 tion that under the circumstances, the parents or legal
17 guardians exercised reasonable care, supervision and con-
18 trol of the juvenile and counseled the juvenile that criminal
19 activity is not acceptable.

20 “(c) AMOUNT OF CIVIL PENALTIES.—

21 “(1) MANDATORY MINIMUM.—In no case shall
22 a civil penalty imposed under subsection (a) be less
23 than \$100.

24 “(2) FINANCIAL HARDSHIP.—In no case shall a
25 civil penalty imposed under subsection (a) be less
26 than \$500 unless the court makes a finding that a

1 civil penalty in that amount would impose a severe
2 financial hardship on the family of the parent or
3 legal guardians.

4 “(3) If the court determines that the parents or
5 legal guardians are not financially able to pay the
6 civil penalty immediately, the court may set a sched-
7 ule by which the civil penalty will be paid over time.

8 “(d) COMMUNITY SERVICE OR PARENTING CLASSES
9 IN LIEU OF CIVIL PENALTY.—A parent or legal guardian
10 ordered to pay a civil penalty under this section may peti-
11 tion the court to perform such community service or at-
12 tend and successfully complete parenting classes, as the
13 court determines to be appropriate, in lieu of the civil
14 penalty.

15 “(e) DEFINITIONS.—

16 “(1) As used in this section, the term ‘juvenile’
17 means any person who is under 18 years of age.

18 “(2) For the purpose of this section, the term
19 ‘parent’ means a biological or custodial parent or
20 noncustodial parent during periods of child visita-
21 tion, who has legal responsibility for the juvenile at
22 the time the crime was committed.”.

23 (b) CLERICAL AMENDMENT.—The table of sections
24 at the beginning of chapter 403 of title 18, United States

1 Code, is amended by adding at the end the following new
2 item:

“5043. Civil penalties for parents of certain juvenile offenders.”.

3 **SEC. 126. DEATH PENALTY FOR MURDER DURING THE**
4 **SEXUAL EXPLOITATION OF CHILDREN.**

5 Section 2251(d) of title 18, United States Code, is
6 amended by adding at the end the following: “Whoever,
7 in the course of an offense under this section, engages in
8 conduct that results in the death of a person, shall be pun-
9 ished by death or imprisoned for any term of years or for
10 life.”.

11 **SEC. 127. INCREASED PENALTIES FOR SEX OFFENSES**
12 **AGAINST VICTIMS BELOW THE AGE OF 16.**

13 Paragraph (2) of section 2245 of title 18, United
14 States Code, is amended—

15 (1) in subparagraph (B) by striking “or” after
16 the semicolon;

17 (2) in subparagraph (C) by striking “; and”
18 and inserting “; or”; and

19 (3) by inserting a new subparagraph (D) as
20 follows:

21 “(D) the intentional touching, not through the
22 clothing, of the genitalia of another person who has
23 not attained the age of 16 years with an intent to
24 abuse, humiliate, harass, degrade, or arouse or grat-
25 ify the sexual desire of any person;”.

1 **SEC. 128. PENALTIES FOR INTERNATIONAL TRAFFICKING**
2 **IN CHILD PORNOGRAPHY.**

3 (a) IMPORT RELATED OFFENSE.—Chapter 110 of
4 title 18, United States Code, is amended by adding at the
5 end the following:

6 **“§ 2258. Production of sexually explicit depictions of**
7 **a minor for importation into the United**
8 **States**

9 “(a) Any person who, outside the United States, em-
10 ploys, uses, persuades, induces, entices, or coerces any
11 minor to engage in, or who has a minor assist any other
12 person to engage in, or who transports any minor with
13 the intent that such minor engage in any sexually explicit
14 conduct for the purpose of producing any visual depiction
15 of such conduct, shall be punished as provided under sub-
16 section (c), if such person intends, knows, or has reason
17 to know that such visual depiction will be imported into
18 the United States or into waters within a distance of 12
19 miles of the coast of the United States.

20 “(b) Whoever, outside the United States, knowingly
21 receives, transports, ships, distributes, sells, or possesses
22 with intent to transport, ship, sell, or distribute any visual
23 depiction of a minor engaging in sexually explicit conduct
24 if the production of such visual depiction involved the use
25 of a minor engaging in sexually explicit conduct, shall be
26 punished as provided under subsection (c), if such person

1 intends, knows, or has reason to know that such visual
2 depiction will be imported into the United States or into
3 waters within a distance of 12 miles of the coast of the
4 United States.

5 “(c) Any individual who violates this section, or con-
6 spires or attempts to do so, shall be fined under this title,
7 or imprisoned not more than 10 years, or both, but, if
8 such individual has a prior conviction under this chapter
9 or chapter 109A of this title, such individual shall be fined
10 according to the provisions of this title, or imprisoned not
11 less than five years nor more than 15 years, or both.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of chapter 110 of title 18, United States
14 Code, is amended by adding at the end the following:

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

15 (c) TECHNICAL AMENDMENT.—Section 2251(d) of
16 title 18, United States Code, is amended—

17 (1) by striking “not more than \$100,000” and
18 inserting “under this title”;

19 (2) by striking “not more than \$200,000” and
20 inserting “under this title”; and

21 (3) by striking “not more than \$250,000” and
22 inserting “under this title”.

23 (d) SECTION 2251 PENALTY ENHANCEMENT.—Sec-
24 tion 2251(d) of title 18, United States Code, is amended

1 by striking “this section” the second place it appears and
2 inserting “this chapter or chapter 109A of this title”.

3 (e) SECTION 2252 PENALTY ENHANCEMENT.—Sec-
4 tion 2252(b)(1) of title 18, United States Code, is amend-
5 ed by striking “this section” and inserting “this chapter
6 or chapter 109A of this title”.

7 (f) CONSPIRACY AND ATTEMPT.—Sections 2251(d)
8 and 2252(b) of title 18, United States Code, are each
9 amended by inserting “, or attempts or conspires to do
10 so,” after “violates” each place it appears.

11 (g) RICO AMENDMENT.—Section 1961(l) of title 18,
12 United States Code, is amended by striking “2251–2252”
13 and inserting “2251, 2252, or 2258”.

14 (h) TRANSPORTATION OF MINORS.—Section 2423 of
15 title 18, United States Code, is amended—

16 (1) by inserting “(a)” before “Whoever”; and

17 (2) by adding at the end the following:

18 “(b) Whoever travels in interstate or foreign com-
19 merce, or conspires to do so, for the purpose of engaging
20 in any sexual act (as the term ‘sexual act’ is defined in
21 section 2245 of this title) with a person under 18 years
22 of age which would be in violation of chapter 109A of this
23 title if such sexual act occurred in the special maritime
24 and territorial jurisdiction of the United States,” after
25 “offense,”.

1 **SEC. 129. STATE LEGISLATION REGARDING CHILD POR-**
2 **NOGRAPHY.**

3 (a) IN GENERAL.—Not later than the end of the 18th
4 month beginning after the date of the enactment of this
5 Act, each State shall enact legislation complying with
6 guidelines established under subsection (b), and maintain
7 such legislation in effect thereafter. Compliance with the
8 preceding sentence shall be a condition to the receipt by
9 a State of any grant, cooperative agreement, or other as-
10 sistance under—

11 (1) section 1404 of the Victims of Crime Act
12 (42 U.S.C. 10603); and

13 (2) the Child Abuse Prevention and Treatment
14 Act (42 U.S.C. 1501 et seq.).

15 (b) GUIDELINES.—The Attorney General shall estab-
16 lish guidelines for State legislation prohibiting the produc-
17 tion, distribution, receipt, or possession of materials de-
18 picting a person under 18 years of age engaging in sexu-
19 ally explicit conduct and providing for a maximum impris-
20 onment of at least one year and for the forfeiture of assets
21 used in the commission or support of, or gained from, such
22 offenses.

23 **SEC. 130. NATIONAL REGISTRATION OF CONVICTED CHILD**
24 **ABUSERS.**

25 (a) STATES TO REGISTER PERSONS CONVICTED OF
26 OFFENSES AGAINST CHILDREN.—

1 (1) IN GENERAL.—Each State shall establish
2 and maintain a registration program under this sec-
3 tion requiring persons convicted of a criminal offense
4 against a victim who is a child to register a current
5 address and other information that the Attorney
6 General deems relevant, with a designated State law
7 enforcement agency for 10 years after being released
8 from prison or otherwise being freed from detention
9 after the conviction becomes final.

10 (2) ATTORNEY GENERAL TO ESTABLISH GUIDE-
11 LINES.—The Attorney General shall establish guide-
12 lines for State registration programs under this
13 section.

14 (3) MANDATORY ELEMENTS OF GUIDELINES.—
15 Such guidelines shall include provision for—

16 (A) a requirement that the State obtain
17 the fingerprints, physical description, and cur-
18 rent photographs of each registered person;

19 (B) annual updating of the information
20 contained in the registry by each registered per-
21 son; and

22 (C) criminal penalties for failing to comply
23 with the registration requirements.

24 (b) STATES TO REPORT.—

1 (1) IN GENERAL.—Each State shall report to
2 the Attorney General, in such form and manner as
3 the Attorney General shall prescribe—

4 (A) information about each conviction for
5 a criminal offense against a victim who is a
6 child; and

7 (B) the information on the registry that
8 State is required to establish and maintain
9 under subsection (a).

10 (2) ANNUAL SUMMARY OF CONVICTIONS.—The
11 Attorney General shall publish an annual summary
12 of convictions for offenses involving the physical,
13 psychological, or emotional injuring, sexual abuse or
14 exploitation, neglectful treatment, or maltreatment,
15 of children, based on information reported under
16 this section.

17 (c) SANCTION FOR NONCOMPLIANCE BY STATE.—If
18 a State fails to comply with an obligation under subsection
19 (a) or (b) during the period that begins 3 years after the
20 date of the enactment of this Act, the allocation of funds
21 under section 506 of title I of the Omnibus Crime Control
22 and Safe Streets Act of 1968 (42 U.S.C. 3756) shall be
23 reduced by 25 percent, and the unallocated funds shall
24 be reallocated to the States complying with those obliga-
25 tions.

1 (d) BACKGROUND CHECKS.—

2 (1) IN GENERAL.—A State may permit quali-
3 fied entities to obtain from an authorized agency of
4 the State a nationwide background check for the
5 purpose of determining whether there is a report
6 that a provider has been convicted of a background
7 check crime.

8 (2) ATTORNEY GENERAL TO PROVIDE INFORMA-
9 TION.—The Attorney General, in accordance with
10 such rules and subject to such conditions as the At-
11 torney General shall prescribe, shall provide to au-
12 thorized agencies of States information possessed by
13 the Department of Justice that would enable the
14 agency to make the background check described in
15 paragraph (1). In making such rules and setting
16 such conditions, the Attorney General shall take care
17 to assure—

18 (A) the currency and accuracy of the infor-
19 mation; and

20 (B) that the States maintain procedures to
21 permit providers to check and correct informa-
22 tion relating to such providers.

23 (e) DEFINITIONS.—As used in this Act—

24 (1) the term “child” means a person who has
25 not attained the age of 18 years;

1 (2) the term “State” includes the District of
2 Columbia, Puerto Rico, and any other territory or
3 possession of the United States;

4 (3) the term “authorized agency of the State”
5 means the agency of the State the State designates
6 to carry out the background checks described in sec-
7 tion 5;

8 (4) the term “qualified entity” means a busi-
9 ness or organization of any sort that provides child
10 care or child care placement services, including a
11 business or organization that licenses or certifies
12 others to provide such services;

13 (5) the term “provider” means any person
14 who—

15 (A) seeks or has contact with a child while
16 that child is receiving care from a qualified en-
17 tity; and

18 (B) seeks employment or ownership of a
19 qualified entity; and

20 (6) the term “background check crime” means,
21 with respect to a provider, any crime committed by
22 that provider that, as determined under rules pre-
23 scribed by the Attorney General, may affect the
24 safety of children under the care of a qualified entity

1 with respect to which that provider has a relation-
2 ship described in paragraph (5).

3 **SEC. 131. INCREASED PENALTIES FOR ASSAULTS AGAINST**
4 **CHILDREN.**

5 (a) SIMPLE ASSAULT.—Section 113(e) of title 18,
6 United States Code, is amended by striking “by fine” and
7 all that follows through the period and inserting “—

8 “(A) if the victim of the assault is an individual
9 who has not attained the age of 18 years, by a fine
10 under this title or imprisonment for not more than
11 one year, or both; and

12 “(B) by a fine under this title or imprisonment
13 for not more than three months, or both, in any
14 other case.”.

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

18 “(7) Assault resulting in substantial bodily in-
19 jury to an individual who has not attained the age
20 of 18 years, by a fine under this title or imprison-
21 ment for not more than 5 years, or both.”.

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

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

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

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

7 (4) in paragraph (e), by striking “of not more
8 than \$300” and inserting “under this title”;

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

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

14 (7) by inserting “(a)” before “Whoever”.

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

18 “(b) As used in this subsection—

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

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

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

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

4 (e) ASSAULTS IN INDIAN COUNTRY.—Section
5 1153(a) of title 18, United States Code, is amended by
6 inserting “(as defined in section 1365 of this title), an
7 assault against an individual who has not attained the age
8 of 18 years” after “serious bodily injury”.

9 **SEC. 132. OFFENSE OF INDUCING MINORS OR OTHER PER-**
10 **SONS TO USE STEROIDS.**

11 Section 404 of the Controlled Substances Act (21
12 U.S.C. 844) is amended by inserting after subsection (a)
13 the following new subsection:

14 “(b)(1) Whoever, being a physical trainer or adviser
15 to a person, attempts to persuade or induce the person
16 to possess or use anabolic steroids in violation of sub-
17 section (a), shall be fined under title 18, United States
18 Code, imprisoned not more than 2 years (or if the person
19 attempted to be persuaded or induced was less than 18
20 years of age at the time of the offense, 5 years), or both.

21 “(2) As used in this subsection, the term ‘physical
22 trainer or adviser’ means a professional or amateur coach,
23 manager, trainer, instructor, or other such person who
24 provides athletic or physical instruction, training, advice,
25 assistance, or any other such service to any person.”.

1 **SEC. 133. INCREASED PENALTIES FOR DRUG DISTRIBUTION**
2 **TO PREGNANT WOMEN.**

3 The United States Sentencing Commission shall
4 amend the sentencing guidelines to increase by at least
5 4 levels the base offense level for an offense under section
6 2241 (relating to aggravated sexual abuse) or section
7 2242 (relating to sexual abuse) of title 18, United States
8 Code, and shall consider whether any other changes are
9 warranted in the guidelines provisions applicable to such
10 offenses to ensure realization of the objectives of sentenc-
11 ing. In amending the guidelines in conformity with this
12 section, the Sentencing Commission shall review the ap-
13 propriateness and adequacy of existing offense character-
14 istics and adjustments applicable to such offenses, taking
15 into account the heinousness of sexual abuse offenses, the
16 severity and duration of the harm caused to victims, and
17 any other relevant factors. In any subsequent amendment
18 to the sentencing guidelines, the Sentencing Commission
19 shall maintain minimum guidelines sentences for the of-
20 fenses referenced in this section which are at least equal
21 to those required by this section.

22 **SEC. 134. INTERSTATE ENFORCEMENT OF CHILD SUPPORT**
23 **ORDERS.**

24 (a) TITLE 28 AMENDMENT.—Chapter 115 of title 28,
25 United States Code, is amended by inserting after section
26 1738A the following new section:

1 **“§ 1738B. Full faith and credit given to child support**
2 **orders**

3 “(a) GENERAL RULE.—The appropriate authorities
4 of each State shall enforce according to its terms, and
5 shall not modify except as provided in subsection (e), any
6 child support order made consistently with the provisions
7 of this section by a court of another State.

8 “(b) DEFINITIONS.—As used in this section, the
9 term—

10 “(1) ‘child’ means any person under 18 years of
11 age, and includes an individual 18 or more years of
12 age for whom a child support order has been issued
13 pursuant to the laws of a State;

14 “(2) ‘child’s State’ means the State in which a
15 child currently resides;

16 “(3) ‘child support order’ means a judgment,
17 decree, or order of a court requiring the payment of
18 money, or the provision of a benefit, including health
19 insurance and life insurance, whether in periodic
20 amounts or lump sum, for the support of a child and
21 includes permanent and temporary orders, initial or-
22 ders and modifications, ongoing support, and arrear-
23 ages;

24 “(4) ‘child support’ means a payment of money
25 or provision of a benefit described in paragraph (3)
26 for the support of a child;

1 “(5) ‘contestant’ means a person, including a
2 parent, who claims a right to receive child support
3 or against whom a right to receive child support is
4 claimed or asserted, and includes States and political
5 subdivisions to whom the right to obtain a child sup-
6 port order has been assigned;

7 “(6) ‘court’ means a court, administrative proc-
8 ess, or quasi-judicial process of a State which is au-
9 thorized by State law to establish the amount of
10 child support payable by a contestant or modify the
11 amount of child support payable by a contestant;

12 “(7) ‘modification’ and ‘modify’ refer to a
13 change in a child support order which affects the
14 amount, scope, or duration of such order and modi-
15 fies, replaces, supersedes, or otherwise is made sub-
16 sequent to such child support order, whether or not
17 made by the same court as such child support order;
18 and

19 “(8) ‘State’ means a State of the United
20 States, the District of Columbia, the Commonwealth
21 of Puerto Rico, the territories and possessions of the
22 United States, and Indian country as defined in sec-
23 tion 1151 of title 18.

1 “(c) REQUIREMENTS OF CHILD SUPPORT ORDERS.—
2 A child support order made by a court of a State is con-
3 sistent with the provisions of this section only if—

4 “(1) such court, pursuant to the laws of the
5 State in which such court is located, had jurisdiction
6 to hear the matter and enter such an order and had
7 personal jurisdiction over the contestants; and

8 “(2) reasonable notice and opportunity to be
9 heard was given to the contestants.

10 “(d) CONTINUING JURISDICTION.—A court of a
11 State which has made a child support order consistently
12 with the provisions of this section has continuing, exclusive
13 jurisdiction of that order when such State is the child’s
14 State or the residence of any contestant unless another
15 State, acting in accordance with subsection (e), has modi-
16 fied that order.

17 “(e) AUTHORITY TO MODIFY ORDERS.—A court of
18 a State may modify a child support order with respect to
19 a child that is made by a court of another State, if—

20 “(1) it has jurisdiction to make such a child
21 support order; and

22 “(2) the court of the other State no longer has
23 continuing, exclusive jurisdiction of the child support
24 order because such State no longer is the child’s
25 State or the residence of any contestant, or each

1 contestant has filed written consent for the State to
2 modify the order and assume continuing, exclusive
3 jurisdiction of such order.

4 “(f) ENFORCEMENT OF PRIOR ORDERS.—A court of
5 a State which no longer has continuing, exclusive jurisdic-
6 tion of a child support order may enforce such order with
7 respect to unsatisfied obligations which accrued before the
8 date on which a modification of such order is made under
9 subsection (e).”.

10 (b) CONFORMING AMENDMENT.—The table of sec-
11 tions at the beginning of chapter 115 of title 28, United
12 States Code, is amended by inserting after the item relat-
13 ing to section 1738A the following:

“1738B. Full faith and credit given to child support orders.”.

14 **SEC. 135. INCLUSION IN CONSUMER CREDIT REPORTS OF**
15 **INFORMATION ON OVERDUE CHILD SUPPORT**
16 **OBLIGATIONS OF THE CONSUMER.**

17 (a) PROVISION TO CONSUMER REPORTING AGENCIES
18 OF INFORMATION ON OVERDUE CHILD SUPPORT OBLIGA-
19 TIONS OF ABSENT PARENTS.—Section 466(a)(7) of the
20 Social Security Act (42 U.S.C. 666(a)(7)) is amended—

21 (1) by striking “will” and inserting “shall”;

22 (2) by striking “upon the request of such agen-
23 cy”;

24 (3) by striking “, and (C)” and all that follows
25 through “State”; and

1 (4) by striking “minor” from 466(e) and delet-
2 ing “at the option” and all that follows through the
3 word “section.”

4 (b) EFFECTIVE DATE.—The amendments made by
5 this section shall take effect on the 1st day of the 1st cal-
6 endar quarter that begins on or after the date of the en-
7 actment of this Act.

8 **SEC. 136. CRIMES INVOLVING THE USE OF MINORS AS RICO**
9 **PREDICATES.**

10 Paragraph (1) of section 1961 of title 18, United
11 States Code, is amended—

12 (1) by striking “or” before “(E)”; and

13 (2) by inserting before the semicolon at the end
14 of the paragraph the following: “, or (F) any offense
15 against the United States that is punishable by im-
16 prisonment for more than 1 year and that involved
17 the use of a person below the age of 18 years in the
18 commission of the offense”.

19 **SEC. 137. INCREASED PENALTIES FOR USING MINORS IN**
20 **DRUG TRAFFICKING AND DRUG DISTRIBUTION TO MINORS.**
21

22 (a) DRUG DISTRIBUTION TO MINOR BY RECIDIVIST.—Section 418(b) of the Controlled Substances Act
23 (21 U.S.C. 859(b)) is amended by striking “one year” and
24 inserting “3 years”.
25

1 (b) USE OF MINOR IN TRAFFICKING BY RECIDIVIST.—Section 420(c) of the Controlled Substances Act
2 VIST.—Section 420(c) of the Controlled Substances Act
3 (21 U.S.C. 861(b)) is amended by striking “one year” and
4 inserting “3 years”.

5 (c) CONCURRENT VIOLATION OF PROHIBITION OF
6 USE OF MINORS AND TRAFFICKING NEAR SCHOOLS.—
7 Section 419(b) of the Controlled Substances Act (21
8 U.S.C. 860(b)) is amended by inserting “, or under cir-
9 cumstances involving a violation of section 420(a),” before
10 “is punishable”.

11 **SEC. 138. INCREASED PENALTIES FOR USING A MINOR IN**
12 **COMMISSION OF A FEDERAL OFFENSE.**

13 (a) IN GENERAL.—Chapter 1 of title 18, United
14 States Code, is amended by adding at the end the
15 following:

“§ 21. Use of children in Federal offenses

16 “(a) Except as otherwise provided by law, whoever,
17 being at least 18 years of age, uses a child to commit a
18 Federal offense, or to assist in avoiding detection or ap-
19 prehension for a Federal offense, shall—

20 “(1) after a previous conviction under this sub-
21 section has become final, be subject to 3 times the
22 maximum imprisonment and 3 times the maximum
23 fine otherwise provided for the Federal offense in
24 which the child is used; and

1 “(2) in any other case, be subject to 2 times the
2 maximum imprisonment and 2 times the maximum
3 fine for such offense.

4 “(b) As used in this section—

5 “(1) the term ‘child’ means a person who is
6 under 18 years of age; and

7 “(2) the term ‘uses’ means employs, hires, uses,
8 persuades, induces, entices, or coerces.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 at the beginning of chapter 1 of title 18, United States
11 Code, is amended by adding at the end the following new
12 item:

 “21. Use of children in Federal offenses.”.

13 **SEC. 139. INTERNATIONAL PARENTAL KIDNAPPING.**

14 (a) IN GENERAL.—Chapter 55 (relating to kidnap-
15 ping) of title 18, United States Code, is amended by add-
16 ing at the end the following:

“§ 1204. International parental kidnapping

17 “(a) Whoever—

18 “(1) removes a child from the United States or
19 retains a child (who has been in the United States)
20 outside the United States—

21 “(A) in order to obstruct the lawful exer-
22 cise of parental rights that are established in a
23 court order;

1 “(B) in order to obstruct the lawful exer-
2 cise of parental rights by the mother of that
3 child, in the case of a child—

4 “(i) whose parents have not been mar-
5 ried;

6 “(ii) with regard to whom paternity
7 has not been judicially established; and

8 “(iii) whose custody has not been judi-
9 cially granted to a person other than the
10 mother; or

11 “(C) in order to obstruct the lawful exer-
12 cise of parental rights during the pendency of
13 judicial proceedings to determine parental
14 rights; or

15 “(2) in any other circumstances removes a child
16 from the United States or retains a child (who has
17 been in the United States) outside the United
18 States, in order to obstruct the lawful exercise of pa-
19 rental rights;

20 shall be fined under this title or imprisoned not more than
21 3 years, or both.

22 “(b) As used in this section—

23 “(1) the term ‘child’ means a person who has
24 not attained the age of 18 years; and

1 “(2) the term ‘parental rights’, with respect to
2 a child, means the right to physical custody of the
3 child—

4 “(A) whether joint or sole (and includes
5 visiting rights); and

6 “(B) whether arising by operation of law,
7 court order, or agreement of the parties.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of chapter 55 of title 18, United States
10 Code, is amended by adding at the end the following:

“1204. International parental kidnapping.”.

11 **SEC. 140. STATE COURT PROGRAMS REGARDING INTER-**
12 **NATIONAL PARENTAL CHILD ABDUCTION.**

13 There is authorized to be appropriated \$250,000 to
14 carry out under the State Justice Institute Act of 1984
15 (42 U.S.C. 10701–10713) national, regional, and in-State
16 training and educational programs dealing with criminal
17 and civil aspects of interstate and international parental
18 child abduction.

19 **Subtitle D—Punishment of Serious**
20 **Juvenile Offenders**

21 **SEC. 151. SERIOUS JUVENILE DRUG OFFENSES AS ARMED**
22 **CAREER CRIMINAL ACT PREDICATES.**

23 Section 924(e)(2)(A) of title 18, United States Code,
24 is amended—

25 (1) by striking “or” at the end of clause (i);

1 (2) by adding “or” at the end of clause (ii); and

2 (3) by adding at the end the following:

3 “(iii) any act of juvenile delinquency
4 that if committed by an adult would be a
5 serious drug offense described in this para-
6 graph;”.

7 **SEC. 152. PROSECUTION AS ADULTS OF VIOLENT JUVENILE**
8 **OFFENDERS.**

9 Section 5032 of title 18, United States Code, is
10 amended by adding at the end the following new para-
11 graph:

12 “Notwithstanding any other provision of this section
13 or any other law, a juvenile who was 13 years old or older
14 on the date of the commission of an offense under section
15 113 (a), (b), or (c), 1111, 1113, 2111, or 2113 (if the
16 juvenile was in possession of a firearm during the offense),
17 or 2241 (a) or (c) (if the juvenile was in possession of
18 a firearm during the offense) of this title shall be pros-
19 ecuted as an adult in Federal court. If a juvenile pros-
20 ecuted under this paragraph is convicted, the juvenile shall
21 be entitled to file a petition for resentencing pursuant to
22 applicable sentencing guidelines no earlier than two years
23 following the original conviction, or when he or she reaches
24 the age of 18, whichever is later. The United States Sen-
25 tencing Commission shall promulgate guidelines or amend

1 existing guidelines, if necessary, to carry out the purposes
2 of this paragraph. For resentencing determinations pursu-
3 ant to subsection (b), the Commission may promulgate
4 guidelines, if necessary, to permit sentencing adjustments
5 which may include adjustments which provide for super-
6 vised releases, for defendants who have clearly dem-
7 onstrated an exceptional degree of responsibility for the
8 offense and a willingness and ability to refrain from future
9 criminal conduct.”.

10 **SEC. 153. AMENDMENTS CONCERNING RECORDS OF**
11 **CRIMES COMMITTED BY JUVENILES.**

12 (a) IN GENERAL.—Section 5038 of title 18, United
13 States Code, is amended by striking subsections (d) and
14 (f), redesignating subsection (e) as subsection (d), and by
15 adding at the end new subsections (e) and (f) as follows:

16 “(e) Whenever a juvenile has been found guilty of
17 committing an act which if committed by an adult would
18 be an offense described in clause (3) of the first paragraph
19 of section 5032 of this title, the juvenile shall be
20 fingerprinted and photographed, and the fingerprints and
21 photograph shall be sent to the Federal Bureau of Inves-
22 tigation, Identification Division. The court shall also
23 transmit to the Federal Bureau of Investigation, Identi-
24 fication Division, the information concerning the adjudica-
25 tion, including name, date of adjudication, court, offenses,

1 and sentence, along with the notation that the matter was
2 a juvenile adjudication. The fingerprints, photograph, and
3 other records and information relating to a juvenile de-
4 scribed in this subsection, or to a juvenile who is pros-
5 ecuted as an adult, shall be made available in the manner
6 applicable to adult defendants.

7 “(f) In addition to any other authorization under this
8 section for the reporting, retention, disclosure, or avail-
9 ability of records or information, if the law of the State
10 in which a Federal juvenile delinquency proceeding takes
11 place permits or requires the reporting, retention, disclo-
12 sure, or availability of records or information relating to
13 a juvenile or to a juvenile delinquency proceeding or adju-
14 dication in certain circumstances, then such reporting, re-
15 tention, disclosure, or availability is permitted under this
16 section whenever the same circumstances exist.”.

17 (b) REPEAL.—Section 3607 of title 18, United States
18 Code, is repealed, and the corresponding item in the chap-
19 ter analysis for chapter 229 of title 18 is deleted.

20 (c) CONFORMING AMENDMENT.—Section 401(b)(4)
21 of the Controlled Substances Act (21 U.S.C. 841(b)(4))
22 is amended by striking “and section 3607 of title 18”.

1 **TITLE II—STATE PRISON**
2 **CONSTRUCTION GRANTS**

3 **SEC. 201. GRANTS.**

4 The Attorney General is authorized to provide grants
5 to States to build, expand, or operate space in correctional
6 facilities in order to increase the prison bed capacity in
7 such facilities.

8 **SEC. 202. FEDERAL FUNDS.**

9 (a) DISTRIBUTION OF FUNDS IN FISCAL YEAR
10 1995.—Of the total amount of funds appropriated under
11 this title in fiscal year 1995, there shall be allocated to
12 each State an amount which bears the same ratio to the
13 amount of funds appropriated pursuant to this title as the
14 number of part I violent crimes reported by the States
15 to the Federal Bureau of Investigation for 1993 bears to
16 the number of part I violent crimes reported by all States
17 to the Federal Bureau of Investigation for 1993.

18 (b) DISTRIBUTION OF FUNDS IN FISCAL YEARS 1996
19 THROUGH 1999.—Seventy-five percent of the total
20 amount of funds appropriated under this title in fiscal
21 years 1996, 1997, 1998, and 1999 shall be allocated to
22 each State according to the formula established in sub-
23 section (a) adjusted to reflect in each year the most recent
24 data from the Federal Bureau of Investigation reporting
25 Part I violent crimes.

1 (c) INCENTIVE FUND.—Twenty-five percent of the
2 total amount of funds appropriated under this title in each
3 of the fiscal years 1996, 1997, 1998, and 1999 shall be
4 allocated to States which make changes to State laws and
5 regulations which include—

6 (1) truth in sentencing laws which will require
7 persons convicted of violent crimes to serve not less
8 than 85 percent of the sentence imposed;

9 (2) mandatory prison sentences for persons con-
10 victed of the most serious violent crimes;

11 (3) pretrial detention for persons whose release
12 it can be shown would pose a danger to any other
13 person or the community;

14 (4) sentencing authority to allow the defend-
15 ant's victims or the family of victims the opportunity
16 to be heard regarding the issue of sentencing and
17 provide that the victim or the victim's family will be
18 notified whenever such defendant is to be released;

19 (5) that a person who is convicted of a serious
20 violent felony shall be—

21 (A) sentenced to life imprisonment or
22 death if the person has been convicted on one
23 or more prior occasions in a court of the United
24 States or of a State of a serious violent felony,
25 or one or more serious drug offenses;

1 (B) sentenced to life imprisonment or
2 death if each serious violent felony or serious
3 drug offense used as a basis for sentencing
4 under this subsection, other than the first, was
5 committed after the defendant's conviction of
6 the preceding serious violent felony or serious
7 drug offense;

8 (C) subject to the death penalty if a death
9 of a person results from the commission of a se-
10 rious violent felony or serious drug offense.

11 (6) the authorization for the use of corporal
12 punishment for persons convicted of serious mis-
13 demeanors at the discretion of the sentencing au-
14 thority, and for State prisoners who have committed
15 serious infractions of prison policy or rules, as deter-
16 mined by the prison warden;

17 (7) a requirement that a member of a gang who
18 knowingly conspires with other gang members to
19 commit a violent crime or serious drug offense is
20 punishable to the same extent as a gang member
21 who commits and is found guilty of committing a
22 violent crime or drug offense;

23 (8) a requirement that the responsible prison
24 correctional officer in each State develops and imple-
25 ments a plan to provide 3 levels of prisoner housing,

1 amenities, and privileges as incentive awards related
2 to the degree of prison-related work in which each
3 inmate voluntarily participates and provides only
4 minimal cell accommodations and no amenities or
5 privileges for ablebodied inmates who decline to per-
6 form any prison work; and

7 (9) the requirement that a juvenile who was 13
8 years old or older on the date of the commission of
9 an violent felony is prosecuted as an adult.

10 For purposes of paragraph 6, the term “corporal punish-
11 ment” means physical punishment administered in a form
12 and fashion to be determined and ordered by a court which
13 causes pain, but not permanent physical injury.

14 **SEC. 203. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) IN GENERAL.—For purposes of this title, there
16 are authorized to be appropriated—

- 17 (1) \$2,500,000,000 for fiscal year 1995;
18 (2) \$2,000,000,000 for fiscal year 1996;
19 (3) \$2,000,000,000 for fiscal year 1997;
20 (4) \$2,000,000,000 for fiscal year 1998; and
21 (5) \$2,000,000,000 for fiscal year 1999.

22 (b) LIMITATIONS ON FUNDS.—

23 (1) NONSUPPLANTING REQUIREMENT.—Funds
24 made available under this section shall not be used
25 to supplant State funds, but shall be used to in-

1 crease the amount of funds that would, in the ab-
2 sence of Federal funds, be made available from
3 State sources.

4 (2) ADMINISTRATIVE COSTS.—Not more than 3
5 percent of the funds available under this section may
6 be used for administrative costs.

7 (3) MATCHING FUNDS.—The portion of the
8 costs of a program provided by a grant under this
9 section may not exceed 90 percent of the total costs
10 of the program as described in the application.

11 (4) CARRY OVER OF APPROPRIATIONS.—Any
12 funds appropriated but not expended as provided by
13 this section during any fiscal year shall be carried
14 over and will be made available until expended.

15 **SEC. 204. DEFINITIONS.**

16 For purposes of this title—

17 (1) the term “violent felony” means—

18 (A) a felony offense that has as an element
19 the use, attempted use, or threatened use of
20 physical force against the person of another, or

21 (B) any other offense that is a felony and
22 that, by its nature, involves substantial risk
23 that physical force against the person of an-
24 other may be used in the course of committing
25 the offense.;

1 (2) the term “serious drug offender” has the
2 same meaning as that is used in section
3 924(e)(2)(A) of title 18, United States Code;

4 (3) the term “State” means any of the United
5 States and the District of Columbia;

6 (4) the term “convicted” means convicted and
7 sentenced to a term in a State corrections institution
8 or a period of formal probation; and

9 (5) the term “Part I violent crimes” means
10 murder, rape, robbery, and aggravated assault as
11 those offenses are reported to the Federal Bureau of
12 Investigation for purposes of the Uniform Crime
13 Reports.

14 **TITLE III—ELIMINATION OF**
15 **DELAYS IN CARRYING OUT**
16 **SENTENCES**

17 **Subtitle A—Post Conviction Peti-**
18 **tions: General Habeas Corpus**
19 **Reform**

20 **SEC. 301. PERIOD OF LIMITATION FOR FILING WRIT OF HA-**
21 **BEAS CORPUS FOLLOWING FINAL JUDGMENT**
22 **OF A STATE COURT.**

23 Section 2244 of title 28, United States Code, is
24 amended by adding at the end the following:

1 “(d) A one-year period of limitation shall apply to an
2 application for a writ of habeas corpus by a person in cus-
3 tody pursuant to the judgment of a State court. The limi-
4 tation period shall run from the latest of the following
5 times:

6 “(1) The time at which State remedies are ex-
7 hausted.

8 “(2) The time at which the impediment to filing
9 an application created by State action in violation of
10 the Constitution or laws of the United States is re-
11 moved, where the applicant was prevented from fil-
12 ing by such State action.

13 “(3) The time at which the Federal right as-
14 serted was initially recognized by the United States
15 Supreme Court, where the right has been newly rec-
16 ognized by the Court and is retroactively applicable.

17 “(4) The time at which the factual predicate of
18 the claim or claims presented could have been dis-
19 covered through the exercise of reasonable dili-
20 gence.”.

1 **SEC. 302. AUTHORITY OF APPELLATE JUDGES TO ISSUE**
2 **CERTIFICATES OF PROBABLE CAUSE FOR AP-**
3 **PEAL IN HABEAS CORPUS AND FEDERAL COL-**
4 **LATERAL RELIEF PROCEEDINGS.**

5 Section 2253 of title 28, United States Code, is
6 amended to read as follows:

7 **“§ 2253. Appeal**

8 “(a) In a habeas corpus proceeding or a proceeding
9 under section 2255 of this title before a circuit or district
10 judge, the final order shall be subject to review, on appeal,
11 by the court of appeals for the circuit where the proceed-
12 ing is had.

13 “(b) There shall be no right of appeal from such an
14 order in a proceeding to test the validity of a warrant to
15 remove, to another district or place for commitment or
16 trial, a person charged with a criminal offense against the
17 United States, or to test the validity of his detention pend-
18 ing removal proceedings.

19 “(c) An appeal may not be taken to the court of ap-
20 peals from the final order in a habeas corpus proceeding
21 where the detention complained of arises out of process
22 issued by a State court, or from the final order in a pro-
23 ceeding under section 2255 of this title, unless a circuit
24 justice or judge issues a certificate of probable cause.”.

1 **SEC. 303. CONFORMING AMENDMENT TO THE RULES OF**
2 **APPELLATE PROCEDURE.**

3 Federal Rule of Appellate Procedure 22 is amended
4 to read as follows:

5 “RULE 22

6 “HABEAS CORPUS AND SECTION 2255 PROCEEDINGS

7 “(a) APPLICATION FOR AN ORIGINAL WRIT OF HA-
8 BEAS CORPUS.—An application for a writ of habeas cor-
9 pus shall be made to the appropriate district court. If ap-
10 plication is made to a circuit judge, the application will
11 ordinarily be transferred to the appropriate district court.
12 If an application is made to or transferred to the district
13 court and denied, renewal of the application before a cir-
14 cuit judge is not favored; the proper remedy is by appeal
15 to the court of appeals from the order of the district court
16 denying the writ.

17 “(b) NECESSITY OF CERTIFICATE OF PROBABLE
18 CAUSE FOR APPEAL.—In a habeas corpus proceeding in
19 which the detention complained of arises out of process
20 issued by a State court, and in a motion proceeding pursu-
21 ant to section 2255 of title 28, United States Code, an
22 appeal by the applicant or movant may not proceed unless
23 a circuit judge issues a certificate of probable cause. If
24 a request for a certificate of probable cause is addressed
25 to the court of appeals, it shall be deemed addressed to
26 the judges thereof and shall be considered by a circuit

1 judge or judges as the court deems appropriate. If no ex-
2 press request for a certificate is filed, the notice of appeal
3 shall be deemed to constitute a request addressed to the
4 judges of the court of appeals. If an appeal is taken by
5 a State or the Government or its representative, a certifi-
6 cate of probable cause is not required.”.

7 **SEC. 304. DISCRETION TO DENY HABEAS CORPUS APPLICA-**
8 **TION DESPITE FAILURE TO EXHAUST STATE**
9 **REMEDIES.**

10 Section 2254(b) of title 28, United State Code, is
11 amended to read as follows:

12 “(b) An application for a writ of habeas corpus in
13 behalf of a person in custody pursuant to the judgment
14 of a State court shall not be granted unless it appears
15 that the applicant has exhausted the remedies available
16 in the courts of the State, or that there is either an ab-
17 sence of available State corrective process or the existence
18 of circumstances rendering such process ineffective to pro-
19 tect the rights of the applicant. An application may be
20 denied on the merits notwithstanding the failure of the
21 applicant to exhaust the remedies available in the courts
22 of the State.”.

1 **SEC. 305. PERIOD OF LIMITATION FOR FEDERAL PRIS-**
2 **ONERS FILING FOR COLLATERAL REMEDY.**

3 Section 2255 of title 28, United States Code, is
4 amended by striking the second paragraph and the penul-
5 timate paragraph thereof, and by adding at the end the
6 following new paragraphs:

7 “A one-year period of limitation shall apply to a mo-
8 tion under this section. The limitation period shall run
9 from the latest of the following times:

10 “(1) The time at which the judgment of convic-
11 tion becomes final.

12 “(2) The time at which the impediment to mak-
13 ing a motion created by governmental action in vio-
14 lation of the Constitution or laws of the United
15 States is removed, where the movant was prevented
16 from making a motion by such governmental action.

17 “(3) The time at which the right asserted was
18 initially recognized by the United States Supreme
19 Court, where the right has been newly recognized by
20 the Court and is retroactively applicable.

21 “(4) The time at which the factual predicate of
22 the claim or claims presented could have been dis-
23 covered through the exercise of reasonable dili-
24 gence.”.

1 **Subtitle B—Special Procedures for**
 2 **Collateral Proceedings in Cap-**
 3 **ital Cases**

4 **SEC. 311. DEATH PENALTY LITIGATION PROCEDURES.**

5 (a) IN GENERAL.—Title 28, United States Code, is
 6 amended by inserting the following new chapter imme-
 7 diately following chapter 153:

8 **“CHAPTER 154—SPECIAL HABEAS CORPUS**
 9 **PROCEDURES IN CAPITAL CASES**

“Sec.

“2256. Prisoners in State custody subject to capital sentence; appointment of
 counsel; requirement of rule of court or statute; procedures for
 appointment.

“2257. Mandatory stay of execution; duration; limits on stays of execution; suc-
 cessive petitions.

“2258. Filing of habeas corpus petition; time requirements; tolling rules.

“2259. Evidentiary hearings; scope of Federal review; district court adjudica-
 tion.

“2260. Certificate of probable cause inapplicable.

“2261. Application to State unitary review procedures.

“2262. Limitation periods for determining petitions.

“2263. Rule of construction.

10 **“§ 2256. Prisoners in State custody subject to capital**
 11 **sentence; appointment of counsel; re-**
 12 **quirement of rule of court or statute; pro-**
 13 **cedures for appointment**

14 “(a) This chapter shall apply to cases arising under
 15 section 2254 brought by prisoners in State custody who
 16 are subject to a capital sentence. It shall apply only if the
 17 provisions of subsections (b) and (c) are satisfied.

18 “(b) This chapter is applicable if a State establishes
 19 by rule of its court of last resort or by statute a mecha-

1 nism for the appointment, compensation and payment of
2 reasonable litigation expenses of competent counsel in
3 State postconviction proceedings brought by indigent pris-
4 oners whose capital convictions and sentences have been
5 upheld on direct appeal to the court of last resort in the
6 State or have otherwise become final for State law pur-
7 poses. The rule of court or statute must provide standards
8 of competency for the appointment of such counsel.

9 “(c) Any mechanism for the appointment, compensa-
10 tion and reimbursement of counsel as provided in sub-
11 section (b) must offer counsel to all State prisoners under
12 capital sentence and must provide for the entry of an
13 order by a court of record: (1) appointing one or more
14 counsel to represent the prisoner upon a finding that the
15 prisoner is indigent and accepted the offer or is unable
16 competently to decide whether to accept or reject the offer;
17 (2) finding, after a hearing if necessary, that the prisoner
18 rejected the offer of counsel and made the decision with
19 an understanding of its legal consequences; or (3) denying
20 the appointment of counsel upon a finding that the pris-
21 oner is not indigent.

22 “(d) No counsel appointed pursuant to subsections
23 (b) and (c) to represent a State prisoner under capital
24 sentence shall have previously represented the prisoner at
25 trial or on direct appeal in the case for which the appoint-

1 ment is made unless the prisoner and counsel expressly
2 request continued representation in writing.

3 “(e) The ineffectiveness or incompetence of counsel
4 during State or Federal collateral postconviction proceed-
5 ings in a capital case shall not be a ground for relief in
6 a proceeding arising under section 2254 of this chapter.
7 This limitation shall not preclude the appointment of dif-
8 ferent counsel, on the court’s own motion or at the request
9 of the prisoner or counsel, at any phase of State or Fed-
10 eral postconviction proceedings on the basis of the ineffec-
11 tiveness or incompetence of counsel in such proceedings.

12 **“§ 2257. Mandatory stay of execution; duration; limits**
13 **on stays of execution; successive peti-**
14 **tions**

15 “(a) Upon the entry in the appropriate State court
16 of record of an order under section 2256(c), a warrant
17 or order setting an execution date for a State prisoner
18 shall be stayed upon application to any court that would
19 have jurisdiction over any proceedings filed under section
20 2254. The application must recite that the State has in-
21 voked the postconviction review procedures of this chapter
22 and that the scheduled execution is subject to stay.

23 “(b) A stay of execution granted pursuant to sub-
24 section (a) shall expire if—

1 “(1) a State prisoner fails to file a habeas cor-
2 pus petition under section 2254 within the time re-
3 quired in section 2258, or fails to make a timely ap-
4 plication for court of appeals review following the de-
5 nial of such a petition by a district court;

6 “(2) upon completion of district court and court
7 of appeals review under section 2254 the petition for
8 relief is denied and (A) the time for filing a petition
9 for writ of certiorari has expired and no petition has
10 been filed; (B) a timely petition for writ of certiorari
11 was filed and the United States Supreme Court de-
12 nied the petition; or (C) a timely petition for writ of
13 certiorari was filed and upon consideration of the
14 case, the United States Supreme Court disposed of
15 it in a manner that left the capital sentence undis-
16 turbed; or

17 “(3) before a court of competent jurisdiction, in
18 the presence of counsel and after having been ad-
19 vised of the consequences of his decision, a State
20 prisoner under capital sentence waives in writing the
21 right to pursue habeas corpus review under section
22 2254.

23 “(c) If one of the conditions in subsection (b) has
24 occurred, no Federal court thereafter shall have the au-

1 thority to enter a stay of execution or grant relief in a
2 capital case unless—

3 “(1) the basis for the stay and request for relief
4 is a claim not previously presented in the State or
5 Federal courts;

6 “(2) the failure to raise the claim is (A) the re-
7 sult of State action in violation of the Constitution
8 or laws of the United States; (B) the result of the
9 Supreme Court recognition of a new Federal right
10 that is retroactively applicable; or (C) based on a
11 factual predicate that could not have been discovered
12 through the exercise of reasonable diligence in time
13 to present the claim for State or Federal
14 postconviction review; and

15 “(3) the facts underlying the claim would be
16 sufficient, if proven, to undermine the court’s con-
17 fidence in the determination of guilt on the offense
18 or offenses for which the death penalty was imposed.

19 **“§ 2258. Filing of habeas corpus petition; time re-**
20 **quirements; tolling rules**

21 “Any petition for habeas corpus relief under section
22 2254 must be filed in the appropriate district court within
23 one hundred and eighty days from the filing in the appro-
24 priate State court of record of an order under section

1 2256(c). The time requirements established by this section
2 shall be tolled—

3 “(1) from the date that a petition for writ of
4 certiorari is filed in the United States Supreme
5 Court until the date of final disposition of the peti-
6 tion if a State prisoner files the petition to secure
7 review by the United States Supreme Court of the
8 affirmance of a capital sentence on direct review by
9 the court of last resort of the State or other final
10 State court decision on direct review;

11 “(2) during any period in which a State pris-
12 oner under capital sentence has a properly filed re-
13 quest for postconviction review pending before a
14 State court of competent jurisdiction; if all State fil-
15 ing rules are met in a timely manner, this period
16 shall run continuously from the date that the State
17 prisoner initially files for postconviction review until
18 final disposition of the case by the highest court of
19 the State, but the time requirements established by
20 this section are not tolled during the pendency of a
21 petition for writ of certiorari before the United
22 States Supreme Court except as provided in para-
23 graph (1); and

24 “(3) during an additional period not to exceed
25 sixty days, if (A) a motion for an extension of time

1 is filed in the Federal district court that would have
2 proper jurisdiction over the case upon the filing of
3 a habeas corpus petition under section 2254; and
4 (B) a showing of good cause is made for the failure
5 to file the habeas corpus petition within the time pe-
6 riod established by this section.

7 **“§ 2259. Evidentiary hearings; scope of Federal re-**
8 **view; district court adjudication**

9 “(a) Whenever a State prisoner under a capital sen-
10 tence files a petition for habeas corpus relief to which this
11 chapter applies, the district court shall—

12 “(1) determine the sufficiency of the record for
13 habeas corpus review based on the claims actually
14 presented and litigated in the State courts except
15 when the prisoner can show that the failure to raise
16 or develop a claim in the State courts is (A) the re-
17 sult of State action in violation of the Constitution
18 or laws of the United States; (B) the result of the
19 Supreme Court recognition of a new Federal right
20 that is retroactively applicable; or (C) based on a
21 factual predicate that could not have been discovered
22 through the exercise of reasonable diligence in time
23 to present the claim for State postconviction review;
24 and

1 tion of collateral claims in the proceedings. The rule of
2 court or statute must provide standards of competency for
3 the appointment of such counsel.

4 “(b) A unitary review procedure, to qualify under this
5 section, must include an offer of counsel following trial
6 for the purpose of representation on unitary review, and
7 entry of an order, as provided in section 2256(c), concern-
8 ing appointment of counsel or waiver or denial of appoint-
9 ment of counsel for that purpose. No counsel appointed
10 to represent the prisoner in the unitary review proceedings
11 shall have previously represented the prisoner at trial in
12 the case for which the appointment is made unless the
13 prisoner and counsel expressly request continued represen-
14 tation in writing.

15 “(c) Sections 2257, 2258, 2259, 2260, and 2262
16 shall apply in relation to cases involving a sentence of
17 death from any State having a unitary review procedure
18 that qualifies under this section. References to State ‘post-
19 conviction review’ and ‘direct review’ in those sections
20 shall be understood as referring to unitary review under
21 the State procedure. The references in sections 2257(a)
22 and 2258 to ‘an order under section 2256(c)’ shall be un-
23 derstood as referring to the post-trial order under sub-
24 section (b) concerning representation in the unitary review
25 proceedings, but if a transcript of the trial proceedings

1 is unavailable at the time of the filing of such an order
2 in the appropriate State court, then the start of the one
3 hundred and eighty day limitation period under section
4 2258 shall be deferred until a transcript is made available
5 to the prisoner or his counsel.

6 **“§ 2262. Limitation periods for determining petitions**

7 “(a) The adjudication of any petition under section
8 2254 of title 28, United States Code, that is subject to
9 this chapter, and the adjudication of any motion under
10 section 2255 of title 28, United States Code, by a person
11 under sentence of death, shall be given priority by the dis-
12 trict court and by the court of appeals over all noncapital
13 matters. The adjudication of such a petition or motion
14 shall be subject to the following time limitations:

15 “(1) A Federal district court shall determine
16 such a petition or motion within 180 days of filing.

17 “(2)(A) The court of appeals shall hear and de-
18 termine any appeal relating to such a petition or
19 motion within 180 days after the notice of appeal is
20 filed.

21 “(B) The court of appeals shall decide any ap-
22 plication for rehearing en banc within 30 days of the
23 filing of such application unless a responsive plead-
24 ing is required in which case the court of appeals
25 shall decide the application within 30 days of the fil-

1 ing of the responsive pleading. If en banc consider-
2 ation is granted, the en banc court shall determine
3 the appeal within 180 days of the decision to grant
4 such consideration.

5 “(b) The time limitations under subsection (a) shall
6 apply to an initial petition or motion, and to any second
7 or successive petition or motion. The same limitations
8 shall also apply to the re-determination of a petition or
9 motion or related appeal following a remand by the court
10 of appeals or the Supreme Court for further proceedings,
11 and in such a case the limitation period shall run from
12 the date of the remand.

13 “(c) The time limitations under this section shall not
14 be construed to entitle a petitioner or movant to a stay
15 of execution, to which the petitioner or movant would oth-
16 erwise not be entitled, for the purpose of litigating any
17 petition, motion, or appeal.

18 “(d) The failure of a court to meet or comply with
19 the time limitations under this section shall not be a
20 ground for granting relief from a judgment of conviction
21 or sentence. The State or Government may enforce the
22 time limitations under this section by applying to the court
23 of appeals or the Supreme Court for a writ of mandamus.

24 “(e) The Administrative Office of United States
25 Courts shall report annually to Congress on the compli-

1 ance by the courts with the time limits established in this
2 section.

3 **“§ 2263. Rule of construction**

4 “This chapter shall be construed to promote the expe-
5 ditious conduct and conclusion of State and Federal court
6 review in capital cases.”.

7 (b) CLERICAL AMENDMENT.—The table of chapters
8 at the beginning of part VI of title 28, United States Code,
9 is amended by inserting after the item relating to chapter
10 153 the following new item:

“154. Special habeas corpus procedures in capital cases 2256”.

11 **Subtitle C—Funding for Litigation**
12 **of Federal Habeas Corpus Peti-**
13 **tions in Capital Cases**

14 **SEC. 321. FUNDING FOR DEATH PENALTY PROSECUTIONS.**

15 Part E of title I of the Omnibus Crime Control and
16 Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is
17 amended by adding at the end the following new section:

18 “SEC. 515. Notwithstanding any other provision of
19 this subpart, the Director shall provide grants to the
20 States, from the funding allocated pursuant to section
21 511, for the purpose of supporting litigation pertaining to
22 Federal habeas corpus petitions in capital cases. The total
23 funding available for such grants within any fiscal year
24 shall be equal to the funding provided to capital resource

1 centers, pursuant to Federal appropriation, in the same
2 fiscal year.”.

3 **TITLE IV—TWO STRIKES, YOU’RE**
4 **OUT**

5 **SEC. 401. LIFE IMPRISONMENT OR DEATH PENALTY FOR**
6 **SECOND VIOLENT FELONY CONVICTION.**

7 Section 3581 of title 18, United States Code, is
8 amended by adding at the end the following:

9 “(c) PUNISHMENT OF CERTAIN VIOLENT FELONS.—

10 “(1) GENERAL RULE.—Notwithstanding any
11 other provision of this title or any other law, in the
12 case of a conviction for a Federal violent felony, the
13 court shall sentence the defendant to prison for life
14 if the defendant has previously been convicted of one
15 or more other violent felonies and if a death results
16 from the violent felony, the defendant shall be sub-
17 ject to the death penalty.

18 “(2) DEFINITION.—As used in this section, the
19 term ‘violent felony’ is a State or Federal crime of
20 violence (as defined in section 16 of this title)—

21 “(A) that involves the threatened use, use,
22 or the risk of use of physical force against the
23 person of another;

24 “(B) for which the maximum authorized
25 imprisonment exceeds five years; and

1 “(C) which is not designated a mis-
2 demeanor by the law that defines the offense.

3 “(3) RULE OF CONSTRUCTION.—This sub-
4 section shall not be construed to prevent the imposi-
5 tion of the death penalty.”.

6 **TITLE V—TAKING PRISONERS**
7 **OFF THE STREETS**
8 **Subtitle A—Expanding Prison**
9 **Capacity**

10 **SEC. 501. NON-APPLICABILITY OF DAVIS-BACON TO PRISON**
11 **CONSTRUCTION.**

12 (a) FEDERAL PRISON CONSTRUCTION.—Section 1 of
13 the Davis-Bacon Act of March 3, 1991 (46 Stat. 1494,
14 as amended, 40 U.S.C. 276a) is amended by adding at
15 the end the following new subsection:

16 “(c) The requirements of this section shall not apply
17 to contracts for construction, alteration, and/or repair of
18 institutions used to incarcerate persons held under author-
19 ity of any enactment of Congress.”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 subsection (a) shall become effective on the date of enact-
22 ment of this Act.

1 **Subtitle B—Restriction on Court**
2 **Jurisdiction**

3 **SEC. 502. RESTRICTED FEDERAL COURT JURISDICTION IN**
4 **IMPOSING REMEDIES ON STATE AND FED-**
5 **ERAL PRISON SYSTEMS.**

6 (a) IN GENERAL.—Title 28, United States Code is
7 amended by inserting after chapter 176 the following new
8 chapter:

9 **“CHAPTER 177—ACTIONS CHALLENGING**
10 **CONDITIONS OF CONFINEMENT**

“Sec.

“3401. Limitations on remedies.

“3402. Consent decrees.

“3403. Modification of orders or decrees.

11 **“§ 3401. Limitations on remedies**

12 “(a)(1) If the district court, in any action challenging
13 the constitutionality of conditions of confinement in any
14 prison, jail, detention facility, or other correctional institu-
15 tion housing persons accused or convicted of a crime or
16 juveniles adjudicated delinquent, finds that one or more
17 conditions of confinement are in violation of the United
18 States Constitution, the court shall narrowly tailor any re-
19 lief to fit the nature and extent of the violations and shall
20 make the order no more intrusive than absolutely nec-
21 essary to ensure that the violations are remedied. The
22 court shall have no jurisdiction—

1 “(A) to impose a ceiling on the population of
2 any institution or to require any adjustment of the
3 release dates of inmates; or

4 “(B) to prohibit the use of tents or prefab-
5 ricated structures for housing inmates.

6 **“§ 3402. Consent decrees**

7 “(a) No consent decree in any action challenging the
8 constitutionality of conditions of confinement in any pris-
9 on, jail, detention facility, or other correctional institution
10 housing persons accused or convicted of a crime or juve-
11 niles adjudicated delinquent shall provide relief greater
12 than the minimum required to bring the conditions of con-
13 finement into substantial compliance with the United
14 States Constitution.

15 “(b) In entering a consent decree, the court shall
16 make a written finding that the relief provided in the de-
17 cree is no greater than the minimum required to bring
18 the conditions of confinement into substantial compliance
19 with the United States Constitution. If it appears to the
20 court that the relief provided in the decree is greater than
21 the minimum required, the court may recommend changes
22 in the decree.

23 **“§ 3403. Modification of orders or decrees**

24 “(a)(1) Upon motion of a defendant at any time, the
25 court may conduct a hearing on whether an order or de-

1 cree described in section 3401 or 3402 of this title should
2 be modified in light of—

3 “(A) changed factual circumstances affecting
4 the operation of the order or decree, whether or not
5 foreseeable;

6 “(B) a change or clarification of the governing
7 law, whether or not foreseeable;

8 “(C) a succession in office of an official respon-
9 sible for having consented to a decree;

10 “(D) the government’s financial constraints or
11 any other matter affecting public safety or the pub-
12 lic interest; or

13 “(E) any ground provided in Rule 60(b) of the
14 Federal Rules of Civil Procedure.

15 “(2) The court shall conduct such a hearing if the
16 motion was filed more than one year after the date of the
17 order or decree or the date on which the last previous
18 modification hearing was conducted, whichever is later.

19 “(b) If the court denies a motion to modify an order
20 or consent decree under subsection (a) of this section, the
21 court shall make a written finding that the relief provided
22 in the order or decree, as of the date of decision, is no
23 greater than the minimum required to bring the conditions
24 of confinement into substantial compliance with the
25 United States Constitution.”.

1 (b) CLERICAL AMENDMENT.—The table of chapters
2 at the beginning of part VI of title 28, United States Code,
3 is amended by inserting after the item relating to chapter
4 176 the following:

“177. **Actions Challenging Conditions of Confinement** **3401**”.

5 **Subtitle C—Limitation of**
6 **Prisoners’ Rights**

7 **SEC. 511. EXHAUSTION REQUIREMENT.**

8 Section 8(a) of the Civil Rights of Institutionalized
9 Persons Act (42 U.S.C. 1997e) is amended—

10 (1) in paragraph (1)—

11 (A) by striking “in any action brought”
12 and inserting “no action shall be brought”;

13 (B) by striking “the court shall” and all
14 that follows through “require exhaustion of”
15 and insert “until”; and

16 (C) by inserting “are exhausted” after
17 “available”; and

18 (2) in paragraph (2), by inserting “or are oth-
19 erwise fair and effective” before the period at the
20 end.

21 **SEC. 512. FRIVOLOUS ACTIONS.**

22 Section 8(a) of the Civil Rights of Institutionalized
23 Persons Act (42 U.S.C. 1997e(a)) is amended by adding
24 at the end the following:

1 “(3) The court shall on its own motion or on
2 motion of a party dismiss any action brought pursu-
3 ant to section 1979 of the Revised Statutes of the
4 United States by an adult convicted of a crime and
5 confined in any jail, prison, or other correctional fa-
6 cility if the court is satisfied that the action fails to
7 state a claim upon which relief can be granted or is
8 frivolous or malicious.

9 **SEC. 513. MODIFICATION OF REQUIRED MINIMUM STAND-**
10 **ARDS.**

11 Section 8(b)(2) of the Civil Rights of Institutionalized
12 Persons Act (42 U.S.C. 1997e(b)(2)) is amended by strik-
13 ing subparagraph (A) and redesignating subparagraphs
14 (B) through (E) as subparagraphs (A) through (D), re-
15 spectively.

16 **SEC. 514. REVIEW AND CERTIFICATION PROCEDURE**
17 **CHANGES.**

18 Section 8(c) of the Civil Rights of Institutionalized
19 Persons Act (42 U.S.C. 1997e(c)) is amended—

20 (1) in paragraph (1), by inserting “or are oth-
21 erwise fair and effective” before the period at the
22 end; and

23 (2) in paragraph (2), by inserting “or is no
24 longer fair and effective” before the period at the
25 end.

1 **SEC. 515. PROCEEDINGS IN FORMA PAUPERIS.**

2 (a) DISMISSAL.—Section 1915(d) of title 28, United
3 States Code, is amended—

4 (1) by inserting “at any time” after “counsel
5 and may”; and

6 (2) by striking “and may” and inserting “and
7 shall”;

8 (3) by inserting “fails to state a claim upon
9 which relief may be granted or” after “that the ac-
10 tion”; and

11 (4) by inserting “even if partial failing fees
12 have been imposed by the court” before the period.

13 (b) PRISONER’S STATEMENT OF ASSETS.—Section
14 1915 of title 28, United States Code, is amended by add-
15 ing at the end the following:

16 “(f) If a prisoner in a correctional institution files
17 an affidavit in accordance with subsection (a) of this sec-
18 tion, such prisoner shall include in that affidavit a state-
19 ment of all assets such prisoner possesses. The court shall
20 make inquiry of the correctional institution in which the
21 prisoner is incarcerated for information available to that
22 institution relating to the extent of the prisoner’s assets.
23 The court shall require full or partial payment of filing
24 fees according to the prisoner’s ability to pay.”.

1 **Subtitle D—Prison Governance**

2 **SEC. 521. CORPORAL PUNISHMENT.**

3 (a) IN GENERAL.—Chapter 301 of title 18, United
4 States Code, is amended by adding at the end the follow-
5 ing:

6 **“§ 4014. Corporal punishment**

7 “(a) In accordance with rules prescribed by the Attor-
8 ney General, corporal punishment is authorized for the
9 discipline of Federal prisoners convicted of crime who
10 commit serious infractions of prison policy or rules regard-
11 ing inmate behavior.

12 “(b) As used in this section, the term ‘corporal pun-
13 ishment’ means punishment that causes physical pain, but
14 not permanent physical injury.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 at the beginning of chapter 301 of title 18, United States
17 Code, is amended by adding at the end the following new
18 item:

 “4014. Corporal punishment.”.

19 **SEC. 522. INCENTIVE FOR WORK.**

20 (a) IN GENERAL.—Chapter 303 of title 18, United
21 States Code, is amended by adding at the end the follow-
22 ing:

1 **“§ 4047. Work incentive**

2 “The Director of the Bureau of Prisons shall develop
3 and implement a Federal prison housing plan that pro-
4 vides 3 levels of prisoner housing quality, amenities, and
5 privileges, as incentive awards directly related to the de-
6 gree of prison-related work in which each inmate volun-
7 tarily participates. Minimal cell accommodations and no
8 amenities or privileges shall be provided to inmates who
9 decline to perform any work where work is available.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 at the beginning of chapter 303 of title 18, United States
12 Code, is amended by adding at the end the following new
13 item:

“4047. Work incentive.”.

14 **TITLE VI—VICTIMS RIGHTS**

15 **Subtitle A—Generally**

16 **SEC. 601. NOTIFICATION ON RELEASE OF PRISONERS.**

17 Section 3624 of title 18, United States Code, is
18 amended by adding at the end the following:

19 “(g) NOTICE TO INTERESTED PARTIES.—Not later
20 than 30 days before the release of a prisoner under this
21 section, the Bureau of Prisons shall provide notice of the
22 fact to—

23 “(1) the judge, any members of the jury, the
24 attorneys, the victims, and the victims family mem-

1 bers, in the case in which the prisoner was con-
2 victed;

3 “(2) the local authorities in the place of convic-
4 tion.”.

5 **SEC. 602. AMENDMENT OF RESTITUTION PROVISIONS.**

6 (a) ORDER OF RESTITUTION.—Section 3663 of title
7 18, United States Code, is amended—

8 (1) in subsection (a) by—

9 (A) striking “may order” and inserting
10 “shall order”; and

11 (B) adding at the end the following:

12 “(5) In addition to ordering restitution of the victim
13 of the offense of which a defendant is convicted, a court
14 may order restitution of any person who, as shown by a
15 preponderance of evidence, was harmed physically, emo-
16 tionally, or pecuniarily, by unlawful conduct of the defend-
17 ant during—

18 “(A) the criminal episode during which the of-
19 fense occurred; or

20 “(B) the course of a scheme, conspiracy, or pat-
21 tern of unlawful activity related to the offense.”;

22 (2) in subsection (b)(1)(B) by striking “imprac-
23 tical” and inserting “impracticable”;

24 (3) in subsection (b)(2) by inserting “emotional
25 or” after “resulting in”;

1 (4) in subsection (c) by striking “If the Court
2 decides to order restitution under this section, the”
3 and inserting “The”;

4 (5) by striking subsections (d), (e), (f), (g), and
5 (h); and

6 (6) by adding at the end the following:

7 “(d)(1) The court shall order restitution to a victim
8 in the full amount of the victim’s losses as determined by
9 the court and without consideration of—

10 “(A) the economic circumstances of the of-
11 fender; or

12 “(B) the fact that a victim has received or is
13 entitled to receive compensation with respect to a
14 loss from insurance or any other source.

15 “(2) Upon determination of the amount of restitution
16 owed to each victim, the court shall specify in the restitu-
17 tion order the manner in which and the schedule according
18 to which the restitution is to be paid, in consideration of—

19 “(A) the financial resources and other assets of
20 the offender, including any wages that will be earned
21 as a prisoner in the performance of work while in-
22 carcerated;

23 “(B) projected earnings and other income of
24 the offender; and

1 “(C) any financial obligations of the offender,
2 including obligations to dependents.

3 “(3) A restoration order may direct the offender to
4 make a single, lump-sum payment, partial payment at
5 specified intervals, or such in-kind payments as may be
6 agreeable to the victim and the offender.

7 “(4) An in-kind payment described in paragraph (3)
8 may be in the form of—

9 “(A) return of property;

10 “(B) replacement of property; or

11 “(C) services rendered to the victim or to a per-
12 son or organization other than the victim.

13 “(e) When the court finds that more than 1 offender
14 has contributed to the loss of a victim, the court may make
15 each offender liable for payment of the full amount of res-
16 titution or may apportion liability among the offenders to
17 reflect the level of contribution and economic cir-
18 cumstances of each offender.

19 “(f) When the court finds that more than 1 victim
20 has sustained a loss requiring restitution by an offender,
21 the court shall order full restitution of each victim but may
22 provide for different payment schedules to reflect the eco-
23 nomic circumstances of each victim.

24 “(g) (1) If the victim has received or is entitled to re-
25 ceive compensation with respect to a loss from insurance

1 or any other source, the court shall order that restitution
2 be paid to the person who provided or is obligated to pro-
3 vide the compensation, but the restitution order shall pro-
4 vide that all restitution of victims required by the order
5 be paid to the victims before any restitution is paid to
6 such a provider of compensation.

7 “(2) The issuance of a restitution order shall not af-
8 fect the entitlement of a victim to receive compensation
9 with respect to a loss from insurance or any other source
10 until the payments actually received by the victim under
11 the restitution order fully compensate the victim for the
12 loss, at which time a person that has provided compensa-
13 tion to the victim shall be entitled to receive any payments
14 remaining to be paid under the restitution order.

15 “(3) Any amount paid to a victim under an order of
16 restitution shall be set off against any amount later recov-
17 ered as compensatory damages by the victim in—

18 “(A) any Federal civil proceeding; and

19 “(B) any State civil proceeding, to the extent
20 provided by the law of the State.

21 “(h) A restitution order shall provide that—

22 “(1) all fines, penalties, costs, restitution pay-
23 ments and other forms of transfers of money or
24 property made pursuant to the sentence of the court
25 shall be made by the offender to the clerk of the

1 court for accounting and payment by the clerk in ac-
2 cordance with this subsection;

3 “(2) the clerk of the court shall—

4 “(A) log all transfers in a manner that
5 tracks the offender’s obligations and the cur-
6 rent status in meeting those obligations, unless,
7 after efforts have been made to enforce the res-
8 titution order and it appears that compliance
9 cannot be obtained, the court determines that
10 continued recordkeeping under this subpara-
11 graph would not be useful;

12 “(B) notify the court and the interested
13 parties when an offender is 90 days in arrears
14 in meeting those obligations; and

15 “(C) disburse money received from an of-
16 fender so that each of the following obligations
17 is paid in full in the following sequence:

18 “(i) a penalty assessment under sec-
19 tion 3013 of title 18, United States Code;

20 “(ii) restitution of all victims; and

21 “(iii) all other fines, penalties, costs,
22 and other payments required under the
23 sentence; and

1 “(3) the offender shall advise the clerk of the
2 court of any change in the offender’s address during
3 the term of the restitution order.

4 “(i) A restitution order shall constitute a lien against
5 all property of the offender and may be recorded in any
6 Federal or State office for the recording of liens against
7 real or personal property.

8 “(j) Compliance with the schedule of payment and
9 other terms of a restitution order shall be a condition of
10 any probation, parole, or other form of release of an of-
11 fender. If a defendant fails to comply with a restitution
12 order, the court may revoke probation or a term of super-
13 vised release, modify the term or conditions of probation
14 or a term of supervised release, hold the defendant in con-
15 tempt of court, enter a restraining order or injunction,
16 order the sale of property of the defendant, accept a per-
17 formance bond, or take any other action necessary to ob-
18 tain compliance with the restitution order. In determining
19 what action to take, the court shall consider the defend-
20 ant’s employment status, earning ability, financial re-
21 sources, the willfulness in failing to comply with the res-
22 titution order, and any other circumstances that may have
23 a bearing on the defendant’s ability to comply with the
24 restitution order.

25 “(k) An order of restitution may be enforced—

1 “(1) by the United States—

2 “(A) in the manner provided for the collec-
3 tion and payment of fines in subchapter (B) of
4 chapter 229 of this title; or

5 “(B) in the same manner as a judgment in
6 a civil action; and

7 “(2) by a victim named in the order to receive
8 the restitution, in the same manner as a judgment
9 in a civil action.

10 “(l) A victim or the offender may petition the court
11 at any time to modify a restitution order as appropriate
12 in view of a change in the economic circumstances of the
13 offender.”.

14 (b) PROCEDURE FOR ISSUING ORDER OF RESTITU-
15 TION.—Section 3664 of title 18, United States Code, is
16 amended—

17 (1) by striking subsection (a);

18 (2) by redesignating subsections (b), (c), (d),
19 and (e) as subsections (a), (b), (c), and (d);

20 (3) by amending subsection (a), as so redesign-
21 nated by paragraph (2), to read as follows:

22 “(a) The court may order the probation service of the
23 court to obtain information pertaining to the amount of
24 loss sustained by any victim as a result of the offense,
25 the financial resources of the defendant, the financial

1 needs and earning ability of the defendant and the defend-
2 ant's dependents, and such other factors as the court
3 deems appropriate. The probation service of the court
4 shall include the information collected in the report of
5 presentence investigation or in a separate report, as the
6 court directs.”; and

7 (4) by adding at the end thereof the following
8 new subsection:

9 “(e) The court may refer any issue arising in connec-
10 tion with a proposed order of restitution to a magistrate
11 or special master for proposed findings of fact and rec-
12 ommendations as to disposition, subject to a de novo de-
13 termination of the issue by the court.”.

14 **SEC. 603. RIGHT OF THE VICTIM TO AN IMPARTIAL JURY.**

15 Rule 24(b) of the Federal Rules of Criminal Proce-
16 dure is amended by striking “the Government is entitled
17 to 6 peremptory challenges and the defendant or defend-
18 ants jointly to 10 peremptory challenges” and inserting
19 “each side is entitled to 6 peremptory challenges”.

20 **SEC. 604. VICTIM'S RIGHT OF ALLOCUTION IN SENTENCING.**

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

23 (1) by striking “and” at the end of subdivision
24 (a)(1)(B);

1 (2) by striking the period at the end of subdivi-
2 sion (a)(1)(C) and inserting “; and”;

3 (3) by inserting after subdivision (a)(1)(C) the
4 following: “(D) if sentence is to be imposed for a
5 crime of violence or sexual abuse, address the victim
6 personally if the victim is present at the sentencing
7 hearing and determine if the victim wishes to make
8 a statement and to present any information in rela-
9 tion to the sentence.”;

10 (4) in the penultimate sentence of subdivision
11 (a)(1) by striking “equivalent opportunity” and in-
12 serting “opportunity equivalent to that of the de-
13 fendant’s counsel”;

14 (5) in the last sentence of subdivision (a)(1) by
15 inserting “the victim,” before “, or the attorney for
16 the Government.”; and

17 (6) by adding at the end the following new
18 subdivision:

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

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

1 “(2) ‘victim’ means an individual against whom
2 an offense for which a sentence is to be imposed has
3 been committed, but the right of allocution under
4 subdivision (a)(1)(D) may be exercised instead by—

5 “(A) a parent or legal guardian if the vic-
6 tim is below the age of 18 years or incompetent;
7 or

8 “(B) one or more family members or rel-
9 atives designated by the court if the victim is
10 deceased or incapacitated,

11 if such person or persons are present at the sentenc-
12 ing hearing, regardless of whether the victim is
13 present.”.

14 **SEC. 605. PROHIBITION OF RETALIATORY KILLINGS OF**
15 **WITNESSES, VICTIMS AND INFORMANTS.**

16 Section 1513 of title 18, United States Code, is
17 amended—

18 (1) by redesignating subsections (a) and (b) as
19 subsection (b) and (c), respectively; and

20 (2) by inserting a new subsection (a) as follows:

21 “(a)(1) Whoever kills or attempts to kill another per-
22 son with intent to retaliate against any person for—

23 “(A) the attendance of a witness or party at an
24 official proceeding, or any testimony given or any

1 record, document, or other object produced by a wit-
2 ness in an official proceeding; or

3 “(B) any information relating to the commis-
4 sion or possible commission of a Federal offense or
5 a violation of conditions of probation, parole or re-
6 lease pending judicial proceedings given by a person
7 to a law enforcement officer;

8 shall be punished as provided in paragraph (2).

9 “(2) The punishment for an offense under this sub-
10 section is—

11 “(A) in the case of a killing, the punishment
12 provided in sections 1111 and 1112 of this title; and

13 “(B) in the case of an attempt, imprisonment
14 for not more than twenty years.”

15 **Subtitle B—Admissibility of** 16 **Evidence**

17 **SEC. 611. ADMISSIBILITY OF EVIDENCE OF SIMILAR** 18 **CRIMES IN SEX OFFENSE CASES.**

19 The Federal Rules of Evidence are amended by add-
20 ing after Rule 412 the following new rules:

21 **“Rule 413. Evidence of Similar Crimes in Sexual Assault Cases**

22 “(a) EVIDENCE ADMISSIBLE.—In a criminal case in
23 which the defendant is accused of an offense of sexual as-
24 sault, evidence of the defendant’s conviction of another of-
25 fense or offenses of sexual assault is admissible, and may

1 be considered for its bearing on any matter to which it
2 is relevant.

3 “(b) DISCLOSURE TO DEFENDANT.—In a case in
4 which the government intends to offer evidence under this
5 Rule, the attorney for the government shall disclose the
6 evidence to the defendant, including statements of wit-
7 nesses or a summary of the substance of any testimony
8 that is expected to be offered, at least 15 days before the
9 scheduled date of trial or at such later time as the court
10 may allow for good cause.

11 “(c) EFFECT ON OTHER RULES.—This Rule shall
12 not be construed to limit the admission or consideration
13 of evidence under any other Rule.

14 “(d) DEFINITION.—For purposes of this Rule and
15 Rule 415, ‘offense of sexual assault’ means a crime under
16 Federal law or the law of a State (as defined in section
17 513 of title 18, United States Code) that involved—

18 “(1) any conduct proscribed by chapter 109A of
19 title 18, United States Code;

20 “(2) contact, without consent, between any part
21 of the defendant’s body or an object and the genitals
22 or anus of another person;

23 “(3) contact, without consent, between the geni-
24 tals or anus of the defendant and any part of an-
25 other person’s body;

1 “(4) deriving sexual pleasure or gratification
2 from the infliction of death, bodily injury, or phys-
3 ical pain on another person; or

4 “(5) an attempt or conspiracy to engage in con-
5 duct described in any of paragraphs (1) through (4).

6 **“Rule 414. Evidence of Similar Crimes in Child Molestation**

7 **Cases**

8 “(a) EVIDENCE ADMISSIBLE.—In a criminal case in
9 which the defendant is accused of an offense of child mo-
10 lestation, evidence of the defendant’s conviction of another
11 offense or offenses of child molestation is admissible, and
12 may be considered for its bearing on any matter to which
13 it is relevant.

14 “(b) DISCLOSURE TO DEFENDANT.—In a case in
15 which the government intends to offer evidence under this
16 Rule, the attorney for the government shall disclose the
17 evidence to the defendant, including statements of wit-
18 nesses or a summary of the substance of any testimony
19 that is expected to be offered, at least 15 days before the
20 scheduled date of trial or at such later time as the court
21 may allow for good cause.

22 “(c) EFFECT ON OTHER RULES.—This Rule shall
23 not be construed to limit the admission or consideration
24 of evidence under any other Rule.

1 “(d) DEFINITION.—For purposes of this Rule and
2 Rule 415, ‘child’ means a person below the age of 18
3 years, and ‘offense of child molestation’ means a crime
4 under Federal law or the law of a State (as defined in
5 section 513 of title 18, United States Code) that in-
6 volved—

7 “(1) any conduct proscribed by chapter 109A of
8 title 18, United States Code, that was committed in
9 relation to a child;

10 “(2) any conduct proscribed by chapter 110 of
11 title 18, United States Code;

12 “(3) contact between any part of the defend-
13 ant’s body or an object and the genitals or anus of
14 a child;

15 “(4) contact between the genitals or anus of the
16 defendant and any part of the body of a child;

17 “(5) deriving sexual pleasure or gratification
18 from the infliction of death, bodily injury, or phys-
19 ical pain on a child; or

20 “(6) an attempt or conspiracy to engage in con-
21 duct described in any of paragraphs (1) through (5).

22 **“Rule 415. Evidence of Similar Acts in Civil Cases Concerning**
23 **Sexual Assault or Child Molestation**

24 “(a) EVIDENCE ADMISSIBLE.—In a civil case in
25 which a claim for damages or other relief is predicated

1 on a party's alleged commission of conduct constituting
2 an offense of sexual assault or child molestation, evidence
3 of that party's commission of another offense or offenses
4 of sexual assault or child molestation is admissible and
5 may be considered as provided in Rule 413 and Rule 414
6 of these Rules.

7 “(b) DISCLOSURE TO OTHER PARTIES.—A party who
8 intends to offer evidence under this Rule shall disclose the
9 evidence to the party against whom it will be offered, in-
10 cluding statements of witnesses or a summary of the sub-
11 stance of any testimony that is expected to be offered, at
12 least 15 days before the scheduled date of trial or at such
13 later time as the court may allow for good cause.

14 “(c) EFFECT ON OTHER RULES.—This Rule shall
15 not be construed to limit the admission or consideration
16 of evidence under any other Rule.”.

17 **SEC. 612. EXTENSION AND STRENGTHENING OF RAPE VIC-**
18 **TIM SHIELD LAW.**

19 (a) AMENDMENTS TO RAPE VICTIM SHIELD LAW.—
20 Rule 412 of the Federal Rules of Evidence is amended—

21 (1) in subdivisions (a) and (b), by striking
22 “criminal case” and inserting “criminal or civil
23 case”;

24 (2) in subdivisions (a) and (b), by striking “an
25 offense under chapter 109A of title 18, United

1 States Code,” and inserting “an offense or civil
2 wrong involving conduct proscribed by chapter 109A
3 of title 18, United States Code, whether or not the
4 conduct occurred in the special maritime and terri-
5 torial jurisdiction of the United States or in a Fed-
6 eral prison,”;

7 (3) in subdivision (a), by striking “victim of
8 such offense” and inserting “victim of such con-
9 duct”;

10 (4) in subdivision (c)—

11 (A) by striking in paragraph (1) “the per-
12 son accused of committing an offense under
13 chapter 109A of title 18, United States Code”
14 and inserting “the accused”; and

15 (B) by inserting at the end of paragraph
16 (3) the following: “An order admitting evidence
17 under this paragraph shall explain the reason-
18 ing leading to the finding of relevance, and the
19 basis of the finding that the probative value of
20 the evidence outweighs the danger of unfair
21 prejudice notwithstanding the potential of the
22 evidence to humiliate and embarrass the alleged
23 victim and to result in unfair or biased infer-
24 ences.”; and

1 (5) in subdivision (d), by striking “an offense
2 under chapter 109A of title 18, United States Code”
3 and inserting “the conduct proscribed by chapter
4 109A of title 18, United States Code,”.

5 (b) INTERLOCUTORY APPEAL.—Section 3731 of title
6 18, United States Code, is amended by inserting after the
7 second paragraph the following:

8 “An appeal by the United States before trial shall
9 lie to a court of appeals from an order of a district court
10 admitting evidence of an alleged victim’s past sexual be-
11 havior in a criminal case in which the defendant is charged
12 with an offense involving conduct proscribed by chapter
13 109A of this title, whether or not the conduct occurred
14 in the special maritime and territorial jurisdiction of the
15 United States or in a Federal prison.”.

16 **SEC. 613. INADMISSIBILITY OF EVIDENCE TO SHOW PROVO-**
17 **CATION OR INVITATION BY VICTIM IN SEX**
18 **OFFENSE CASES.**

19 The Federal Rules of Evidence are amended by add-
20 ing after Rule 415 (as added by section 611 of this Act)
21 the following:

22 **“Rule 416. Inadmissibility of evidence to show invitation or**
23 **provocation by victim in sexual abuse cases**

24 “In a criminal case in which a person is accused of
25 an offense involving conduct proscribed by chapter 109A

1 of title 18, United States Code, whether or not the conduct
2 occurred in the special maritime and territorial jurisdic-
3 tion of the United States or in a Federal prison, evidence
4 is not admissible to show that the alleged victim invited
5 or provoked the commission of the offense. This Rule does
6 not limit the admission of evidence of consent by the al-
7 leged victim if the issue of consent is relevant to liability
8 and the evidence is otherwise admissible under these
9 Rules.”.

10 **Subtitle C—Good Faith Exemption** 11 **to the Exclusionary Rule**

12 **SEC. 621. ADMISSIBILITY OF CERTAIN EVIDENCE.**

13 (a) IN GENERAL.—Chapter 223 of title 18, United
14 States Code, is amended by adding at the end the
15 following:

16 **“§ 3510. Admissibility of evidence obtained by search** 17 **or seizure**

18 “(a) EVIDENCE OBTAINED BY OBJECTIVELY REA-
19 SONABLE SEARCH OR SEIZURE.—Evidence which is ob-
20 tained as a result of a search or seizure shall not be ex-
21 cluded in a proceeding in a court of the United States
22 on the ground that the search or seizure was in violation
23 of the fourth amendment to the Constitution of the United
24 States, if the search or seizure was carried out in cir-
25 cumstances justifying an objectively reasonable belief that

1 it was in conformity with the fourth amendment. The fact
2 that evidence was obtained pursuant to and within the
3 scope of a warrant constitutes prima facie evidence of the
4 existence of such circumstances.

5 “(b) EVIDENCE NOT EXCLUDABLE BY STATUTE OR
6 RULE.—Evidence shall not be excluded in a proceeding
7 in a court of the United States on the ground that it was
8 obtained in violation of a statute, an administrative rule
9 or regulation, or a rule of procedure unless exclusion is
10 expressly authorized by statute or by a rule prescribed by
11 the Supreme Court pursuant to statutory authority.

12 “(c) RULE OF CONSTRUCTION.—This section shall
13 not be construed to require or authorize the exclusion of
14 evidence in any proceeding.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 at the beginning of chapter 223 of title 18, United States
17 Code, is amended by adding at the end the following:

“3510. Admissibility of evidence obtained by search or seizure.”.

1 **TITLE VII—PROTECTION OF**
2 **WOMEN**
3 **Subtitle A—Spouse Abuse and**
4 **Stalking**

5 **SEC. 701. INTERSTATE TRAVEL TO COMMIT SPOUSE ABUSE**
6 **OR TO VIOLATE PROTECTIVE ORDER; INTER-**
7 **STATE STALKING.**

8 (a) OFFENSE.—Part 1 of title 18, United States
9 Code, is amended by inserting after chapter 110 the
10 following:

11 **“CHAPTER 110A—DOMESTIC VIOLENCE AND**
12 **OFFENSES AGAINST THE FAMILY**

“Sec.
“2261. Domestic violence and stalking.

13 **“§ 2261. Domestic violence and stalking**

14 “(a) OFFENSE.—Whoever, in a circumstance de-
15 scribed in subsection (c), causes or attempts to cause bod-
16 ily injury to, engages in sexual abuse against, or violates
17 a protective order in relation to, another shall be pun-
18 ished—

19 “(1) if death results, by death or by imprison-
20 ment for any term of years or for life;

21 “(2) if permanent disfigurement or life-threat-
22 ening bodily injury results, by imprisonment for not
23 more than 20 years;

1 “(3) if serious bodily injury results, or if a fire-
2 arm, knife, or other dangerous weapon is possessed,
3 carried, or used during the commission of the of-
4 fense, by imprisonment for not more than 10 years;
5 and

6 “(4) in any other case, by imprisonment for not
7 more than five years.

8 If, however, the defendant engages in sexual abuse and
9 the penalty authorized for such conduct under chapter
10 109A exceeds the penalty which would otherwise be au-
11 thorized under this subsection, then the penalty authorized
12 for such conduct under chapter 109A shall apply.

13 “(b) MANDATORY PENALTIES.—A sentence under
14 this section shall include at least one year of imprisonment
15 if the offense involves the infliction of bodily injury on or
16 the commission of sexual abuse against the victim. A sen-
17 tence under this section shall include at least 6 months
18 of imprisonment if the offense involves the violation of a
19 protective order and the defendant has previously violated
20 a protective order in relation to the same victim.

21 “(c) REQUIRED CIRCUMSTANCES.—The circumstance
22 referred to in subsection (a) of this section is that the de-
23 fendant traveled in interstate or foreign commerce, or
24 transported or caused another to move in interstate or for-

1 eign commerce, with the intention of committing or in fur-
2 therance of committing the offense, and—

3 “(1) the victim was a spouse or former spouse
4 of the defendant, was cohabiting with or had
5 cohabited with the defendant, or had a child in com-
6 mon with the defendant; or

7 “(2) the defendant on two or more occasions—

8 “(A) has caused or attempted or threat-
9 ened to cause death or serious bodily injury to
10 or engaged in sexual abuse in relation to the
11 victim; or

12 “(B) has engaged in any conduct that
13 caused or was intended to cause apprehension
14 by the victim that the victim would be subjected
15 to death, serious bodily injury, or sexual abuse.

16 “(d) DEFINITIONS.—As used in this section—

17 “(1) the term ‘protective order’ means an order
18 issued by a court of a State prohibiting or limiting
19 violence against, harassment of, contact or commu-
20 nication with, or physical proximity to another
21 person;

22 “(2) the term ‘sexual abuse’ means any conduct
23 proscribed by chapter 109A of this title, whether or
24 not the conduct occurs in the special maritime and

1 territorial jurisdiction of the United States or in a
2 Federal prison;

3 “(3) the terms ‘serious bodily injury’ and ‘bod-
4 ily injury’ have the meanings, respectively, given
5 those terms in section 1365(g) of this title; and

6 “(4) the term ‘State’ has the meaning given
7 that term in section 513(c)(5) of this title.”.

8 (b) CLERICAL AMENDMENT.—The table of chapters
9 at the beginning of Part 1 of title 18, United States Code,
10 is amended by inserting after the item for chapter 110
11 the following:

“110A. Domestic violence and offenses against the family 2261”.

12 **SEC. 702. FULL FAITH AND CREDIT FOR PROTECTIVE OR-**
13 **DERS.**

14 (a) REQUIREMENT OF FULL FAITH AND CREDIT.—
15 Chapter 110A of title 18, United States Code, as enacted
16 by section 701 of this Act, is amended by adding at the
17 end the following:

18 **“§ 2262. Full faith and credit for protective orders**

19 “(a) A protective order issued by a court of a State
20 shall have the same full faith and credit in a court in an-
21 other State that it would have in a court of the State in
22 which issued, and shall be enforced by the courts of any
23 State as if it were issued in that State.

24 “(b) As used in this section—

1 conduct occurs in the special maritime and territorial ju-
2 risdiction of the United States or in a Federal prison.

3 (c) ATTORNEY'S FEES.—The Civil Rights Attorney's
4 Fees Award Act of 1976 (42 U.S.C. 1988) is amended
5 by striking “or” after “Public Law 92–318” and by in-
6 serting after “1964” the following: “, or section 711 of
7 the People's Protection Crime Control Act of 1994,”.

8 **SEC. 712. EXTENSION AND STRENGTHENING OF RESTITU-**
9 **TION.**

10 Section 3663 of title 18, United States Code, is
11 amended—

12 (1) in subsection (b), by inserting “or an of-
13 fense under chapter 109A, chapter 110, or section
14 2261 of this title” after “an offense resulting in bod-
15 ily injury to a victim” in paragraph (2);

16 (2) in subsection (b)—

17 (A) by striking “and” at the end of para-
18 graph (3);

19 (B) by redesignating paragraph (4) as
20 paragraph (5); and

21 (C) by inserting after paragraph (4) the
22 following:

23 “(4) in any case, reimburse the victim for lost
24 income and necessary child care, transportation, and
25 other expenses related to participation in the inves-

1 tigation or prosecution of the offense or attendance
2 at proceedings related to the offense; and”;

3 (3) in subsection (d), by inserting at the end
4 the following: “However, the court shall issue an
5 order requiring restitution of the full amount of the
6 victim’s losses and expenses for which restitution is
7 authorized under this section in imposing sentence
8 for an offense under chapter 109A, chapter 110 or
9 section 2261 of this title, unless the Government
10 and the victim do not request such restitution.”.

11 **SEC. 713. PRE-TRIAL DETENTION IN SEX OFFENSE CASES.**

12 Section 3156(a)(4) of title 18, United States Code,
13 is amended—

14 (1) by striking “, or” at the end of subpara-
15 graph (A) and inserting a semicolon;

16 (2) by striking the period at the end of sub-
17 paragraph (B) and inserting “; or”; and

18 (3) by adding after subparagraph (B) the
19 following:

20 “(C) any felony under chapter 109A, chapter
21 110, or section 2261 of this title.”.

1 **Subtitle C—Punishment of Sex**
2 **Offenders**

3 **SEC. 721. DEATH PENALTY FOR RAPE AND CHILD MOLES-**
4 **TATION MURDERS.**

5 (a) OFFENSE.—Chapter 109A of title 18, United
6 States Code, is amended by redesignating section 2245 as
7 section 2246, and by adding the following new section:

8 **“§ 2245. Sexual abuse resulting in death**

9 “Whoever, in the course of an offense under this
10 chapter, engages in conduct that results in the death of
11 a person, shall be punished by death or imprisoned for
12 any term of years or for life.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 at the beginning of chapter 109A of title 18, United States
15 Code, is amended by striking the item for section 2245
16 and adding the following:

“2245. Sexual abuse resulting in death.
“2246. Definitions for chapter.”.

17 **SEC. 722. INCREASED PENALTIES FOR RECIDIVIST SEX OF-**
18 **FENDERS.**

19 (a) REDESIGNATION.—Sections 2245 and 2246 of
20 title 18, United States Code, as so designated by section
21 721, are redesignated sections 2246 and 2247, respec-
22 tively.

1 (b) PENALTIES FOR SUBSEQUENT OFFENSES.—
2 Chapter 109A of title 18, United States Code, is amended
3 by inserting the following new section after section 2244:

4 **“§ 2245. Penalties for subsequent offenses**

5 “Any person who violates this chapter, after a prior
6 conviction under this chapter or the law of a State (as
7 defined in section 513 of this title) for conduct proscribed
8 by this chapter has become final, is punishable by a term
9 of imprisonment up to twice that otherwise authorized.”.

10 (c) CLERICAL AMENDMENT.—The table of sections
11 at the beginning of chapter 109A of title 18, United States
12 Code, as amended by section 721, is amended—

13 (1) by striking “2245” and inserting “2246”;

14 (2) by striking “2246” and inserting “2247”;

15 and

16 (3) by inserting after the item relating to sec-
17 tion 2244 the following:

“2245. Penalties for subsequent offenses.”.

18 **SEC. 723. SENTENCING GUIDELINES INCREASE FOR SEX**
19 **OFFENSES.**

20 The United States Sentencing Commission shall
21 amend the sentencing guidelines to increase by at least
22 4 levels the base offense level for an offense under section
23 2241 (relating to aggravated sexual abuse) or section
24 2242 (relating to sexual abuse) of title 18, United States
25 Code, and shall consider whether any other changes are

1 warranted in the guidelines provisions applicable to such
2 offenses to ensure realization of the objectives of sentenc-
3 ing. In amending the guidelines in conformity with this
4 section, the Sentencing Commission shall review the ap-
5 propriateness and adequacy of existing offense character-
6 istics and adjustments applicable to such offenses, taking
7 into account the heinousness of sexual abuse offenses, the
8 severity and duration of the harm caused to victims, and
9 any other relevant factors. In any subsequent amendment
10 to the sentencing guidelines, the Sentencing Commission
11 shall maintain minimum guidelines sentences for the of-
12 fenses referenced in this section which are at least equal
13 to those required by this section.

14 **SEC. 724. HIV TESTING AND PENALTY ENHANCEMENT IN**
15 **SEXUAL OFFENSE CASES.**

16 (a) IN GENERAL.—Chapter 109A of title 18, United
17 States Code, is amended by adding at the end the follow-
18 ing:

19 **“§ 2248. Testing for human immunodeficiency virus;**
20 **disclosure of test results to victim; effect**
21 **on penalty**

22 “(a) TESTING AT TIME OF PRE-TRIAL RELEASE DE-
23 TERMINATION.—In a case in which a person is charged
24 with an offense under this chapter, a judicial officer issu-
25 ing an order pursuant to section 3142(a) of this title shall

1 include in the order a requirement that a test for the
2 human immunodeficiency virus be performed upon the
3 person, and that follow-up tests for the virus be performed
4 six months and twelve months following the date of the
5 initial test, unless the judicial officer determines that the
6 conduct of the person created no risk of transmission of
7 the virus to the victim, and so states in the order. The
8 order shall direct that the initial test be performed within
9 24 hours, or as soon thereafter as feasible. The person
10 shall not be released from custody until the test is per-
11 formed.

12 “(b) TESTING AT LATER TIME.—If a person charged
13 with an offense under this chapter was not tested for the
14 human immunodeficiency virus pursuant to subsection (a),
15 the court may at a later time direct that such a test be
16 performed upon the person, and that follow-up tests be
17 performed six months and twelve months following the
18 date of the initial test, if it appears to the court that the
19 conduct of the person may have risked transmission of the
20 virus to the victim. A testing requirement under this sub-
21 section may be imposed at any time while the charge is
22 pending, or following conviction at any time prior to the
23 person’s completion of service of the sentence.

24 “(c) TERMINATION OF TESTING REQUIREMENT.—A
25 requirement of follow-up testing imposed under this sec-

1 tion shall be canceled if any test is positive for the virus
2 or the person obtains an acquittal on, or dismissal of, all
3 charges under this chapter.

4 “(d) DISCLOSURE OF TEST RESULTS.—The results
5 of any test for the human immunodeficiency virus per-
6 formed pursuant to an order under this section shall be
7 provided to the judicial officer or court. The judicial offi-
8 cer or court shall ensure that the results are disclosed to
9 the victim (or to the victim’s parent or legal guardian, as
10 appropriate), the attorney for the Government, and the
11 person tested.

12 “(e) EFFECT ON PENALTY.—The United States Sen-
13 tencing Commission shall amend existing guidelines for
14 sentences for offenses under this chapter to enhance the
15 sentence if the offender knew or had reason to know that
16 he was infected with the human immunodeficiency virus,
17 except where the offender did not engage or attempt to
18 engage in conduct creating a risk of transmission of the
19 virus to the victim.”.

20 (b) CLERICAL AMENDMENT.—The table of chapters
21 at the beginning of chapter 109A of title 18, United States
22 Code, is amended by inserting at the end the following
23 new item:

“2248. Testing for human immunodeficiency virus; disclosure of test results to
victim; effect on penalty.”.

1 **Subtitle D—Rural Domestic Vio-**
2 **lence and Child Abuse Enforce-**
3 **ment**

4 **SEC. 731. RURAL DOMESTIC VIOLENCE AND CHILD ABUSE**
5 **ENFORCEMENT ASSISTANCE.**

6 (a) GRANTS.—The Attorney General may make
7 grants to units of State and local governments of rural
8 States, and to other public or private entities of rural
9 States—

10 (1) to implement, expand, and establish cooper-
11 ative efforts and projects between law enforcement
12 officers, prosecutors, victim advocacy groups, and
13 other related parties to investigate and prosecute in-
14 cidents of domestic violence and child abuse;

15 (2) to provide treatment and counseling to vic-
16 tims of domestic violence and child abuse; and

17 (3) to work in cooperation with the community
18 to develop education and prevention strategies di-
19 rected toward such issues.

20 (b) DEFINITION.—In this section, “rural State” has
21 the meaning stated in section 1501(b) of title I of the Om-
22 nibus Crime Control and Safe Streets Act of 1968 (42
23 U.S.C. 3796bb(B)).

24 (c) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) IN GENERAL.—There is authorized to be
2 appropriated to carry out this section \$10,000,000
3 for each of fiscal years 1995, 1996, and 1997.

4 (2) ADDITIONAL FUNDING.—In addition to
5 funds received under a grant under subsection (a),
6 a law enforcement agency may use funds received
7 under a grant under section 1701 of the Omnibus
8 Crime Control and Safe Streets Act of 1968, as
9 added by section 103 of this Act, to accomplish the
10 objectives of this section.

11 **TITLE VIII—CRIMINAL ALIENS**
12 **AND ALIEN SMUGGLING**
13 **Subtitle A—Deportation of**
14 **Criminal Aliens**

15 **SEC. 801. EXPEDITING CRIMINAL ALIEN DEPORTATION AND**
16 **EXCLUSION.**

17 (a) CONVICTED DEFINED.—Section 241(a)(2) of the
18 Immigration and Nationality Act (8 U.S.C. 1251(a)(2))
19 is amended by adding at the end the following new sub-
20 paragraph:

21 “(E) CONVICTED DEFINED.—In this para-
22 graph, the term ‘convicted’ means a judge or
23 jury has found the alien guilty or the alien has
24 entered a plea of guilty or nolo contendere,
25 whether or not the alien appeals therefrom.”.

1 (b) DEPORTATION OF CONVICTED ALIENS.—

2 (1) IMMEDIATE DEPORTATION.—Section 242(h)
3 of such Act (8 U.S.C. 1252(h)) is amended—

4 (A) by striking “(h) An alien” and insert-
5 ing “(h)(1) Subject to paragraph (2), an alien”;
6 and

7 (B) by adding at the end the following new
8 paragraph:

9 “(2) An alien sentenced to imprisonment may be de-
10 ported prior to the termination of such imprisonment by
11 the release of the alien from confinement, if the Service
12 petitions the appropriate court or other entity with author-
13 ity concerning the alien to release the alien into the
14 custody of the Service for execution of an order of
15 deportation.”.

16 (2) PROHIBITION OF REENTRY INTO THE UNIT-
17 ED STATES.—Section 212(a)(2) of such Act (8
18 U.S.C. 1182(a)(2)) is amended—

19 (A) by redesignating subparagraph (F) as
20 subparagraph (G); and

21 (B) by inserting after subparagraph (E)
22 the following new subparagraph:

23 “(F) ALIENS DEPORTED BEFORE SERVING
24 MINIMUM PERIOD OF CONFINEMENT.—In addi-
25 tion to any other period of exclusion which may

1 apply an alien deported pursuant to section
2 242(h)(2) is excludable during the minimum
3 period of confinement to which the alien was
4 sentenced.”.

5 (c) EXECUTION OF DEPORTATION ORDERS.—Section
6 242(i) of such Act (8 U.S.C. 1252(i)) is amended by add-
7 ing at the end the following: “An order of deportation may
8 not be executed until all direct appeals relating to the con-
9 viction which is the basis of the deportation order have
10 been exhausted.”.

11 **SEC. 802. AUTHORIZING REGISTRATION OF ALIENS ON**
12 **CRIMINAL PROBATION OR CRIMINAL PA-**
13 **ROLE.**

14 Section 263(a) of the Immigration and Nationality
15 Act (8 U.S.C. 1303(a)) is amended by striking “and (5)”
16 and inserting “(5) aliens who are or have been on criminal
17 probation or criminal parole within the United States,
18 and (6)”.

19 **SEC. 803. EXPANSION IN DEFINITION OF “AGGRAVATED**
20 **FELONY”.**

21 (a) EXPANSION IN DEFINITION.—Section 101(a)(43)
22 of the Immigration and Nationality Act (8 U.S.C.
23 1101(a)(43)) is amended to read as follows:

24 “(43) The term ‘aggravated felony’ means—
25 “(A) murder;

1 “(B) any illicit trafficking in any con-
2 trolled substance (as defined in section 102 of
3 the Controlled Substances Act), including any
4 drug trafficking crime as defined in section
5 924(c) of title 18, United States Code;

6 “(C) any illicit trafficking in any firearms
7 or destructive devices as defined in section 921
8 of title 18, United States Code, or in explosive
9 materials as defined in section 841(c) of title
10 18, United States Code;

11 “(D) any offense described in sections
12 1951 through 1963 of title 18, United States
13 Code;

14 “(E) any offense described in—

15 “(i) subsections (h) or (i) of section
16 842, title 18, United States Code, or sub-
17 section (d), (e), (f), (g), (h), or (i) of sec-
18 tion 844 of title 18, United States Code
19 (relating to explosive materials offenses),

20 “(ii) paragraph (1), (2), (3), (4), or
21 (5) of section 922(g), or section 922(j),
22 section 922(n), section 922(o), section
23 922(p), section 924(b), or section 924(h)
24 of title 18, United States Code (relating to
25 firearms offenses), or

1 “(iii) section 5861 of title 26, United
2 States Code (relating to firearms offenses);

3 “(F) any crime of violence (as defined in
4 section 16 of title 18, United States Code, not
5 including a purely political offense) for which
6 the term of imprisonment imposed (regardless
7 of any suspension of such imprisonment) is at
8 least 5 years;

9 “(G) any theft offense (including receipt of
10 stolen property) or any burglary offense, where
11 a sentence of 5 years imprisonment or more
12 may be imposed;

13 “(H) any offense described in section 875,
14 section 876, section 877, or section 1202 of
15 title 18, United States Code (relating to the de-
16 mand for or receipt of ransom);

17 “(I) any offense described in section 2251,
18 section 2251A or section 2252 of title 18, Unit-
19 ed States Code (relating to child pornography);

20 “(J) any offense described in section 1084
21 of title 18, United States Code, where a sen-
22 tence of 5 years imprisonment or more may be
23 imposed;

24 “(K) any offense relating to commercial
25 bribery, counterfeiting, forgery or trafficking in

1 vehicles whose identification numbers have been
2 altered, where a sentence of 5 years imprison-
3 ment or more may be imposed;

4 “(L) any offense—

5 “(i) relating to the owning, control-
6 ling, managing or supervising of a pros-
7 titution business,

8 “(ii) described in section 2421
9 through 2424 of title 18, United States
10 Code, for commercial advantage, or

11 “(iii) described in sections 1581
12 through 1585, or section 1588, of title 18,
13 United States Code (relating to peonage,
14 slavery, and involuntary servitude);

15 “(M) any offense relating to perjury or
16 subornation of perjury where a sentence of 5
17 years imprisonment or more may be imposed;

18 “(N) any offense described in—

19 “(i) section 793 (relating to gathering
20 or transmitting national defense informa-
21 tion), section 798 (relating to disclosure of
22 classified information), section 2153 (relat-
23 ing to sabotage) or section 2381 or section
24 2382 (relating to treason) of title 18, Unit-
25 ed States Code, or

1 “(ii) section 421 of title 50, United
2 States Code (relating to protecting the
3 identity of undercover intelligence agents);

4 “(O) any offense—

5 “(i) involving fraud or deceit where
6 the loss to the victim or victims exceeded
7 \$200,000; or

8 “(ii) described in section 7201 of title
9 26, United States Code (relating to tax
10 evasion), where the tax loss to the Govern-
11 ment exceeds \$200,000;

12 “(P) any offense described in section
13 274(a)(1) of the Immigration and Nationality
14 Act (relating to alien smuggling) for the pur-
15 pose of commercial advantage;

16 “(Q) any violation of section 1546(a) of
17 title 18, United States Code (relating to docu-
18 ment fraud), for the purpose of commercial ad-
19 vantage; or

20 “(R) any offense relating to failing to ap-
21 pear before a court pursuant to a court order
22 to answer to or dispose of a charge of a felony,
23 where a sentence of 2 years or more may be
24 imposed;

1 or any attempt or conspiracy to commit any such
2 act. Such term applies to offenses described in this
3 paragraph whether in violation of Federal or State
4 law and applies to such offenses in violation of the
5 laws of a foreign country for which the term of im-
6 prisonment was completed within the previous 15
7 years.”.

8 (b) EFFECTIVE DATE.—The amendments made by
9 this section shall apply to all convictions entered before,
10 on, or after the date of enactment of this Act.

11 **SEC. 804. DEPORTATION PROCEDURES FOR CERTAIN**
12 **CRIMINAL ALIENS WHO ARE NOT PERMA-**
13 **NENT RESIDENTS.**

14 (a) ELIMINATION OF ADMINISTRATIVE HEARING FOR
15 CERTAIN CRIMINAL ALIENS.—Section 242A of the Immi-
16 gration and Nationality Act (8 U.S.C. 1252a) is amended
17 by adding at the end the following:

18 “(c) DEPORTATION OF ALIENS WHO ARE NOT PER-
19 MANENT RESIDENTS.—

20 “(1) Notwithstanding section 242, and subject
21 to paragraph (5), the Attorney General may issue a
22 final order of deportation against any alien described
23 in paragraph (2) whom the Attorney General deter-
24 mines to be deportable under section

1 241(a)(2)(A)(iii) (relating to conviction of an aggra-
2 vated felony).

3 “(2) An alien is described in this paragraph if
4 the alien—

5 “(A) was not lawfully admitted for perma-
6 nent residence at the time that proceedings
7 under this section commenced, or

8 “(B) had permanent resident status on a
9 conditional basis (as described in section 216)
10 at the time that proceedings under this section
11 commenced.

12 “(3) The Attorney General may delegate the
13 authority in this section to the Commissioner or to
14 any District Director of the Service.

15 “(4) No alien described in this section shall be
16 eligible for—

17 “(A) any relief from deportation that the
18 Attorney General may grant in his discretion,
19 or

20 “(B) relief under section 243(h).

21 “(5) The Attorney General may not execute any
22 order described in paragraph (1) until 14 calendar
23 days have passed from the date that such order was
24 issued, in order that the alien has an opportunity to
25 apply for judicial review under section 106.”.

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

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

7 (2) in subsection (a)(1) and subsection (a)(3),
8 by inserting “(including an alien described in section
9 242A)” after “aggravated felony”; and

10 (3) by adding at the end the following new sub-
11 section:

12 “(d) Notwithstanding subsection (c), a petition for
13 review or for habeas corpus on behalf of an alien described
14 in section 242A(c) may only challenge whether the alien
15 is in fact an alien described in such section, and no court
16 shall have jurisdiction to review any other issue.”.

17 (c) TECHNICAL AND CONFORMING CHANGES.—Sec-
18 tion 242A of the Immigration and Nationality Act (8
19 U.S.C. 1252a) is amended as follows:

20 (1) In subsection (a)—

21 (A) by striking “(a) IN GENERAL.—” and
22 inserting “(b) DEPORTATION OF PERMANENT
23 RESIDENT ALIENS.—(1) IN GENERAL.—”; and

1 (B) by inserting in the first sentence “per-
2 manent resident” after “correctional facilities
3 for”;

4 (2) In subsection (b)—

5 (A) by striking “(b) IMPLEMENTATION.—”
6 and inserting “(2) IMPLEMENTATION.—”; and

7 (B) by striking “respect to an” and insert-
8 ing “respect to a permanent resident”;

9 (3) By striking out subsection (c);

10 (4) In subsection (d)—

11 (A) by striking “(d) EXPEDITED PRO-
12 CEEDINGS.—(1)” and inserting “(3) EXPE-
13 DITED PROCEEDINGS.—(A)”;

14 (B) by inserting “permanent resident”
15 after “in the case of any”; and

16 (C) by striking “(2)” and inserting “(B)”;

17 (5) In subsection (e)—

18 (A) by striking “(e) REVIEW.—(1)” and
19 inserting “(4) REVIEW.—(A)”;

20 (B) by striking the second sentence; and

21 (C) by striking “(2)” and inserting “(B)”;

22 (6) By inserting after the section heading the
23 following new subsection:

1 “(a) PRESUMPTION OF DEPORTABILITY.—An alien
2 convicted of an aggravated felony shall be conclusively pre-
3 sumed to be deportable from the United States.”; and

4 (7) The heading of such section is amended to
5 read as follows:

“EXPEDITED DEPORTATION OF ALIENS CONVICTED OF
COMMITTING AGGRAVATED FELONIES”.

6 (d) EFFECTIVE DATE.—The amendments made by
7 this section shall apply to all aliens against whom deporta-
8 tion proceedings are initiated after the date of enactment
9 of this Act.

10 **SEC. 805. JUDICIAL DEPORTATION.**

11 (a) JUDICIAL DEPORTATION.—Section 242A of the
12 Immigration and Nationality Act (8 U.S.C. 1252a) is
13 amended by inserting at the end the following new sub-
14 section:

15 “(d) JUDICIAL DEPORTATION.—

16 “(1) AUTHORITY.—Notwithstanding any other
17 provision of this Act, a United States district court
18 shall have jurisdiction to enter a judicial order of de-
19 portation at the time of sentencing against an alien
20 whose criminal conviction causes such alien to be de-
21 portable under section 241(a)(2)(A)(iii) (relating to
22 conviction of an aggravated felony), if such an order
23 has been requested prior to sentencing by the United

1 States Attorney with the concurrence of the Com-
2 missioner.

3 “(2) PROCEDURE.—

4 “(A) The United States Attorney shall pro-
5 vide notice of intent to request judicial deporta-
6 tion promptly after the entry in the record of
7 an adjudication of guilt or guilty plea. Such no-
8 tice shall be provided to the court, to the alien,
9 and to the alien’s counsel of record.

10 “(B) Notwithstanding section 242B, the
11 United States Attorney, with the concurrence of
12 the Commissioner, shall file at least 20 days
13 prior to the date set for sentencing a charge
14 containing factual allegations regarding the
15 alienage of the defendant and satisfaction by
16 the defendant of the definition of aggravated
17 felony.

18 “(C) If the court determines that the de-
19 fendant has presented substantial evidence to
20 establish prima facie eligibility for relief from
21 deportation under section 212(c), the Commis-
22 sioner shall provide the court with a rec-
23 ommendation and report regarding the alien’s
24 eligibility for relief under such section. The

1 court shall either grant or deny the relief
2 sought.

3 “(D)(i) The alien shall have a reasonable
4 opportunity to examine the evidence against
5 him or her, to present evidence on his or her
6 own behalf, and to cross-examine witnesses pre-
7 sented by the Government.

8 “(ii) The court, for the purposes of deter-
9 mining whether to enter an order described in
10 paragraph (1), shall only consider evidence that
11 would be admissible in proceedings conducted
12 pursuant to section 242(b).

13 “(iii) Nothing in this subsection shall limit
14 the information a court of the United States
15 may receive or consider for the purposes of im-
16 posing an appropriate sentence.

17 “(iv) The court may order the alien de-
18 ported if the Attorney General demonstrates by
19 clear and convincing evidence that the alien is
20 deportable under this Act.

21 “(3) NOTICE, APPEAL, AND EXECUTION OF JU-
22 DICIAL ORDER OF DEPORTATION.—

23 “(A)(i) A judicial order of deportation or
24 denial of such order may be appealed by either

1 party to the court of appeals for the circuit in
2 which the district court is located.

3 “(ii) Except as provided in clause (iii),
4 such appeal shall be considered consistent with
5 the requirements described in section 106.

6 “(iii) Upon execution by the defendant of
7 a valid waiver of the right to appeal the convic-
8 tion on which the order of deportation is based,
9 the expiration of the period described in section
10 106(a)(1), or the final dismissal of an appeal
11 from such conviction, the order of deportation
12 shall become final and shall be executed at the
13 end of the prison term in accordance with the
14 terms of the order.

15 “(B) As soon as is practicable after entry
16 of a judicial order of deportation, the Commis-
17 sioner shall provide the defendant with written
18 notice of the order or deportation, which shall
19 designate the defendant’s country of choice for
20 deportation and any alternate country pursuant
21 to section 243(a).

22 “(4) DENIAL OF JUDICIAL ORDER.—Denial of a
23 request for a judicial order of deportation shall not
24 preclude the Attorney General from initiating depor-
25 tation proceedings pursuant to section 242 upon the

1 same ground of deportability or upon any other
2 ground of deportability provided under section
3 241(a).”.

4 (b) TECHNICAL AND CONFORMING CHANGES.—The
5 ninth sentence of section 242(b) of the Immigration and
6 Nationality Act (8 U.S.C. 1252(b)) is amended by striking
7 out “The” and inserting in lieu thereof, “Except as pro-
8 vided in section 242A(d), the”.

9 (c) EFFECTIVE DATE.—The amendments made by
10 this section shall apply to all aliens whose adjudication of
11 guilt or guilty plea is entered in the record after the date
12 of enactment of this Act.

13 **SEC. 806. RESTRICTING DEFENSES TO DEPORTATION FOR**
14 **CERTAIN CRIMINAL ALIENS.**

15 (a) DEFENSES BASED ON SEVEN YEARS OF PERMA-
16 NENT RESIDENCE.—The last sentence of section 212(c)
17 of the Immigration and Nationality Act (8 U.S.C.
18 1182(c)) is amended by striking out “has served for such
19 felony or felonies” and all that follows through the period
20 and inserting in lieu thereof “has been sentenced for such
21 felony or felonies to a term of imprisonment of at least
22 5 years, provided that the time for appealing such convic-
23 tion or sentence has expired and the sentence has become
24 final.”.

1 (b) DEFENSES BASED ON WITHHOLDING OF DEPOR-
2 TATION.—Section 243(h)(2) of the Immigration and Na-
3 tionality Act (8 U.S.C. 1253(h)(2)) is amended by—

4 (1) striking out the final sentence and inserting
5 in lieu thereof the following new subparagraph:

6 “(E) the alien has been convicted of an ag-
7 gravated felony.”; and

8 (2) striking out the “or” at the end of subpara-
9 graph (C) and inserting “or” at the end of subpara-
10 graph (D).

11 **SEC. 807. ENHANCING PENALTIES FOR FAILING TO DE-**
12 **PART, OR REENTERING, AFTER FINAL ORDER**
13 **OF DEPORTATION.**

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

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

19 (2) by striking out “shall be imprisoned not
20 more than ten years” and inserting in lieu thereof,
21 “shall be imprisoned not more than two years, or
22 shall be imprisoned not more than ten years if the
23 alien is a member of any of the classes described in
24 paragraph (2), (3), or (4) of section 241(a).”.

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

3 (1) in paragraph (1), by (A) inserting after
4 “commission of” the following: “three or more mis-
5 demeanors or”, and (B) striking out “5” and insert-
6 ing in lieu thereof “10”,

7 (2) in paragraph (2), by striking out “15” and
8 inserting in lieu thereof “20”, and

9 (3) by adding at the end the following sentence:
10 “For the purposes of this subsection, the term ‘depor-
11 tation’ shall include any agreement where an alien stipu-
12 lates to deportation during a criminal trial under either
13 Federal or State law.”.

14 (c) COLLATERAL ATTACKS ON UNDERLYING DEPOR-
15 TATION ORDER.—Section 276 of the Immigration and Na-
16 tionality Act (8 U.S.C. 1326) is amended by inserting
17 after subsection (b) the following new subsection:

18 “(c) In any criminal proceeding under this section,
19 no alien may challenge the validity of the deportation
20 order described in subsection (a)(1) or subsection (b) un-
21 less the alien demonstrates—

22 “(1) that the alien exhausted the administrative
23 remedies (if any) that may have been available to
24 seek relief against such order,

1 “(2) that the deportation proceedings at which
2 such order was issued improperly deprived the alien
3 of the opportunity for judicial review, and

4 “(3) that the entry of such order was fun-
5 damentally unfair.”.

6 **SEC. 808. MISCELLANEOUS AND TECHNICAL CHANGES.**

7 (a) FORM OF DEPORTATION HEARINGS.—The sec-
8 ond sentence of section 242(b) of the Immigration and
9 Nationality Act (8 U.S.C. 1252(b)) is amended by insert-
10 ing before the period the following: “; except that nothing
11 in this subsection shall preclude the Attorney General
12 from authorizing proceedings by electronic or telephonic
13 media (with or without the consent of the alien) or, where
14 waived or agreed to by the parties, in the absence of the
15 alien.”.

16 (b) CONSTRUCTION OF EXPEDITED DEPORTATION
17 REQUIREMENTS.—No amendment made by this Act and
18 nothing in section 242(i) of the Immigration and Nation-
19 ality Act (8 U.S.C. 1252(i)), shall be construed to create
20 any right or benefit, substantive or procedural, which is
21 legally enforceable by any party against the United States,
22 its agencies, its officers or any other person.

1 **SEC. 809. AUTHORIZATION OF APPROPRIATIONS FOR**
2 **CRIMINAL ALIEN INFORMATION SYSTEM.**

3 There is authorized to be appropriated to carry out
4 section 242(a)(3)(A) of the Immigration and Nationality
5 Act, \$5,000,000 for fiscal year 1994 and \$2,000,000 for
6 each of the fiscal years 1995, 1996, 1997, and 1998.

7 **Subtitle B—Prevention and**
8 **Punishment of Alien Smuggling**

9 **SEC. 811. BORDER PATROL AGENTS.**

10 In addition to such amounts as are otherwise author-
11 ized to be appropriated, there is authorized to be appro-
12 priated for each of the fiscal years 1994, 1995, 1996,
13 1997, 1998, for salaries and expenses of the Border Patrol
14 such amounts as may be necessary to provide for an in-
15 crease in the number of agents of the Border Patrol by
16 3,000 full-time equivalent agent positions beyond the
17 number of such positions at the Border Patrol on July
18 28, 1994.

19 **SEC. 812. BORDER PATROL INVESTIGATORS.**

20 In addition to such amounts as are otherwise author-
21 ized to be appropriated, there is authorized to be appro-
22 priated for each of the fiscal years 1994, 1995, 1996,
23 1997, 1998, for salaries and expenses of the Border Patrol
24 such amounts as may be necessary to provide for an in-
25 crease in the number of investigators of the Border Patrol
26 by 1,000 full-time equivalent investigator positions beyond

1 the number of such positions at the Border Patrol on July
2 28, 1994.

3 **SEC. 813. INCLUDING ALIEN SMUGGLING AS A RACKETEER-**
4 **ING ACTIVITY FOR PURPOSES OF RACK-**
5 **ETEERING INFLUENCED AND CORRUPT OR-**
6 **GANIZATIONS (RICO) ENFORCEMENT AU-**
7 **THORITY.**

8 Section 1961(1) of title 18, United States Code, is
9 amended—

10 (1) by striking “or” before “(E) any act”, and

11 (2) by inserting before the period at the end the
12 following: “, or (F) any act which is indictable under
13 section 274(a)(1) of the Immigration and National-
14 ity Act (relating to alien smuggling)”.

15 **SEC. 814. ENHANCED PENALTIES FOR EMPLOYERS WHO**
16 **KNOWINGLY EMPLOY SMUGGLED ALIENS.**

17 (a) **ADDITIONAL CRIMINAL PENALTY.**—Section
18 274(a)(1) (8 U.S.C. 1324(a)(1)) is amended—

19 (1) by striking “or” at the end of subparagraph
20 (C),

21 (2) by striking the comma at the end of sub-
22 paragraph (D) and inserting “; or”,

23 (3) by inserting after subparagraph (D) the fol-
24 lowing:

1 “(E) contracts or agrees with another party for
2 that party to provide, for employment by the person
3 or another, an alien who is not authorized to be em-
4 ployed in the United States, knowing that such
5 party intends to cause such alien to be brought into
6 the United States in violation of the laws of the
7 United States,” and

8 (4) by striking “five years” and inserting “ten
9 years”.

10 (b) TREATMENT OF SMUGGLING AS AN AGGRAVATED
11 FELONY.—The first sentence of section 101(a)(43) (8
12 U.S.C. 1101(a)(43)) is amended by inserting “or any of-
13 fense under section 274(a)” before “for which the term
14 of imprisonment”.

15 **SEC. 815. ENHANCED PENALTIES FOR CERTAIN ALIEN**
16 **SMUGGLING.**

17 Section 274(a)(1) of the Immigration and Nationality
18 Act (8 U.S.C. 1324(a)(1)) is amended by striking “five
19 years” and inserting “ten years”.

20 **SEC. 816. EXPANDED FORFEITURE FOR SMUGGLING OR**
21 **HARBORING ILLEGAL ALIENS.**

22 Subsection 274(b) of the Immigration and National-
23 ity Act (8 U.S.C. 1324(b)) is amended—

24 (1) by amending paragraph (1) to read as
25 follows:

1 “(b) SEIZURE AND FORFEITURE.—(1) Any property,
2 real or personal, which facilitates or is intended to facili-
3 tate, or which has been used in or is intended to be used
4 in the commission of a violation of subsection (a) or of
5 sections 274A(a)(1) or 274A(a)(2), or which constitutes
6 or is derived from or traceable to the proceeds obtained
7 directly or indirectly from a commission of a violation of
8 subsection (a), shall be subject to seizure and forfeiture,
9 except that—

10 “(A) no property, used by any person as a com-
11 mon carrier in the transaction of business as a com-
12 mon carrier shall be forfeited under the provisions of
13 this section unless it shall appear that the owner or
14 other person in charge of such property was a con-
15 senting party or privy to the illegal act;

16 “(B) no property shall be forfeited under the
17 provisions of this section by reason of any act or
18 omission established by the owner thereof to have
19 been committed or omitted by any person other than
20 such owner while such property was unlawfully in
21 the possession of a person other than the owner in
22 violation of the criminal laws of the United States
23 or of any State; and

24 “(C) no property shall be forfeited under this
25 paragraph to the extent of an interest of any owner,

1 by reason of any act or omission established by that
2 owner to have been committed or omitted without
3 the knowledge or consent of the owner, unless such
4 action or omission was committed by an employee or
5 agent of the owner, and facilitated or was intended
6 to facilitate, or was used in or intended to be used
7 in, the commission of a violation of subsection (a) or
8 of section 274A(a)(1) or 274A(a)(2) which was com-
9 mitted by the owner or which intended to further the
10 business interests of the owner, or to confer any
11 other benefit upon the owner.”.

12 (2) in paragraph (2)—

13 (A) by striking “conveyance” both places it
14 appears and inserting in lieu thereof “prop-
15 erty”; and

16 (B) by striking “is being used in” and
17 inserting in lieu thereof “is being used in, is fa-
18 cilitating, has facilitated, or was intended to
19 facilitate”;

20 (3) in paragraphs (4) and (5) by striking “a
21 conveyance” and “conveyance” each place such
22 phrase or word appears and inserting in lieu thereof
23 “property”; and

24 (4) in paragraph (4) by—

1 (A) striking “or” at the end of subpara-
2 graph (C),

3 (B) by striking the period at the end of
4 subparagraph (D) and inserting “; or”, and

5 (C) by inserting at the end the following
6 new subparagraph:

7 “(E) transfer custody and ownership of
8 forfeited property to any Federal, State, or
9 local agency pursuant to the Tariff Act of
10 1930, as amended (19 U.S.C. 1616a(c)).”.

11 **SEC. 817. COMPENSATION FOR INCARCERATION OF UN-**
12 **DOCUMENTED CRIMINAL ALIENS.**

13 (a) COMPENSATION.—(1) The Attorney General
14 shall, subject to the availability of appropriations, enter
15 into a contractual arrangement which provides for com-
16 pensation to the State or a political subdivision of the
17 State, as may be appropriate, with respect to the incarcer-
18 ation of an undocumented criminal alien who has been
19 convicted of a felony and is incarcerated in a State or local
20 correctional facility.

21 (2) Compensation under paragraph (1) shall be deter-
22 mined by the Attorney General and shall be equal to the
23 median State or local cost of incarceration of a prisoner
24 in all maximum security facilities within the State as de-
25 termined by the Bureau of Justice Statistics.

1 (b) DEFINITION.—For purposes of this section, the
2 term “undocumented criminal alien” means an alien
3 who—

4 (A) has been convicted of a felony and sen-
5 tenced to a term of imprisonment; and

6 (B)(i) entered the United States without inspec-
7 tion or at any time or place other than as designated
8 by the Attorney General;

9 (ii) was the subject of exclusion or deportation
10 proceedings at the time he or she was taken into
11 custody by the State or a political subdivision of the
12 State; or

13 (iii) was admitted as a nonimmigrant and at
14 the time he or she was taken into custody by the
15 State or a political subdivision of the State has
16 failed to maintain the nonimmigrant status in which
17 the alien was admitted or to which it was changed,
18 or to comply with the conditions of any such status.

1 **TITLE IX—INSTANT CHECK,**
2 **RURAL DRUG TASK FORCES,**
3 **AND ENHANCED DRUG PEN-**
4 **ALTIES**

5 **Subtitle A—Instant Check System**
6 **for Handgun Purchases**

7 **SEC. 901. DEFINITIONS.**

8 As used in this chapter:

9 (1) The term “background check crime” means
10 a crime punishable by imprisonment for a term ex-
11 ceeding 1 year within the meaning of section
12 921(a)(20) of title 18, United States Code.

13 (2) The term “handgun” has the meaning given
14 such term in section 921(a)(30) of title 18, United
15 States Code.

16 (3) The term “licensee” means a licensed im-
17 porter, licensed manufacturer, or licensed dealer, as
18 defined in paragraphs (9), (10), and (11), respec-
19 tively, of section 921(a) of title 18, United States
20 Code.

21 (4) The term “State” means a State, the Dis-
22 trict of Columbia, the Commonwealth of Puerto
23 Rico, American Samoa, the Virgin Islands, Guam,
24 and the Trust Territories of the Pacific.

1 **SEC. 902. STATE INSTANT CRIMINAL CHECK SYSTEMS FOR**
2 **HANDGUN PURCHASES.**

3 (a) IN GENERAL.—Not later than the date that is
4 12 months after the date of the enactment of this chapter,
5 each State shall establish and maintain a system that, on
6 receipt of an inquiry from a licensee pursuant to section
7 922(v)(1)(A) of title 18, United States Code, immediately
8 researches the criminal history of a prospective handgun
9 transferee, advises the licensee whether its records dem-
10 onstrate that such transferee is prohibited from receiving
11 a handgun by reason of subsection (g) or (n) of section
12 922 of such title, and, if such transferee is not so prohib-
13 ited, provides the licensee a unique identification number
14 with respect to the transfer.

15 (b) ADDITIONAL REQUIREMENTS.—A State instant
16 criminal check system shall—

17 (1) provide for the privacy and security of the
18 information contained in the system at least to the
19 extent of the protections and remedies provided in
20 section 552a(g) of title 5, United States Code;

21 (2) ensure that information provided to the
22 system by a licensee pursuant to section
23 922(v)(1)(B)(i) of title 18, United States Code, is
24 not retained in any form whatsoever, is not conveyed
25 to any person except a person who has a need to
26 know to carry out the purpose of that section, and

1 is not used for any purpose other than to carry out
2 that section; and

3 (3) provide to a prospective handgun transferee
4 who is denied receipt of a handgun on the basis of
5 information provided by the system a procedure for
6 the correction of erroneous information as otherwise
7 set forth in this chapter.

8 (c) PROHIBITIONS ON USES OF INFORMATION.—

9 (1) RECORDATION BY THE GOVERNMENT.—No
10 record or portion thereof generated by an inquiry
11 concerning or a search of the criminal history of a
12 prospective transferee under a State instant criminal
13 check system established under subsection (a) shall
14 be recorded at or transferred to a facility owned,
15 managed, or controlled by the United States or any
16 State or political subdivision thereof.

17 (2) REGISTRATION OF OWNERSHIP.—Neither
18 the United States, nor a State, nor any political sub-
19 division thereof may use information provided by a
20 licensee pursuant to a State instant criminal check
21 system established under subsection (a) of this sec-
22 tion to establish any system for the registration of
23 handguns, handgun owners, or handgun transactions
24 or dispositions, except with respect to persons who
25 are prohibited from receiving a handgun by reason

1 of subsection (g) or (n) of section 922 of title 18,
2 United States Code.

3 **SEC. 903. AMENDMENT OF CHAPTER 44 OF TITLE 18,**
4 **UNITED STATES CODE.**

5 (a) DEFINITIONS.—Section 921(a) of title 18, United
6 States Code, is amended by adding at the end the follow-
7 ing:

8 “(30) The term ‘handgun’ means—

9 “(A) a firearm (other than a firearm that is a
10 curio or relic under criteria established by the Sec-
11 retary by regulation) that has a short stock and is
12 designed to be held and fired by the use of a single
13 hand; and

14 “(B) any combination of parts designed and in-
15 tended to be assembled into such a firearm and from
16 which such a firearm can be readily assembled.”.

17 (b) IDENTIFICATION PROCEDURE.—Section 922 of
18 such title is amended by adding at the end the following:

19 “(v)(1) Upon a State instant criminal check system
20 becoming operational pursuant to chapter 1 of subtitle C
21 of title VII of the Crime Control Act of 1993, and notice
22 by an appropriate State official by certified mail to each
23 licensee in the State that such system is operational, a
24 licensed importer, licensed manufacturer, or licensed deal-
25 er shall not knowingly transfer a handgun from the busi-

1 ness inventory of such licensee to any other person who
2 is not licensed under this chapter before the completion
3 of the transfer unless—

4 “(A) the licensee contacts the State instant
5 criminal check system; and

6 “(B)(i) the State system notifies the licensee
7 that the system has not located any record that
8 demonstrates that the receipt of a handgun by such
9 other person would violate subsection (g) or (n); or

10 “(ii) at least 2 hours have elapsed since the li-
11 censee first contacted the system with respect to the
12 transfer, and the system has not notified the licensee
13 that the information available to the system dem-
14 onstrates that the receipt of a handgun by the per-
15 son would violate subsection (g) or (n).

16 “(2) Paragraph (1) shall not apply to a handgun
17 transfer between a licensee and another person if—

18 “(A) the other person presents to the licensee
19 a valid permit or license issued by the State or a po-
20 litical subdivision of the State in which the transfer
21 is to occur that authorizes the person to purchase,
22 possess, or carry a firearm;

23 “(B) the Secretary has, under section 5812 of
24 the Internal Revenue Code of 1986, approved the
25 transfer;

1 “(C) the ability of the licensee to exchange in-
2 formation with the system described in paragraph
3 (1) is impaired for a period of more than 8 hours
4 due to natural or human disaster, insurrection, riot,
5 hurricane, other act of God, or other circumstance
6 beyond the control of the licensee; or

7 “(D) on application of the licensee, the State
8 instant criminal check system has certified that com-
9 pliance with paragraph (1)(B)(i) is impracticable be-
10 cause of the inability of the licensee to communicate
11 with the system due to the remote location of the li-
12 censed premises.

13 “(3) If the State instant criminal check system noti-
14 fies the licensee that the information available to the sys-
15 tem does not demonstrate that the receipt of a handgun
16 by the person would violate subsection (g) or (n), and the
17 licensee transfers a handgun to the person, the licensee
18 shall include in the record of the transfer the unique iden-
19 tification number provided by the system with respect to
20 the transfer.

21 “(4)(A) If the licensee knowingly transfers a handgun
22 to a person and willfully fails to comply with paragraph
23 (1) with respect to the transfer and, at the time of the
24 transfer, the State instant criminal check system was op-
25 erating and information was available to the system dem-

1 onstrating that receipt of a handgun by the person would
2 violate subsection (g) or (n), the Secretary may, after no-
3 tice and opportunity for a hearing, suspend for not more
4 than 12 months or revoke any license issued to the licensee
5 under section 923, and may impose on the licensee a civil
6 fine of not more than \$10,000.

7 “(B) Any action by the Secretary under subpara-
8 graph (A) of this paragraph shall be subject to the proce-
9 dures and remedies provided in subsections (e) and (f) of
10 section 923.

11 “(5) A State employee responsible for providing infor-
12 mation through a State instant criminal check system
13 shall not be liable in an action at law for damages for
14 failure to prevent the sale or transfer of a handgun to
15 a person whose receipt or possession of a handgun is un-
16 lawful.

17 “(6) Notwithstanding any law, rule, or regulation of
18 a State or political subdivision of a State that requires
19 a waiting period prior to the receipt or sale of a handgun,
20 after a State instant criminal check system has been
21 placed in operation, a licensee may transfer, and a person
22 may receive, a handgun immediately upon notification of
23 the licensee pursuant to subparagraph (1)(B)(i). No per-
24 mit or license shall be required by any State or political
25 subdivision of a State for such transfer or receipt.”.

1 (c) PENALTIES.—Section 924(a) of title 18, United
2 States Code, is amended by adding at the end the follow-
3 ing:

4 “(6) A person who willfully violates section 922(v)
5 shall be fined not more than \$2,000, imprisoned not more
6 than 1 year, or both.”.

7 (d) EFFECTIVE DATE.—The amendments made by
8 this section shall take effect 120 days after the date of
9 the enactment of this chapter.

10 **SEC. 904. ESTABLISHMENT AND OPERATION OF CRIMINAL**
11 **HISTORY SYSTEM.**

12 (a) ESTABLISHMENT OF THE SYSTEM.—Each State
13 shall establish a system accessible by telephone, and may
14 establish other electronic means in addition to telephonic
15 communication, that any licensee, law enforcement officer,
16 or court of law may contact for criminal history informa-
17 tion. Information available to a licensee shall be limited
18 to information concerning a background check crime or
19 other information concerning whether receipt of a hand-
20 gun by a prospective transferee would violate subsection
21 (g) or (n) of section 922 of title 18, United States Code.
22 Information available to law enforcement officers and to
23 courts of law shall include information concerning any ar-
24 rest or conviction for any crime.

1 (b) CONTINUOUS OPERATION.—Each State shall
2 take such steps as are necessary to ensure that the system
3 operates continuously and without closing, at all times and
4 days of each year for purposes of inquiries from law en-
5 forcement officers, licensees, and courts.

6 **SEC. 905. OPERATION OF SYSTEM FOR PURPOSE OF**
7 **SCREENING HANDGUN PURCHASERS.**

8 (a) ACCURACY OF RESPONSES.—Each State shall
9 take such steps as are necessary to ensure that not more
10 than 2 percent of initial telephone responses of the system
11 contain erroneous determinations that receipt of a hand-
12 gun by a prospective handgun transferee would violate
13 subsection (g) or (n) of section 922 of title 18, United
14 States Code.

15 (b) NOTIFICATION OF LICENSEES.—On establish-
16 ment of a system under this section, each respective State
17 shall notify the Secretary of the Treasury, and the Sec-
18 retary shall notify each licensee, of the existence and pur-
19 pose of the system and the telephone number and other
20 electronic means that may be used to contact the system.

21 (c) OPERATION OF THE SYSTEM.—

22 (1) REQUIREMENTS FOR PROVISION OF INFOR-
23 MATION.—The system established under this section
24 shall not provide information to any person who

1 places a telephone call to the system with respect to
2 a person unless—

3 (A) the system verifies that the caller is a
4 licensee; and

5 (B) the licensee—

6 (i) states that a person seeks to pur-
7 chase a handgun from the licensee; and

8 (ii) provides the name, birth date, and
9 social security account number (or if the
10 transferee does not have a social security
11 account number, other identifying informa-
12 tion about the proposed transferee as re-
13 quired to make a valid identification).

14 (2) INFORMATION TO BE PROVIDED.—

15 (A) IN GENERAL.—If the system receives a
16 telephone call with respect to the transfer of a
17 handgun to a person and the requirements of
18 paragraph (1) of this subsection are met, the
19 system shall, in accordance with subparagraph
20 (B) of this paragraph—

21 (i) if the receipt of a handgun by the
22 person would violate subsection (g) or (n)
23 of section 922 of title 18, United States
24 Code, inform the licensee that the transfer
25 is disapproved; and

1 (ii) if such a receipt would not be
2 such a violation—

3 (I) assign a unique identification
4 number to the transfer;

5 (II) provide the licensee with the
6 number; and

7 (III) destroy all records of the
8 system with respect to the call (other
9 than the identifying number and the
10 date the number was assigned) and all
11 records of the system relating to the
12 person or the transfer.

13 (B) TIMING.—

14 (i) PROMPT RESPONSE REQUIRED.—
15 The system shall make every effort to pro-
16 vide to the caller the information required
17 by subparagraph (A) immediately or by re-
18 turn telephone call without delay.

19 (ii) RULES GOVERNING DELAYED RE-
20 SPONSES.—If the system is unable to re-
21 spond immediately to the inquiry due to
22 circumstances beyond the control of the
23 system, the system shall—

24 (I) advise the caller that the re-
25 sponse of the system will be delayed

1 and state the reasons for the delay
2 and the estimated length of the delay;
3 and

4 (II) make every effort to provide
5 the information required by subpara-
6 graph (A) within 2 hours after the li-
7 censee first contacted the system with
8 respect to the transfer.

9 (d) CORRECTION OF ERRONEOUS SYSTEM.—

10 (1) ADMINISTRATIVE PROCEDURES.—If the sys-
11 tem established under this section informs a licensee
12 that receipt of a handgun by a person would violate
13 subsection (g) or (n) of section 922 of title 18, Unit-
14 ed States Code, the person may request the system
15 to provide the person with a detailed explanation, in
16 writing, of the reasons therefor. Within 5 days after
17 receipt of such a request, the system shall comply
18 with the request. The requestor may submit to the
19 system information to correct, clarify, or supplement
20 records of the system with respect to the requestor.
21 Within 5 days after receipt of such information, the
22 system shall consider such information, investigate
23 the matter further, correct all erroneous records re-
24 lating to the requestor, and notify any department
25 or agency of the United States or of any State or

1 political subdivision of a State that was the source
2 of the erroneous records or such errors.

3 (2) PRIVATE COURSE OF ACTION.—After all ad-
4 ministrative remedies are exhausted and such
5 records are not corrected, a person disapproved for
6 the purchase or receipt of a handgun because the
7 system established under this section provided erro-
8 neous information relating to the person may bring
9 an action in any court of competent jurisdiction
10 against the United States, or any State or political
11 subdivision of a State that is the source of the erro-
12 neous information, for damages (including con-
13 sequential damages), injunctive relief, mandamus,
14 and such other relief as the court may deem appro-
15 priate. If the person prevails in the action, the court
16 shall allow the person a reasonable attorney’s fee as
17 part of the costs.

18 **SEC. 906. IMPROVEMENT OF CRIMINAL JUSTICE RECORDS.**

19 The Attorney General shall expedite—

20 (1) the incorporation of the remaining State
21 criminal history records into the Federal criminal
22 records systems maintained by the Federal Bureau
23 of Investigation; and

1 (2) the development of hardware and software
2 systems to link State criminal history check systems
3 into the National Crime Information Center.

4 **SEC. 907. ACCESS TO STATE CRIMINAL RECORDS.**

5 (a) MEANS OF COMMUNICATION.—Not later than 60
6 days after the date of the enactment of this chapter, the
7 Attorney General shall—

8 (1) determine the type of computer hardware
9 and software that shall be used to operate the Fed-
10 eral criminal records system and the means by which
11 State criminal records system shall communicate
12 with the Federal system;

13 (2) investigate the criminal records system of
14 each State and determine for each State the extent
15 of such accessible criminal records that each State
16 shall be able to provide thereafter to the Federal
17 system by the effective date of section 902; and

18 (3) notify each State of the determination made
19 pursuant to paragraphs (1) and (2).

20 (b) FEDERAL SYSTEM.—Not later than the effective
21 date of section 902, the Attorney General shall provide
22 to each State access to the Federal Crime Information
23 Center, including the records of other States through a
24 network, for the purpose of permitting the State to con-

1 duct instant criminal background checks required by that
2 section.

3 **SEC. 908. IMPROVEMENTS IN STATE RECORDS.**

4 (a) IN GENERAL.—Section 509(b) of title I of the
5 Omnibus Crime Control and Safe Streets Act of 1968 (42
6 U.S.C. 3759(b)) is amended—

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

8 (2);

9 (2) by striking the period at the end of para-
10 graph (3) and inserting “; and”; and

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

13 “(4) the improvement of State record systems
14 and the sharing of all of the records described in
15 paragraphs (1), (2), and (3) and the records re-
16 quired by this Act with the Attorney General for the
17 purpose of implementing this Act.”.

18 (b) ADDITIONAL FUNDING.—Section 509 of title I of
19 the Omnibus Crime Control and Safe Streets Act of 1968
20 (42 U.S.C. 3759) is amended by adding at the end the
21 following:

22 “(e) In addition to other funds authorized in this Act,
23 there are authorized to be appropriated for fiscal year
24 1994, to be available until expended, \$21,000,000 for the
25 purpose of implementing subsection (b)(4).”.

1 (c) WITHHOLDING FUNDS.—

2 (1) Effective on the effective date of section
3 902 of this Act, the Attorney General may refuse to
4 make grants under title I of the Omnibus Crime
5 Control and Safe Streets Act of 1968 to a State that
6 does not establish and operate a State criminal
7 background check system in compliance with this
8 chapter.

9 (2) Effective 1 year after the date of the enact-
10 ment of this chapter, the Attorney General may re-
11 duce by up to 10 percent the allocation to a State
12 for a fiscal year under title I of the Omnibus Crime
13 Control and Safe Streets Act of 1968 of a State that
14 is not in compliance with this chapter, and the por-
15 tion of the amounts that are appropriated for alloca-
16 tion to the States under such title for the fiscal year
17 that is equal to the amount of the reduction shall
18 thereby be rescinded.

19 **SEC. 909. FUNDING OF STATE CRIMINAL RECORDS SYS-**
20 **TEMS AND DEDICATION OF FUNDS.**

21 (a) INCREASE IN SPECIAL ASSESSMENTS.—Section
22 3013(a) of title 18, United States Code, is amended—

23 (1) in paragraph (1)(A)(iii), by striking “\$25”
24 and inserting “\$30”;

1 (2) in paragraph (2)(A), by striking “\$50” and
2 inserting “\$75”; and

3 (3) in paragraph (2)(B), by striking “\$200”
4 and inserting “\$250”.

5 (b) SYSTEMS FOR SCREENING HANDGUN PUR-
6 CHASERS AND FOR CRIMINAL JUSTICE PURPOSES.—Not-
7 withstanding any other law, \$5 of each assessment col-
8 lected under section 3013(a)(1)(A)(iii) of title 18, United
9 States Code, \$25 of each assessment collected under sub-
10 section (a)(2)(A) of that section, and \$50 of each assess-
11 ment collected under subsection (a)(2)(B) of that section
12 shall be paid to the States, in proportion to the respective
13 populations thereof, for the purposes of carrying out this
14 chapter.

15 **SEC. 910. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) IN GENERAL.—There are authorized to be appro-
17 priated such sums as are necessary to carry out this
18 chapter.

19 (b) LIMITATION ON USE.—No appropriation, grant,
20 or fund authorized under this chapter shall be used for
21 any purpose other than the creation, maintenance, and op-
22 eration of systems for access to criminal history records
23 and screening systems for handgun purchasers as provided
24 in this chapter.

1 **Subtitle B—Drug Trafficking in**
2 **Rural Areas**

3 **SEC. 911. AUTHORIZATIONS FOR RURAL LAW ENFORCE-**
4 **MENT AGENCIES.**

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

8 “(9) There are authorized to be appropriated to carry
9 out part O \$50,000,000 for each of fiscal years 1994,
10 1995, 1996, 1997, and 1998.”.

11 (b) AMENDMENT TO BASE ALLOCATION.—Section
12 1501(a)(2)(A) of title I of the Omnibus Crime Control and
13 Safe Streets Act of 1968 is amended by striking
14 “\$100,000” and inserting “\$250,000”.

15 **SEC. 912. RURAL CRIME AND DRUG ENFORCEMENT TASK**
16 **FORCES.**

17 (a) ESTABLISHMENT.—Not later than 90 days after
18 the date of enactment of this Act, the Attorney General,
19 in consultation with the Governors, mayors, and chief ex-
20 ecutive officers of State and local law enforcement agen-
21 cies, shall establish a Rural Crime and Drug Enforcement
22 Task Force in each of the Federal judicial districts which
23 encompass significant rural lands. Assets seized as a re-
24 sult of investigations initiated by a Rural Drug Enforce-
25 ment Task Force shall be used primarily to enhance the

1 operations of the task force and its participating State and
2 local law enforcement agencies.

3 (b) TASK FORCE MEMBERSHIP.—The task forces es-
4 tablished under subsection (a) shall be chaired by the
5 United States Attorney for the respective Federal judicial
6 district. The task forces shall include representatives
7 from—

- 8 (1) State and local law enforcement agencies;
- 9 (2) the Drug Enforcement Administration;
- 10 (3) the Federal Bureau of Investigation;
- 11 (4) the Immigration and Naturalization Service;
- 12 (5) the Customs Service;
- 13 (6) the United States Marshals Service; and
- 14 (7) law enforcement officers from the United
15 States Park Police, United States Forest Service
16 and Bureau of Land Management, and such other
17 Federal law enforcement agencies as the Attorney
18 General may direct.

19 **SEC. 913. CROSS-DESIGNATION OF FEDERAL OFFICERS.**

20 (a) IN GENERAL.—The Attorney General may cross-
21 designate up to 100 law enforcement officers from each
22 of the agencies specified under section 1502(b)(6) of the
23 Omnibus Crime Control and Safe Streets Act of 1968 with
24 jurisdiction to enforce the provisions of the Controlled
25 Substances Act on non-Federal lands and title 18 of the

1 United States Code to the extent necessary to effect the
2 purposes of this Act.

3 (b) ADEQUATE STAFFING.—The Attorney General
4 shall, subject to the availability of appropriations, ensure
5 that each of the task forces established in accordance with
6 this title are adequately staffed with investigators and that
7 additional investigators are provided when requested by
8 the task force.

9 **SEC. 914. RURAL DRUG ENFORCEMENT TRAINING.**

10 (a) SPECIALIZED TRAINING FOR RURAL OFFI-
11 CERS.—The Director of the Federal Law Enforcement
12 Training Center shall develop a specialized course of in-
13 struction devoted to training law enforcement officers
14 from rural agencies in the investigation of drug trafficking
15 and related crimes.

16 (b) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to carry out subsection
18 (a) \$1,000,000 for each of fiscal years 1994, 1995, 1996,
19 1997, and 1998.

20 **SEC. 915. MORE AGENTS FOR THE DRUG ENFORCEMENT**
21 **ADMINISTRATION.**

22 There are authorized to be appropriated for the hir-
23 ing of additional Drug Enforcement Administration
24 agents \$20,000,000 for each of fiscal years 1994, 1995,
25 1996, 1997, and 1998.

1 **Subtitle C—Miscellaneous**

2 **SEC. 921. ENHANCEMENT OF PENALTIES FOR DRUG TRAF-**
3 **FICKING IN PRISONS.**

4 Section 1791 of title 18, United States Code, is
5 amended—

6 (1) in subsection (c), by inserting before “Any”
7 the following new sentence: “Any punishment im-
8 posed under subsection (b) for a violation of this
9 section involving a controlled substance shall be con-
10 secutive to any other sentence imposed by any court
11 for an offense involving such a controlled sub-
12 stance.”.

13 (2) in subsection (d)(1)(A) by inserting after “a
14 firearm or destructive device” the following, “or a
15 controlled substance in schedule I or II, other than
16 marijuana or a controlled substance referred to in
17 subparagraph (C) of this subsection”;

18 **SEC. 922. CRACK PENALTY AMENDMENTS.**

19 (a) 50 GRAM TRAFFICKING PENALTY.—

20 (1) Section 401(b)(1)(A) of the Controlled Sub-
21 stances Act (21 U.S.C. 841(b)(1)(A)) is amended by
22 striking clause (iii).

23 (2) Section 401(b)(1)(A)(ii) of the Controlled
24 Substances Act (21 U.S.C. 841(b)(1)(A)(ii)) is

1 amended by striking “5 kilograms” and inserting
2 “50 grams”.

3 (b) 5 GRAM TRAFFICKING PENALTY.—

4 (1) Section 401(b)(1)(B) of the Controlled Sub-
5 stances Act (21 U.S.C. 841(b)(1)(B)) is amended by
6 striking clause (iii).

7 (2) Section 401(b)(1)(B)(ii) of the Controlled
8 Substances Act (21 U.S.C. 841(b)(1)(B)(ii)) is
9 amended by striking “500 grams” and inserting “5
10 grams”.

11 (c) 50 GRAM PENALTY IMPORT PENALTY.—

12 (1) Section 1010(b)(1) of the Controlled Sub-
13 stances Import and Export Act (21 U.S.C.
14 960(b)(1)) is amended by striking out subparagraph
15 (C).

16 (2) Section 1010(b)(1)(B) of the Controlled
17 Substances Import and Export Act (21 U.S.C.
18 960(b)(1)(B)) is amended by striking “5 kilograms”
19 and inserting “50 grams”.

20 (d) 5 GRAM PENALTY IMPORT PENALTY.—

21 (1) Section 1010(b)(2) of the Controlled Sub-
22 stances Import and Export Act (21 U.S.C.
23 960(b)(2)) is amended by striking out subparagraph
24 (C).

1 ment beginning on or after the date of enactment of this
2 Act.

3 **SEC. 1002. PROFESSIONAL AND COMMERCIAL LICENCES.**

4 A person who is incarcerated in a Federal or State
5 penal institution shall be ineligible for any professional or
6 commercial licence provided by any agency or authority
7 of the United States.

8 **SEC. 1003. LIMITATIONS ON PAYMENT OF OASDI BENEFITS
9 TO PRISONERS.**

10 Section 202(x) of the Social Security Act (42 U.S.C.
11 402(x)) is amended—

12 (1) in paragraph (1), by striking “pursuant to”
13 and all that follows and inserting the following:
14 “pursuant to his conviction of a criminal offense
15 under applicable law.”; and

16 (2) in paragraph (3), by striking “pursuant to
17 his conviction of an offense which constituted a fel-
18 ony under applicable law” and inserting “pursuant
19 to his conviction of a criminal offense under applica-
20 ble law”.

21 **SEC. 1004. LIMITATION ON USE OF VETERANS’ EDU-
22 CATIONAL ASSISTANCE BY PRISONERS.**

23 (a) IN GENERAL.—Chapter 53 of title 38, United
24 States Code, is amended by inserting after section 5313
25 the following new section:

1 **“§ 5313A. Limitation on use of veterans’ educational**
2 **assistance by prisoners**

3 “(a)(1) To the extent provided in subsection (c) of
4 this section, any person who is entitled to educational as-
5 sistance under chapters 30, 32, 32, 35, or 36 of this title
6 and who is incarcerated in a Federal, State, or local penal
7 institution for a period in excess of sixty days for convic-
8 tion of a felony shall not be entitled to use such assistance
9 at any time during the period beginning on the sixty-first
10 day of such incarceration and ending on the day such in-
11 carceration ends.

12 “(2) The provisions of paragraph (1) of this sub-
13 section shall not apply with respect to any period during
14 which a person is participating in a work-release program
15 or is residing in a halfway house.

16 “(b) The period of entitlement to veterans edu-
17 cational assistance under chapters 30, 32, 32, 35, or 36
18 of this title does not include the period of incarceration
19 described in subsection (a)(1).

20 “(c) The provisions of subsection (a) of this section
21 shall apply—

22 “(1) with respect to any period of incarceration
23 of a person for conviction of a felony committed
24 after the date of the enactment of this section, and

25 “(2) with respect to any period of incarceration
26 on or after the date of enactment of this section for

1 conviction of a felony of a person who on such the
2 date is incarcerated for conviction of such felony and
3 with respect to whom an approved course of edu-
4 cation begins after such date.”.

5 (b) CLERICAL AMENDMENT.—The table of contents
6 at the beginning of chapter 53 of title 38, United States
7 Code, is amended by inserting after the item relating to
8 section 5313 the following:

“5313A. Limitation on use of veterans’ educational assistance by pris-
oners.”.

9 **TITLE XI—PENALTIES FOR HAR-**
10 **ASSMENT OR OBSTRUCTION**
11 **OF LAWFUL HUNTING**

12 **SEC. 1101. SHORT TITLE.**

13 This title may be cited as the “Recreational Hunting
14 Safety and Preservation Act of 1994”.

15 **SEC. 1102. FINDINGS.**

16 Congress finds that—

17 (1) recreational hunting, when carried out pur-
18 suant to law (as implemented by the regulations of
19 Federal and State wildlife management agencies) is
20 a necessary and beneficial element in the proper con-
21 servation and management of healthy, abundant,
22 and biologically diverse wildlife resources;

23 (2) recreational hunters (because of a generally
24 demonstrated concern with the conservation of wild-

1 life resources and preservation of habitat necessary
2 for the breeding and maintenance of healthy wildlife
3 populations, and through a familiarity with the re-
4 sources gained from experience in the field) are a
5 valuable asset in ensuring enlightened public input
6 into decisions regarding management and mainte-
7 nance programs for wildlife resources and habitat;

8 (3)(A) recreational hunting supports industries
9 highly significant to the national economy through
10 sales in interstate commerce of sporting goods; and

11 (B) the Federal excise taxes imposed on the
12 sales provide a major source of funding for vital pro-
13 grams of wildlife conservation and management;

14 (4) various persons are engaging in (and have
15 announced an intent to continue to engage in) a va-
16 riety of disruptive activities with the premeditated
17 purpose of preventing and interfering with the con-
18 duct of lawful recreational hunting on Federal lands,
19 which activities—

20 (A) place both recreational hunters and the
21 disruptive persons in imminent jeopardy of
22 grave physical injury or death;

23 (B) disrupt the peaceful, lawful, and pru-
24 dent conduct of wildlife population and habitat

1 management programs by Federal and State
2 wildlife management agencies; and

3 (C) ultimately may alter the planned pro-
4 gram objectives, resulting in—

5 (i) undesirable patterns of activity
6 within populations of wildlife;

7 (ii) the endangerment of the future vi-
8 ability of wildlife species; and

9 (iii) damage to habitat values;

10 (5) Federal lands comprise important wildlife
11 habitat resources that—

12 (A) support many large, diverse, and vital
13 populations of wildlife; and

14 (B) offer significant opportunities for legal
15 recreational hunting as an important manage-
16 ment tool to ensure the future viability of the
17 wildlife populations;

18 (6) it is the right of citizens of the United
19 States freely to enjoy lawful recreational hunting on
20 Federal lands in accordance with regulations pro-
21 mulgated by Federal and State wildlife management
22 agencies; and

23 (7) in many instances under current law, vague-
24 ness and ambiguity exist regarding the application

1 of State laws and enforcement activities relating
2 to—

3 (A) the safety of hunters; and

4 (B) the legal rights of recreational hunters
5 to participate peacefully in lawful hunts on
6 Federal lands.

7 **SEC. 1103. DEFINITIONS.**

8 As used in this title:

9 (1) FEDERAL LANDS.—The term “Federal
10 lands” means—

11 (A) national forests;

12 (B) public lands;

13 (C) national parks; and

14 (D) wildlife refuges.

15 (2) LAWFUL HUNT.—The term “lawful hunt”
16 means an occasion when an individual is engaged in
17 the taking or harvesting (or attempted taking or
18 harvesting) through a legal means and during a
19 specified legal season of a wildlife or fish, on Federal
20 lands, which activity—

21 (A)(i) is authorized by or licensed under
22 the law of the State in which it takes place; or

23 (ii) is regulated by game or fishing seasons
24 established by the State in which it takes place;

1 (B) is not prohibited by a law of the Unit-
2 ed States; and

3 (C) does not infringe upon a right of an
4 owner of private property.

5 (3) NATIONAL FOREST.—The term “national
6 forest” means lands included in the National Forest
7 System (as defined in section 11(a) of the Forest
8 and Rangeland Renewable Resources Planning Act
9 of 1974 (16 U.S.C. 1609(a))).

10 (4) NATIONAL PARK.—The term “national
11 park” means lands and waters included in the na-
12 tional park system (as defined in section 2(a) of the
13 Act entitled “An Act to facilitate the management of
14 the National Park System and miscellaneous areas
15 administered in connection with that system, and for
16 other purposes”, approved August 8, 1953 (16
17 U.S.C. 1c(a))).

18 (5) PUBLIC LANDS.—The term “public lands”
19 has the same meaning as is provided in section
20 103(e) of the Federal Land Policy and Management
21 Act of 1976 (43 U.S.C. 1702(e)).

22 (6) SECRETARY.—The term “Secretary”
23 means—

24 (A) the Secretary of Agriculture with re-
25 spect to national forests; and

1 (B) the Secretary of the Interior with re-
2 spect to—

- 3 (i) public lands;
4 (ii) national parks; and
5 (iii) wildlife refuges.

6 (7) WILDLIFE REFUGE.—The term “wildlife
7 refuge” means lands and waters included in the Na-
8 tional Wildlife Refuge System (as established by sec-
9 tion 4 of the National Wildlife Refuge System Ad-
10 ministration Act of 1966 (16 U.S.C. 668dd)).

11 **SEC. 1104. OBSTRUCTION OF A LAWFUL HUNT.**

12 (a) VIOLATION.—It is unlawful for a person know-
13 ingly and with the intent of obstructing, impeding, or
14 interfering with a lawful hunt by an individual to—

15 (1) obstruct, impede, or otherwise interfere with
16 a lawful hunt by an individual;

17 (2) engage in activities that prevent or impede
18 the reasonable and usual means of access by those
19 individuals who intend to participate in a lawful
20 hunt, whether the activities occur on Federal lands
21 or upon a public or private road, highway, path,
22 trail, or other normal route of access to Federal
23 lands;

1 (3) take or abuse property, equipment, or hunt-
2 ing dogs being used in conjunction with a lawful
3 hunt; or

4 (4) enter onto Federal lands or travel in inter-
5 state commerce to further—

6 (A) a scheme or effort to obstruct, impede,
7 or otherwise interfere with a lawful hunt; or

8 (B) the efforts of another person to ob-
9 struct, impede, or interfere with a lawful hunt.

10 (b) MULTIPLE VIOLATIONS.—The Secretary may
11 consider participation by a person in more than one of
12 the activities described in this section to constitute mul-
13 tiple violations.

14 **SEC. 1105. CIVIL PENALTIES.**

15 (a) IN GENERAL.—A person who engages in an activ-
16 ity described in section 1104 shall be assessed a civil pen-
17 alty of not less than \$500, and not more than \$5,000,
18 for each violation.

19 (b) VIOLATION INVOLVING FORCE OR VIOLENCE.—
20 Upon a determination by a court that the activity involved
21 the use of force or violence, or the threatened use of force
22 or violence, against the person or property of another per-
23 son, a person who engages in an activity described in sec-
24 tion 1104 shall be assessed a civil penalty of not less than
25 \$1,000, and not more than \$10,000, for each violation.

1 (c) RELATIONSHIP TO OTHER PENALTIES.—The
2 penalties established by this section shall be in addition
3 to other criminal or civil penalties that may be levied
4 against the person as a result of an activity in violation
5 of section 1104.

6 (d) PROCEDURE.—

7 (1) COMPLAINTS FROM GOVERNMENT
8 AGENTS.—Upon receipt of a written complaint from
9 an officer, employee, or agent of the Forest Service,
10 Bureau of Land Management, National Park Service,
11 United States Fish and Wildlife Service, or
12 other Federal agency that a person violated section
13 1104, the Secretary shall—

14 (A) forward the complaint to the United
15 States Attorney for the Federal judicial district
16 in which the violation is alleged to have oc-
17 curred; and

18 (B) request the Attorney General of the
19 United States to institute a civil action for the
20 imposition and collection of the civil penalty
21 specified in subsection (a) or (b).

22 (2) COMPLAINTS FROM INDIVIDUALS.—Upon
23 receipt of a sworn affidavit from an individual and
24 a determination by the Secretary that the statement
25 contains sufficient factual data to create a reason-

1 able belief that a violation of section 1104 has oc-
2 curred, the Secretary shall—

3 (A) forward a complaint to the United
4 States Attorney for the Federal judicial district
5 in which the violation is alleged to have oc-
6 curred; and

7 (B) request the Attorney General of the
8 United States to institute a civil action for the
9 imposition and collection of the civil penalty
10 specified in subsection (a) or (b).

11 (e) USE OF PENALTY MONEY COLLECTED.—After
12 deduction of costs attributable to collection, money col-
13 lected from penalties shall be—

14 (1) deposited into the trust fund established
15 pursuant to the Act entitled “An Act to provide that
16 the United States shall aid the States in wildlife-res-
17 toration projects, and for other purposes”, approved
18 September 2, 1937 (16 U.S.C. 669) (commonly
19 known as the “Pitman-Robertson Wildlife Restora-
20 tion Act”), to support the activities authorized by
21 such Act and undertaken by State wildlife manage-
22 ment agencies; or

23 (2) used in such other manner as the Secretary
24 determines will enhance the funding and implemen-
25 tation of—

1 (A) the North American Waterfowl Man-
2 agement Plan signed by the Secretary of the In-
3 terior and the Minister of Environment for
4 Canada in May 1986; or

5 (B) a similar program that the Secretary
6 determines will enhance wildlife management—

7 (i) on Federal lands; or

8 (ii) on private or State-owned lands
9 when the efforts will also provide a benefit
10 to wildlife management objectives on Fed-
11 eral lands.

12 **SEC. 1106. OTHER RELIEF.**

13 (a) INJUNCTIVE RELIEF.—Injunctive relief against a
14 violation of section 1104 may be sought by—

15 (1) the head of a State agency with jurisdiction
16 over fish or wildlife management;

17 (2) the Attorney General of the United States;

18 or

19 (3) any person who is or would be adversely af-
20 fected by the violation, or a hunting or sportsman's
21 organization to which the person belongs.

22 (b) DAMAGES AND ATTORNEY'S FEES.—Any person
23 who is or would be adversely affected by a violation of
24 section 1104, or a hunting or sportsman's organization to

1 which the person belongs, may bring a civil action to
2 recover—

3 (1) actual and punitive damages; and

4 (2) reasonable attorney's fees.

5 **SEC. 1107. RELATIONSHIP TO STATE AND LOCAL LAW AND**
6 **CIVIL ACTIONS.**

7 (a) LAW OR ORDINANCE.—This title is not intended
8 to preempt a State law or local ordinance that provides
9 for civil or criminal penalties for a person who obstructs
10 or otherwise interferes with a lawful hunt.

11 (b) CIVIL ACTION.—The bringing of an action pursu-
12 ant to this title shall not prevent an independent action
13 against a person under a State law or local ordinance.

14 **SEC. 1108. REGULATIONS.**

15 The Secretary may issue such regulations as are nec-
16 essary to carry out this title.

17 **TITLE XII—VIOLENT CRIME**
18 **REDUCTION TRUST FUND**

19 **SEC. 1201. PURPOSES.**

20 The Congress declares it essential—

21 (1) to fully fund the control and prevention of
22 violent crime authorized in this Act over the next 5
23 years;

24 (2) to ensure orderly limitation and reduction of
25 Federal Government employment, as recommended

1 by the Report of the National Performance Review,
2 conducted by the Vice President; and

3 (3) to apply sufficient amounts of the savings
4 achieved by limiting Government employment to the
5 purpose of ensuring full funding of this Act over the
6 next 5 years.

7 **SEC. 1202. REDUCTION OF FEDERAL FULL-TIME EQUIVA-**
8 **LENT POSITIONS.**

9 (a) DEFINITION.—For purposes of this section, the
10 term “agency” means an Executive agency as defined
11 under section 105 of title 5, United States Code, but does
12 not include the General Accounting Office.

13 (b) LIMITATIONS ON FULL-TIME EQUIVALENT POSI-
14 TIONS.—The President, through the Office of Manage-
15 ment and Budget (in consultation with the Office of Per-
16 sonnel Management), shall ensure that the total number
17 of full-time equivalent positions in all agencies shall not
18 exceed—

19 (1) 2,095,182 during fiscal year 1994;

20 (2) 2,044,100 during fiscal year 1995;

21 (3) 2,003,846 during fiscal year 1996;

22 (4) 1,963,593 during fiscal year 1997; and

23 (5) 1,923,339 during fiscal year 1998.

1 (c) MONITORING AND NOTIFICATION.—The Office of
2 Management and Budget, after consultation with the Of-
3 fice of Personnel Management, shall—

4 (1) continuously monitor all agencies and make
5 a determination on the first date of each quarter of
6 each applicable fiscal year of whether the require-
7 ments under subsection (b) are met; and

8 (2) notify the President and the Congress on
9 the first date of each quarter of each applicable fis-
10 cal year of any determination that any requirement
11 of subsection (b) is not met.

12 (d) COMPLIANCE.—If at any time during a fiscal
13 year, the Office of Management and Budget notifies the
14 President and the Congress that any requirement under
15 subsection (b) is not met, no agency may hire any em-
16 ployee for any position in such agency until the Office of
17 Management and Budget notifies the President and the
18 Congress that the total number of full-time equivalent po-
19 sitions for all agencies equals or is less than the applicable
20 number required under subsection (b).

21 (e) WAIVER.—Any provision of this section may be
22 waived upon—

23 (1) a determination by the President of the ex-
24 istence of war or a national security requirement; or

1 (2) the enactment of a joint resolution upon an
2 affirmative vote of three-fifths of the Members of
3 each House of the Congress duly chosen and sworn.

4 **SEC. 1203. CREATION OF VIOLENT CRIME REDUCTION**
5 **TRUST FUND.**

6 (a) ESTABLISHMENT OF THE ACCOUNT.—Chapter
7 11 of title 31, United States Code, is amended by inserting
8 at the end thereof the following new section:

9 **“§ 1115. Violent crime reduction trust fund**

10 “(a) There is established a separate account in the
11 Treasury, known as the ‘Violent Crime Reduction Trust
12 Fund’, into which shall be deposited deficit reduction
13 achieved by section 1202 of the People’s Protection Crime
14 Control Act of 1994 sufficient to fund that Act (as defined
15 in subsection (b) of this section).

16 “(b) On the first day of the following fiscal years (or
17 as soon thereafter as possible for fiscal year 1994), the
18 following amounts shall be transferred from the general
19 fund to the Violent Crime Reduction Trust Fund—

20 “(1) for fiscal year 1994, \$720,000,000;

21 “(2) for fiscal year 1995, \$2,423,000,000;

22 “(3) for fiscal year 1996, \$4,267,000,000;

23 “(4) for fiscal year 1997, \$6,313,000,000; and

24 “(5) for fiscal year 1998, \$8,545,000,000.

25 “(c) Notwithstanding any other provision of law—

1 “(1) the amounts in the Violent Crime Reduc-
2 tion Trust Fund may be appropriated exclusively for
3 the purposes authorized in the People’s Protection
4 Crime Control Act of 1994;

5 “(2) the amounts in the Violent Crime Reduc-
6 tion Trust Fund and appropriations under para-
7 graph (1) of this section shall be excluded from, and
8 shall not be taken into account for purposes of, any
9 budget enforcement procedures under the Congres-
10 sional Budget Act of 1974 or the Balanced Budget
11 and Emergency Deficit Control Act of 1985; and

12 “(3) for purposes of this subsection, ‘appropria-
13 tions under paragraph (1)’ mean amounts of budget
14 authority not to exceed the balances of the Violent
15 Crime Reduction Trust Fund and amounts of out-
16 lays that flow from budget authority actually appro-
17 priated.”.

18 (b) LISTING OF THE VIOLENT CRIME REDUCTION
19 TRUST FUND AMONG GOVERNMENT TRUST FUNDS.—
20 Section 1321(a) of title 31, United States Code, is amend-
21 ed by inserting at the end thereof the following new para-
22 graph:

23 “(91) Violent Crime Reduction Trust Fund.”.

24 (c) REQUIREMENT FOR THE PRESIDENT TO REPORT
25 ANNUALLY ON THE STATUS OF THE ACCOUNT.—Section

1 1105(a) of title 31, United States Code, is amended by
2 adding at the end thereof:

3 “(29) information about the Violent Crime Re-
4 duction Trust Fund, including a separate statement
5 of amounts in that Trust Fund.

6 “(30) an analysis displaying by agency pro-
7 posed reductions in full-time equivalent positions
8 compared to the current year’s level in order to com-
9 ply with section 1202 of the People’s Protection
10 Crime Control Act of 1994.”.

11 **SEC. 1204. CONFORMING REDUCTION IN DISCRETIONARY**
12 **SPENDING LIMITS.**

13 The Director of the Office of Management and Budg-
14 et shall, upon enactment of this Act, reduce the discre-
15 tionary spending limits set forth in section 601(a)(2) of
16 the Congressional Budget Act of 1974 for fiscal years
17 1994 through 1998 as follows:

18 (1) for fiscal year 1994, for the discretionary
19 category: \$720,000,000 in new budget authority and
20 \$314,000,000 in outlays;

21 (2) for fiscal year 1995, for the discretionary
22 category: \$2,423,000,000 in new budget authority
23 and \$2,330,000,000 in outlays;

1 (3) for fiscal year 1996, for the discretionary
2 category: \$4,267,000,000 in new budget authority
3 and \$4,184,000,000 in outlays;

4 (4) for fiscal year 1997, for the discretionary
5 category: \$6,313,000,000 in new budget authority
6 and \$6,221,000,000 in outlays; and

7 (5) for fiscal year 1998, for the discretionary
8 category: \$8,545,000,000 in new budget authority
9 and \$8,443,000,000 in outlays.

○

HR 4848 IH—2

HR 4848 IH—3

HR 4848 IH—4

HR 4848 IH—5

HR 4848 IH—6

HR 4848 IH—7

HR 4848 IH—8

HR 4848 IH—9

HR 4848 IH—10

HR 4848 IH—11

HR 4848 IH—12

HR 4848 IH—13

HR 4848 IH—14