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S. 456

To increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 31, 2007

Mrs. FEINSTEIN (for herself, Mr. HATCH, Mr. SCHUMER, Mr. SPECTER, Mr. BIDEN, Mr. KYL, Mr. STEVENS, Ms. CANTWELL, Mr. COLEMAN, Ms. MIKULSKI, Mr. BAUCUS, Mr. PRYOR, Mr. SALAZAR, Mrs. MURRAY, Mr. BROWN, Mrs. CLINTON, Mrs. DOLE, Mr. CORNYN, Mr. KOHL, and Mr. CASEY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

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

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Gang Abatement and
3 Prevention Act of 2007”.

4 SEC. 2. TABLE OF CONTENTS.

5 The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Findings.

TITLE I—NEW FEDERAL CRIMINAL LAWS NEEDED TO FIGHT
NATIONAL GANGS

- Sec. 101. Revision and extension of penalties related to criminal street gang activity.

TITLE II—VIOLENT CRIME REFORMS TO REDUCE GANG
VIOLENCE

- Sec. 201. Violent crimes in aid of racketeering activity.
- Sec. 202. Murder and other violent crimes committed during and in relation to a drug trafficking crime.
- Sec. 203. Expansion of rebuttable presumption against release of persons charged with firearms offenses.
- Sec. 204. Statute of limitations for violent crime.
- Sec. 205. Study of hearsay exception for forfeiture by wrongdoing.
- Sec. 206. Possession of firearms by dangerous felons.
- Sec. 207. Conforming amendment.
- Sec. 208. Amendments relating to violent crime.
- Sec. 209. Crimes of violence and drug crimes committed by illegal aliens.
- Sec. 210. Publicity campaign about new criminal penalties.
- Sec. 211. Statute of limitations for terrorism offenses.
- Sec. 212. Crimes committed in Indian country or exclusive Federal jurisdiction as racketeering predicates.
- Sec. 213. Predicate crimes for authorization of interception of wire, oral, and electronic communications.
- Sec. 214. Clarification of Hobbs Act.

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

- Sec. 301. Designation of and assistance for high intensity interstate gang activity areas.
- Sec. 302. Enhancement of Project Safe Neighborhoods initiative to improve enforcement of criminal laws against violent gangs.
- Sec. 303. Additional resources needed by the Federal Bureau of Investigation to investigate and prosecute violent criminal street gangs.
- Sec. 304. Grants to prosecutors and law enforcement to combat violent crime.
- Sec. 305. Short-Term State Witness Protection Section.
- Sec. 306. Witness protection services.

Sec. 307. Expansion of Federal witness relocation and protection program.

Sec. 308. Family abduction prevention grant program.

1 **SEC. 3. FINDINGS.**

2 Congress finds that—

3 (1) violent crime and drug trafficking are per-
4 vasive problems at the national, State, and local
5 level;

6 (2) according to recent Federal Bureau of In-
7 vestigation, Uniform Crime Reports, violent crime in
8 the United States is on the rise, with a 2.5 percent
9 increase in violent crime in 2005 (the largest in-
10 crease in the United States in 15 years) and an even
11 larger 3.7 percent jump during the first 6 months
12 of 2006;

13 (3) these disturbing rises in violent crime are
14 attributable in part to the spread of criminal street
15 gangs and the willingness of gang members to com-
16 mit acts of violence and drug trafficking offenses;

17 (4) according to a recent National Drug Threat
18 Assessment, criminal street gangs are responsible for
19 much of the retail distribution of the cocaine, meth-
20 amphetamine, heroin, and other illegal drugs being
21 distributed in rural and urban communities through-
22 out the United States;

23 (5) gangs commit acts of violence or drug of-
24 fenses for numerous motives, such as membership in

1 or loyalty to the gang, for protecting gang territory,
2 and for profit;

3 (6) gang presence and intimidation, and the or-
4 ganized and repetitive nature of the crimes that
5 gangs commit, has a pernicious effect on the free
6 flow of interstate commercial activities and directly
7 affects the freedom and security of communities
8 plagued by gang activity, diminishing the value of
9 property, inhibiting the desire of national and multi-
10 national corporations to transact business in those
11 communities, and in a variety of ways significantly
12 affecting interstate and foreign commerce;

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

17 (8) gangs often intimidate and threaten wit-
18 nesses to prevent successful prosecutions;

19 (9) gang recruitment can be deterred through
20 increased vigilance, strong criminal penalties, part-
21 nerships between Federal and State and local law
22 enforcement, and proactive intervention efforts, par-
23 ticularly targeted at juveniles, prior to gang involve-
24 ment;

1 (10) State and local prosecutors and law en-
 2 forcement officers, in hearings before the Committee
 3 on the Judiciary of the Senate and elsewhere, have
 4 enlisted the help of Congress in the prevention, in-
 5 vestigation, and prosecution of gang crimes and in
 6 the protection of witnesses and victims of gang
 7 crimes; and

8 (11) because State and local prosecutors and
 9 law enforcement have the expertise, experience, and
 10 connection to the community that is needed to assist
 11 in combating gang violence, consultation and coordi-
 12 nation between Federal, State, and local law enforce-
 13 ment is critical to the successful prosecutions of
 14 criminal street gangs.

15 **TITLE I—NEW FEDERAL CRIMI-**
 16 **NAL LAWS NEEDED TO FIGHT**
 17 **NATIONAL GANGS**

18 **SEC. 101. REVISION AND EXTENSION OF PENALTIES RE-**
 19 **LATED TO CRIMINAL STREET GANG ACTIV-**
 20 **ITY.**

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

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

“Sec.

“521. Definitions.

“522. Criminal street gang prosecutions.

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

“524. Violent crimes in furtherance of criminal street gangs.

“525. Forfeiture.

1 **“§ 521. Definitions**

2 “In this chapter:

3 “(1) CRIMINAL STREET GANG.—The term
 4 ‘criminal street gang’ means a formal or informal
 5 group or association of 5 or more individuals, who
 6 commit 3 or more gang crimes (not less than 1 of
 7 which is a serious violent felony), in 3 or more sepa-
 8 rate criminal episodes (not less than 1 of which oc-
 9 curs after the date of enactment of the Gang Abate-
 10 ment and Prevention Act of 2007, and the last of
 11 which occurs not later than 5 years after the com-
 12 mission of a prior gang crime (excluding any time of
 13 imprisonment for that individual)).

14 “(2) GANG CRIME.—The term ‘gang crime’
 15 means a felony offense under Federal or State law
 16 punishable by imprisonment for more than 1 year,
 17 in any of the following categories:

18 “(A) A crime that has as an element the
 19 use, attempted use, or threatened use of phys-
 20 ical force against the person of another, or is
 21 burglary, arson, or extortion.

22 “(B) A crime involving obstruction of jus-
 23 tice, or tampering with or retaliating against a
 24 witness, victim, or informant.

1 “(C) A crime involving the manufacturing,
2 importing, distributing, possessing with intent
3 to distribute, or otherwise trafficking in a con-
4 trolled substance or listed chemical (as those
5 terms are defined in section 102 of the Con-
6 trolled Substances Act (21 U.S.C. 802)).

7 “(D) Any conduct punishable under—

8 “(i) section 844 (relating to explosive
9 materials);

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

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

20 “(iv) section 930 (relating to posses-
21 sion of firearms and dangerous weapons in
22 Federal facilities);

23 “(v) section 931 (relating to purchase,
24 ownership, or possession of body armor by
25 violent felons);

1 “(vi) sections 1028 and 1029 (relating
2 to fraud and related activity in connection
3 with identification documents or access de-
4 vices);

5 “(vii) section 1084 (relating to trans-
6 mission of wagering information);

7 “(viii) section 1952 (relating to inter-
8 state and foreign travel or transportation
9 in aid of racketeering enterprises);

10 “(ix) section 1956 (relating to the
11 laundering of monetary instruments);

12 “(x) section 1957 (relating to engag-
13 ing in monetary transactions in property
14 derived from specified unlawful activity);
15 or

16 “(xi) sections 2312 through 2315 (re-
17 lating to interstate transportation of stolen
18 motor vehicles or stolen property).

19 “(E) Any conduct punishable under section
20 274 (relating to bringing in and harboring cer-
21 tain aliens), section 277 (relating to aiding or
22 assisting certain aliens to enter the United
23 States), or section 278 (relating to importation
24 of aliens for immoral purposes) of the Immigra-

1 tion and Nationality Act (8 U.S.C. 1324, 1327,
2 and 1328).

3 “(F) Any crime involving aggravated sex-
4 ual abuse, pimping or promoting prostitution,
5 obscenity (including sections 1461 through
6 1465), sexual exploitation of children (including
7 sections 2251, 2251A, 2252 and 2260), peon-
8 age, slavery or trafficking in persons (including
9 sections 1581 through 1592) and sections 2421
10 through 2427 (relating to transport for illegal
11 sexual activity).

12 “(3) MINOR.—The term ‘minor’ means an indi-
13 vidual who is less than 18 years of age.

14 “(4) SERIOUS VIOLENT FELONY.—The term
15 ‘serious violent felony’ has the meaning given that
16 term in section 3559.

17 “(5) STATE.—The term ‘State’ means each of
18 the several States of the United States, the District
19 of Columbia, and any commonwealth, territory, or
20 possession of the United States.

21 **“§ 522. Criminal street gang prosecutions**

22 “(a) STREET GANG CRIME.—It shall be unlawful for
23 any person to knowingly commit, or conspire, threaten, or
24 attempt to commit, a gang crime for the purpose of fur-
25 thering the activities of a criminal street gang, or gaining

1 entrance to or maintaining or increasing position in a
2 criminal street gang, if the activities of that criminal street
3 gang occur in or affect interstate or foreign commerce.

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

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

11 “(2) for any other serious violent felony, by im-
12 prisonment for not more than 30 years;

13 “(3) for any crime of violence that is not a seri-
14 ous violent felony, by imprisonment for not more
15 than 20 years; and

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

18 **“§ 523. Recruitment of persons to participate in a**
19 **criminal street gang**

20 “(a) PROHIBITED ACTS.—It shall be unlawful to
21 knowingly recruit, employ, solicit, induce, command, or
22 cause another person to be or remain as a member of a
23 criminal street gang, or attempt or conspire to do so, with
24 the intent to cause that person to participate in an offense
25 described in section 522, if the defendant travels in inter-

1 state or foreign commerce in the course of the offense,
2 or if the activities of that criminal street gang are in or
3 affect interstate or foreign commerce.

4 “(b) PENALTIES.—Whoever violates subsection (a)
5 shall—

6 “(1) if the person recruited, employed, solicited,
7 induced, commanded, or caused to participate or re-
8 main in a criminal street gang is a minor—

9 “(A) be fined under this title, imprisoned
10 not more than 20 years, or both; and

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

17 “(2) if the person who recruits, employs, solie-
18 its, induces, commands, or causes the participation
19 or remaining in a criminal street gang is incarcer-
20 ated at the time the offense takes place, be fined
21 under this title, imprisoned not more than 20 years,
22 or both; and

23 “(3) in any other case, be fined under this title,
24 imprisoned not more than 10 years, or both.

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

5 “§ 524. **Violent crimes in furtherance of criminal**
6 **street gangs**

7 “(a) IN GENERAL.—It shall be unlawful for any per-
8 son, for the purpose of gaining entrance to or maintaining
9 or increasing position in, or in furtherance of, or in asso-
10 ciation with, a criminal street gang, or as consideration
11 for anything of pecuniary value to or from a criminal
12 street gang, to knowingly commit a crime of violence or
13 threaten to commit a crime of violence against any indi-
14 vidual, or attempt or conspire to do so, if the activities
15 of the criminal state gang occur in or affect interstate or
16 foreign commerce.

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

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

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

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

6 **“§ 525. Forfeiture**

7 “(a) CRIMINAL FORFEITURE.—A person who is con-
8 victed of a violation of this chapter shall forfeit to the
9 United States—

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

13 “(2) any property constituting, or derived from,
14 any proceeds obtained, directly or indirectly, as a re-
15 sult of the violation.

16 “(b) PROCEDURES APPLICABLE.—Pursuant to sec-
17 tion 2461(e) of title 28, the provisions of section 413 of
18 the Controlled Substances Act (21 U.S.C. 853), except
19 subsections (a) and (d) of that section, shall apply to the
20 criminal forfeiture of property under this section.”.

21 (b) AMENDMENT RELATING TO PRIORITY OF FOR-
22 FEITURE OVER ORDERS FOR RESTITUTION.—Section
23 3663(c)(4) of title 18, United States Code, is amended
24 by striking “chapter 46 or” and inserting “chapter 26,
25 chapter 46, or” .

1 (c) MONEY LAUNDERING.—Section 1956(e)(7)(D) of
 2 title 18, United States Code, is amended by inserting “,
 3 section 522 (relating to criminal street gang prosecutions),
 4 523 (relating to recruitment of persons to participate in
 5 a criminal street gang), and 524 (relating to violent crimes
 6 in furtherance of criminal street gangs)” before “, section
 7 541”.

8 **TITLE II—VIOLENT CRIME RE-**
 9 **FORMS TO REDUCE GANG VI-**
 10 **OLENCE**

11 **SEC. 201. VIOLENT CRIMES IN AID OF RACKETEERING AC-**
 12 **TIVITY.**

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

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

16 (A) by inserting “or in furtherance or in
 17 aid of an enterprise engaged in racketeering ac-
 18 tivity,” before “murders,”; and

19 (B) by inserting “engages in conduct that
 20 would violate section 2241 if the conduct oc-
 21 curred in the special maritime and territorial
 22 jurisdiction of the United States,” before
 23 “maims,”;

24 (2) in paragraph (1), by inserting “conduct
 25 that would violate section 2241 if the conduct oc-

1 curred in the special maritime and territorial juris-
2 diction of the United States, or maiming,” after
3 “kidnapping,”;

4 (3) in paragraph (2), by striking “maiming”
5 and inserting “assault resulting in serious bodily in-
6 jury”;

7 (4) in paragraph (3), by striking “or assault re-
8 sulting in serious bodily injury”;

9 (5) in paragraph (4)—

10 (A) by striking “five years” and inserting

11 “10 years”; and

12 (B) by adding “and” at the end; and

13 (6) by striking paragraphs (5) and (6) and in-
14 sserting the following:

15 “(5) for attempting or conspiring to commit
16 any offense under this section, by the same penalties
17 (other than the death penalty) as those prescribed
18 for the offense, the commission of which was the ob-
19 ject of the attempt or conspiracy.”.

20 **SEC. 202. MURDER AND OTHER VIOLENT CRIMES COM-**
21 **MITTED DURING AND IN RELATION TO A**
22 **DRUG TRAFFICKING CRIME.**

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

1 **“SEC. 424. MURDER AND OTHER VIOLENT CRIMES COM-**
2 **MITTED DURING AND IN RELATION TO A**
3 **DRUG TRAFFICKING CRIME.**

4 “(a) IN GENERAL.—Whoever, during and in relation
5 to any drug trafficking crime, knowingly commits any fel-
6 ony crime of violence against any individual, for which im-
7 prisonment for a period longer than 1 year may be im-
8 posed, or threatens, attempts or conspires to do so, shall
9 be punished by a fine under title 18, United States Code,
10 and, in addition and consecutive to the punishment pro-
11 vided for the drug trafficking crime—

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

17 “(2) for a serious violent felony (as defined in
18 section 3559 of title 18, United States Code) other
19 than one described in paragraph (1) by imprison-
20 ment for not more than 30 years;

21 “(3) for a crime of violence that is not a serious
22 violent felony, by imprisonment for not more than
23 20 years; and

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

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

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

5 “(2) any judicial district in which the drug traf-
6 ficking crime may be prosecuted.

7 “(c) DEFINITIONS.—In this section—

8 “(1) the term ‘crime of violence’ has the mean-
9 ing given that term in section 16 of title 18, United
10 States Code; and

11 “(2) the term ‘drug trafficking crime’ has the
12 meaning given that term in section 924(c)(2) of title
13 18, United States Code.”.

14 (b) CLERICAL AMENDMENT.—The table of contents
15 for the Controlled Substances Act is amended by inserting
16 after the item relating to section 423, the following:

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

17 **SEC. 203. EXPANSION OF REBUTTABLE PRESUMPTION**
18 **AGAINST RELEASE OF PERSONS CHARGED**
19 **WITH FIREARMS OFFENSES.**

20 Section 3142(e) of title 18, United States Code, is
21 amended in the matter following paragraph (3), by insert-
22 ing after “that the person committed” the following: “an
23 offense under subsection (g)(1) (where the underlying con-
24 viction is a drug trafficking crime or crime of violence (as

1 those terms are defined in section 924(c)), (g)(2), (g)(3),
 2 (g)(4), (g)(5), (g)(8), or (g)(9) of section 922,”.

3 **SEC. 204. STATUTE OF LIMITATIONS FOR VIOLENT CRIME.**

4 (a) IN GENERAL.—Chapter 213 of title 18, United
 5 States Code, is amended by adding at the end the fol-
 6 lowing:

7 **“§ 3299A. Violent crime offenses**

8 “No person shall be prosecuted, tried, or punished
 9 for any noncapital felony crime of violence, including any
 10 racketeering activity or gang crime which involves any
 11 crime of violence, unless the indictment is found or the
 12 information is instituted not later than 10 years after the
 13 date on which the alleged violation occurred or the con-
 14 tinuing offense was completed.”.

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

“3299A. Violent crime offenses.”.

18 **SEC. 205. STUDY OF HEARSAY EXCEPTION FOR FOR-**
 19 **FEITURE BY WRONGDOING.**

20 The Committee on Rules, Practice, Procedure, and
 21 Evidence of the Judicial Conference of the United States
 22 shall study the necessity and desirability of amending sec-
 23 tion 804(b) of the Federal Rules of Evidence to permit
 24 the introduction of statements against a party by a wit-
 25 ness who has been made unavailable where it is reasonably

1 foreseeable by that party that wrongdoing would make the
2 declarant unavailable.

3 **SEC. 206. POSSESSION OF FIREARMS BY DANGEROUS FEL-**
4 **ONS.**

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

8 “(1) In the case of a person who violates section
9 922(g) of this title and has previously been convicted by
10 any court referred to in section 922(g)(1) of a violent fel-
11 ony or a serious drug offense shall—

12 “(A) in the case of 1 such prior conviction,
13 where a period of not more than 10 years has
14 elapsed since the later of the date of conviction and
15 the date of release of the person from imprisonment
16 for that conviction, be imprisoned for not more than
17 15 years, fined under this title, or both;

18 “(B) in the case of 2 such prior convictions,
19 committed on occasions different from one another,
20 and where a period of not more than 10 years has
21 elapsed since the later of the date of conviction and
22 the date of release of the person from imprisonment
23 for the most recent such conviction, be imprisoned
24 for not more than 20 years, fined under this title,
25 or both; and

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

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

21 **SEC. 207. CONFORMING AMENDMENT.**

22 The matter preceding paragraph (1) in section
23 922(d) of title 18, United States Code, is amended by in-
24 serting “, transfer,” after “sell”.

1 **SEC. 208. AMENDMENTS RELATING TO VIOLENT CRIME.**

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

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

5 (A) by striking “, with the intent to cause
6 death or serious bodily harm”;

7 (B) by inserting “in the physical presence
8 of, and causing a reasonable apprehension of
9 fear in, another individual” after “by force and
10 violence”; and

11 (C) by inserting “or conspires” after “at-
12 tempts”;

13 (2) in paragraph (1), by striking “15 years”
14 and inserting “20 years”; and

15 (3) in paragraph (2), by striking “or impris-
16 oned not more than 25 years, or both” and inserting
17 “and imprisoned for any term of years or for life”.

18 (b) **CLARIFICATION AND STRENGTHENING OF PROHI-**
19 **BITION ON ILLEGAL GUN TRANSFERS TO COMMIT DRUG**
20 **TRAFFICKING CRIME OR CRIME OF VIOLENCE.**—Section
21 924(h) of title 18, United States Code, is amended to read
22 as follows:

23 “(h) Whoever knowingly transfers a firearm that has
24 moved in or that otherwise affects interstate or foreign
25 commerce, knowing that the firearm will be used to com-
26 mit, or possessed in furtherance of, a crime of violence

1 (as defined in subsection (c)(3)) or drug trafficking crime
2 (as defined in subsection (c)(2)) shall be fined under this
3 title and imprisoned not more than 20 years.”.

4 (c) AMENDMENT OF SPECIAL SENTENCING PROVI-
5 SION RELATING TO LIMITATIONS ON CRIMINAL ASSOCIA-
6 TION.—Section 3582(d) of title 18, United States Code,
7 is amended—

8 (1) by inserting “chapter 26 of this title (crimi-
9 nal street gang prosecutions) or in” after “felony set
10 forth in”; and

11 (2) by inserting “a criminal street gang or” be-
12 fore “an illegal enterprise”.

13 (d) CONSPIRACY PENALTY.—Section 371 of title 18,
14 United States Code, is amended by striking “five years,
15 or both.” and inserting “20 years (unless the maximum
16 penalty for the crime that served as the object of the con-
17 spiracy has a maximum penalty of imprisonment of less
18 than 20 years, in which case the maximum penalty under
19 this section shall be the penalty for such crime), or both.
20 This paragraph does not supersede any other penalty spe-
21 cifically set forth for a conspiracy offense.”.

1 **SEC. 209. CRIMES OF VIOLENCE AND DRUG CRIMES COM-**
 2 **MITTED BY ILLEGAL ALIENS.**

3 (a) OFFENSES.—Title 18 of the United States Code,
 4 is amended by inserting after chapter 51 the following new
 5 chapter:

6 **“CHAPTER 52—ILLEGAL ALIENS**

“Sec.

“1131. Enhanced penalties for certain crimes committed by illegal aliens.

7 **“§ 1131. Enhanced penalties for certain crimes com-**
 8 **mitted by illegal aliens**

9 “(a) IN GENERAL.—Whoever, being an alien who is
 10 present in the United States in violation of section 275
 11 or 276 of the Immigration and Nationality Act (8 U.S.C.
 12 1325 and 1326), knowingly commits, conspires, or at-
 13 tempts to commit a felony crime of violence for which im-
 14 prisonment for a period of more than 1 year may be im-
 15 posed, or a drug trafficking crime (as defined in section
 16 924(e)), shall be fined under this title, imprisoned not
 17 more than 20 years, or both.

18 “(b) PREVIOUSLY ORDERED REMOVED.—If the de-
 19 fendant in a prosecution under subsection (a) was pre-
 20 viously ordered removed under the Immigration and Na-
 21 tionality Act on the grounds of having committed a crime,
 22 the defendant shall be fined under this title, imprisoned
 23 not more than 30 years, or both.

1 “(c) RUNNING OF SENTENCE.—A term of imprison-
 2 ment imposed for an offense pursuant to this section may
 3 not run concurrently with any other sentence of imprison-
 4 ment imposed for another offense.”.

5 (b) CLERICAL AMENDMENT.—The table of chapters
 6 at the beginning of part I of title 18, United States Code,
 7 is amended by inserting after the item relating to chapter
 8 51 the following new item:

“52. Illegal aliens 1131”.

9 **SEC. 210. PUBLICITY CAMPAIGN ABOUT NEW CRIMINAL**
 10 **PENALTIES.**

11 The Attorney General is authorized to conduct media
 12 campaigns in any area designated as a high intensity
 13 interstate gang activity area under section 301 and any
 14 area with existing and emerging problems with gangs, as
 15 needed, to educate individuals in that area about the
 16 changes in criminal penalties made by this Act, and shall
 17 report to the Committee on the Judiciary of the Senate
 18 and the Committee on the Judiciary of the House of Rep-
 19 resentatives the amount of expenditures and all other as-
 20 pects of the media campaign.

21 **SEC. 211. STATUTE OF LIMITATIONS FOR TERRORISM OF-**
 22 **FENSES.**

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

- 1 (1) in the subsection heading, by striking
2 “EIGHT-YEAR” and inserting “TEN-YEAR”; and
3 (2) in the first sentence, by striking “8 years”
4 and inserting “10 years”.

5 **SEC. 212. CRIMES COMMITTED IN INDIAN COUNTRY OR EX-**
6 **CLUSIVE FEDERAL JURISDICTION AS RACK-**
7 **ETEERING PREDICATES.**

8 Section 1961(1)(A) of title 18, United States Code,
9 is amended by inserting “, or would have been so charge-
10 able if the act or threat (other than gambling) had not
11 been committed in Indian country (as defined in section
12 1151) or in any other area of exclusive Federal jurisdic-
13 tion,” after “chargeable under State law”.

14 **SEC. 213. PREDICATE CRIMES FOR AUTHORIZATION OF**
15 **INTERCEPTION OF WIRE, ORAL, AND ELEC-**
16 **TRONIC COMMUNICATIONS.**

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

- 19 (1) by striking “or” and the end of paragraph
20 (r);
21 (2) by redesignating paragraph (s) as para-
22 graph (u); and
23 (3) by inserting after paragraph (r) the fol-
24 lowing:

1 “(s) any violation of section 424 of the Con-
2 trolled Substances Act (relating to murder and other
3 violent crimes in furtherance of a drug trafficking
4 crime);

5 “(t) any violation of section 522, 523, or 524
6 (relating to criminal street gangs); or”.

7 **SEC. 214. CLARIFICATION OF HOBBS ACT.**

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

10 (1) in paragraph (1), by inserting “including
11 the unlawful impersonation of a law enforcement of-
12 ficer (as that term is defined in section 245(c) of
13 this title),” after “by means of actual or threatened
14 force,”; and

15 (2) in paragraph (2), by inserting “including
16 the unlawful impersonation of a law enforcement of-
17 ficer (as that term is defined in section 245(c) of
18 this title),” after “by wrongful use of actual or
19 threatened force,”.

1 **TITLE III—INCREASED FEDERAL**
 2 **RESOURCES TO DETER AND**
 3 **PREVENT AT-RISK YOUTH**
 4 **FROM JOINING ILLEGAL**
 5 **STREET GANGS AND FOR**
 6 **OTHER PURPOSES**

7 **SEC. 301. DESIGNATION OF AND ASSISTANCE FOR HIGH IN-**
 8 **TENSITY INTERSTATE GANG ACTIVITY**
 9 **AREAS.**

10 (a) DEFINITIONS.—In this section:

11 (1) GOVERNOR.—The term “Governor” means
 12 a Governor of a State, the Mayor of the District of
 13 Columbia, the tribal leader of an Indian tribe, or the
 14 chief executive of a Commonwealth, territory, or pos-
 15 session of the United States.

16 (2) HIGH INTENSITY INTERSTATE GANG ACTIV-
 17 ITY AREA.—The term “high intensity interstate
 18 gang activity area” or “HIIGAA” means an area
 19 within a State or Indian country that is designated
 20 as a high intensity interstate gang activity area
 21 under subsection (b)(1).

22 (3) INDIAN COUNTRY.—The term “Indian coun-
 23 try” has the meaning given the term in section 1151
 24 of title 18, United States Code.

1 (4) INDIAN TRIBE.—The term “Indian tribe”
2 has the meaning given the term in section 4(e) of
3 the Indian Self-Determination and Education Assist-
4 ance Act (25 U.S.C. 450b(e)).

5 (5) STATE.—The term “State” means a State
6 of the United States, the District of Columbia, and
7 any commonwealth, territory, or possession of the
8 United States.

9 (6) TRIBAL LEADER.—The term “tribal leader”
10 means the chief executive officer representing the
11 governing body of an Indian tribe.

12 (b) HIGH INTENSITY INTERSTATE GANG ACTIVITY
13 AREAS.—

14 (1) DESIGNATION.—The Attorney General,
15 after consultation with the Governors of appropriate
16 States, may designate as high intensity interstate
17 gang activity areas, specific areas that are located
18 within 1 or more States.

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

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

24 (i) criminal street gang enforcement
25 teams, consisting of Federal, State, tribal,

1 and local law enforcement authorities, for
2 the coordinated investigation, disruption,
3 apprehension, and prosecution of criminal
4 street gangs and offenders in each high in-
5 tensity interstate gang activity area;

6 (ii) school, community, and faith lead-
7 ers in the area; and

8 (iii) service providers in the commu-
9 nity, including those experienced at reach-
10 ing youth who have been involved in vio-
11 lence and violent gangs or groups, to pro-
12 vide at-risk youth with positive alternatives
13 to gangs and other violent groups and to
14 address the needs of those who leave gangs
15 and other violent groups;

16 (B) direct the reassignment or detailing
17 from any Federal department or agency (sub-
18 ject to the approval of the head of that depart-
19 ment or agency, in the case of a department or
20 agency other than the Department of Justice)
21 of personnel to each criminal street gang en-
22 forcement team;

23 (C) provide all necessary funding for the
24 operation of each local collaborative working

1 group in each high intensity interstate gang ac-
2 tivity area; and

3 (D) provide all necessary funding for na-
4 tional and regional meetings of local collabo-
5 rative working groups, criminal street gang en-
6 forcement teams, and all other related organiza-
7 tions, as needed, to ensure effective operation of
8 such teams through the sharing of intelligence
9 and best practices and for any other related
10 purpose.

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

- 15 (A) the Federal Bureau of Investigation;
16 (B) the Drug Enforcement Administration;
17 (C) the Bureau of Alcohol, Tobacco, Fire-
18 arms, and Explosives;
19 (D) the United States Marshals Service;
20 (E) the Department of Homeland Security;
21 (F) the Department of Housing and Urban
22 Development;
23 (G) State, local, and, where appropriate,
24 tribal law enforcement;

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

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

5 (4) CRITERIA FOR DESIGNATION.—In consid-
6 ering an area for designation as a high intensity
7 interstate gang activity area under this section, the
8 Attorney General shall consider—

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

11 (B) the extent to which violent crime in
12 the area appears to be related to criminal street
13 gang activity, such as drug trafficking, murder,
14 robbery, assaults, carjacking, arson, kidnap-
15 ping, extortion, and other criminal activity;

16 (C) the extent to which State, local, and,
17 where appropriate, tribal law enforcement agen-
18 cies have committed resources to—

19 (i) respond to the gang crime prob-
20 lem; and

21 (ii) participate in a gang enforcement
22 team;

23 (D) the extent to which a significant in-
24 crease in the allocation of Federal resources

1 would enhance local response to the gang crime
2 activities in the area; and

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

5 (5) RELATION TO HIDTAS.—If the Attorney
6 General establishes a high intensity interstate gang
7 activity area that substantially overlaps geographi-
8 cally with any existing high intensity drug traf-
9 ficking area (in this section referred to as a
10 “HIDTA”), the Attorney General shall direct the
11 local collaborative working group for that high inten-
12 sity interstate gang activity area to enter into an
13 agreement with the Executive Board for that
14 HIDTA, providing that—

15 (A) the Executive Board of that HIDTA
16 shall establish a separate high intensity inter-
17 state gang activity area law enforcement steer-
18 ing committee, and select (with a preference for
19 Federal, State, and local law enforcement agen-
20 cies that are within the geographic area of that
21 high intensity interstate gang activity area) the
22 members of that committee, subject to the con-
23 currence of the Attorney General;

24 (B) the high intensity interstate gang ac-
25 tivity area law enforcement steering committee

1 established under subparagraph (A) shall ad-
2 minister the funds provided under subsection
3 (g)(1) for the Criminal Street Gang Enforce-
4 ment Team, after consulting with, and con-
5 sistent with the goals and strategies established
6 by, that local collaborative working group;

7 (C) the high intensity interstate gang ac-
8 tivity area law enforcement steering committee
9 established under subparagraph (A) shall select,
10 from Federal, State, and local law enforcement
11 agencies within the geographic area of that high
12 intensity interstate gang activity area, the
13 members of the Criminal Street Gang Enforce-
14 ment Team; and

15 (D) the Criminal Street Gang Enforcement
16 Team of that high intensity interstate gang ac-
17 tivity area, and its law enforcement steering
18 committee, may, with approval of the Executive
19 Board of the HIDTA with which it overlaps,
20 utilize the intelligence-sharing, administrative,
21 and other resources of that HIDTA.

22 (c) REPORTING REQUIREMENTS.—Not later than
23 February 1 of each year, the Attorney General shall pro-
24 vide a report to Congress which describes, for each des-
25 ignated high intensity interstate gang activity area—

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

3 (2) the measurements used to evaluate the per-
4 formance of the high intensity interstate gang activ-
5 ity area in achieving the long-term and short-term
6 goals;

7 (3) the age, composition, and membership of
8 gangs;

9 (4) the number and nature of crimes committed
10 by gangs; and

11 (5) the definition of the term gang used to com-
12 pile this report.

13 (d) NATIONAL GANG ACTIVITY DATABASE.—

14 (1) IN GENERAL.—From amounts made avail-
15 able to carry out this section, the Attorney General
16 shall establish a National Gang Activity Database to
17 be housed at and administered by the Federal Bu-
18 reau of Investigation.

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

21 (A) be designed to disseminate gang infor-
22 mation to law enforcement agencies throughout
23 the country;

24 (B) contain critical information on gangs,
25 gang members, firearms, criminal activities, ve-

1 hicles, and other information useful for inves-
2 tigators in solving gang-related crimes; and

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

5 (i) identify gang members involved in
6 crimes;

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

9 (iii) coordinate law enforcement re-
10 sponse to gang violence;

11 (iv) enhance officer safety;

12 (v) provide realistic, up to date figures
13 and statistical data on gang crime and vio-
14 lence;

15 (vi) forecast trends and respond ac-
16 cordingly; and

17 (vii) more easily solve crimes and pre-
18 vent violence.

19 (e) ADDITIONAL ASSISTANT UNITED STATES ATTOR-
20 NEYS.—The Attorney General is authorized to hire 94 ad-
21 ditional Assistant United States attorneys to carry out the
22 provisions of this section. Each attorney hired under this
23 subsection shall be assigned to a high intensity interstate
24 gang activity area.

1 (f) NATIONAL GANG RESEARCH, EVALUATION, AND
2 POLICY INSTITUTE.—

3 (1) IN GENERAL.—The Bureau of Justice As-
4 sistance of the Department of Justice, after con-
5 sulting with relevant with law enforcement officials,
6 practitioners and researchers, shall establish a Na-
7 tional Gang Research, Evaluation, and Policy Insti-
8 tute (in this subsection referred to as the “Insti-
9 tute”).

10 (2) ACTIVITIES.—The Institute shall promote
11 and facilitate the implementation of effective gang
12 violence prevention models, including the Operation
13 Ceasefire gang violence prevention strategy and
14 other effective strategies to prevent gang violence.
15 The Institute shall assist jurisdictions in designing
16 and implementing effective local strategies, and shall
17 provide technical assistance and conduct research in
18 support of its mission.

19 (3) NATIONAL CONFERENCE.—Not later than
20 90 days after the date of its formation, the Institute
21 shall design and conduct a national conference to
22 prevent gang violence, and to teach and promote
23 gang violence prevention strategies. The conference
24 shall be attended by appropriate representatives
25 from criminal street enforcement teams, and local

1 collaborative working groups, including community,
2 religious, and social service organizations.

3 (4) NATIONAL DEMONSTRATION SITES.—Not
4 later than 120 days after the date of its formation,
5 the Institute shall select appropriate HIIGAA areas
6 to serve as primary national demonstration sites,
7 based on the nature, concentration and distribution
8 of various gang types, and the range of particular
9 gang-related issues. The Institute shall thereafter es-
10 tablish such other, secondary sites, to be linked to
11 and receive technical assistance through the primary
12 sites, as it may deem appropriate.

13 (5) DISSEMINATION OF INFORMATION.—Not
14 later than 180 days after the date of its formation,
15 the Institute shall develop and begin dissemination
16 of information, including guides, research and as-
17 sessment models, case studies, evaluations, and best
18 practices. The Institute shall also create a website,
19 designed to support the implementation of successful
20 gang violence prevention models, and disseminate
21 appropriate information to assist jurisdictions in re-
22 ducing gang violence.

23 (6) SUPPORT.—The Institute shall obtain initial
24 and continuing support from experienced researchers
25 and practitioners, as it deems necessary, to assist in

1 implementing its strategies nationally, regionally,
2 and locally.

3 (7) RESEARCH AGENDA.—The Institute shall
4 establish and implement a core research agenda de-
5 signed to address areas of particular challenge, in-
6 cluding—

7 (A) how best to apply Operation Ceasefire
8 or other successful models to particularly large
9 jurisdictions;

10 (B) how to foster and maximize the con-
11 tinuing impact of community moral voices in
12 this context;

13 (C) how to ensure the long-term sustain-
14 ability of reduced violent crime levels once ini-
15 tial levels of enthusiasm may subside; and

16 (D) how to apply existing intervention
17 frameworks to emerging regional or national
18 gang problems, such as the emergence of the
19 gang known as MS-13.

20 (8) EVALUATION.—The National Institute of
21 Justice shall evaluate, on a continuing basis, gang
22 violence prevention strategies supported by the Insti-
23 tute, and shall report the results of these evaluations
24 by no later than October 1 each year to the Com-
25 mittee on the Judiciary of the Senate and the Com-

1 mittee on the Judiciary of the House of Representa-
2 tives.

3 (9) FUNDS.—The Attorney General shall use
4 not less than 3 percent, and not more than 5 per-
5 cent, of the amounts made available under this sec-
6 tion to establish and operate the Institute.

7 (g) USE OF FUNDS.—Of amounts made available to
8 a local collaborative working group under this section for
9 each fiscal year that are remaining after the costs of hir-
10 ing a full time coordinator for the local collaborative ef-
11 fort—

12 (1) 50 percent shall be used for the operation
13 of criminal street gang enforcement teams; and

14 (2) 50 percent shall be used—

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

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

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

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

4 (C) to support and provide technical assist-
5 ance to research in criminal justice, social serv-
6 ices, and community gang violence prevention
7 collaborations.

8 (h) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated to carry out this section
10 \$100,000,000 for each of fiscal years 2008 through 2012.
11 Any funds made available under this subsection shall re-
12 main available until expended.

13 **SEC. 302. ENHANCEMENT OF PROJECT SAFE NEIGHBOR-**
14 **HOODS INITIATIVE TO IMPROVE ENFORCE-**
15 **MENT OF CRIMINAL LAWS AGAINST VIOLENT**
16 **GANGS.**

17 (a) IN GENERAL.—While maintaining the focus of
18 Project Safe Neighborhoods as a comprehensive, strategic
19 approach to reducing gun violence in America, the Attor-
20 ney General is authorized to expand the Project Safe
21 Neighborhoods program to require each United States at-
22 torney to—

23 (1) identify, investigate, and prosecute signifi-
24 cant criminal street gangs operating within their dis-
25 trict; and

1 (2) coordinate the identification, investigation,
2 and prosecution of criminal street gangs among Fed-
3 eral, State, and local law enforcement agencies.

4 (b) ADDITIONAL STAFF FOR PROJECT SAFE NEIGH-
5 BORHOODS.—

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

10 (2) ENFORCEMENT.—The Attorney General
11 may hire Bureau of Alcohol, Tobacco, Firearms, and
12 Explosives agents for, and otherwise expend addi-
13 tional resources in support of, the Project Safe
14 Neighborhoods/Firearms Violence Reduction pro-
15 gram.

16 (3) AUTHORIZATION OF APPROPRIATIONS.—
17 There are authorized to be appropriated
18 \$20,000,000 for each of fiscal years 2008 through
19 2012 to carry out this section. Any funds made
20 available under this paragraph shall remain available
21 until expended.

1 **SEC. 303. ADDITIONAL RESOURCES NEEDED BY THE FED-**
2 **ERAL BUREAU OF INVESTIGATION TO INVES-**
3 **TIGATE AND PROSECUTE VIOLENT CRIMINAL**
4 **STREET GANGS.**

5 (a) RESPONSIBILITIES OF ATTORNEY GENERAL.—

6 The Attorney General is authorized to require the Federal
7 Bureau of Investigation to—

8 (1) increase funding for the Safe Streets Pro-
9 gram; and

10 (2) support criminal street gang enforcement
11 teams.

12 (b) AUTHORIZATION OF APPROPRIATIONS.—

13 (1) IN GENERAL.—In addition to amounts oth-
14 erwise authorized, there are authorized to be appro-
15 priated to the Attorney General \$10,000,000 for
16 each of fiscal years 2008 through 2012 to carry out
17 the Safe Streets Program.

18 (2) AVAILABILITY.—Any amounts appropriated
19 under paragraph (1) shall remain available until ex-
20 pended.

21 **SEC. 304. GRANTS TO PROSECUTORS AND LAW ENFORCE-**
22 **MENT TO COMBAT VIOLENT CRIME.**

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

1 (1) in paragraph (3), by striking “and” at the
2 end;

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

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

6 “(5) to hire additional prosecutors to—

7 “(A) allow more cases to be prosecuted;

8 and

9 “(B) reduce backlogs; and

10 “(6) to fund technology, equipment, and train-
11 ing for prosecutors and law enforcement in order to
12 increase accurate identification of gang members
13 and violent offenders, and to maintain databases
14 with such information to facilitate coordination
15 among law enforcement and prosecutors.”.

16 (b) **AUTHORIZATION OF APPROPRIATIONS.**—Section
17 31707 of the Violent Crime Control and Law Enforcement
18 Act of 1994 (42 U.S.C. 13867) is amended to read as
19 follows:

20 **“SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.**

21 “There are authorized to be appropriated
22 \$20,000,000 for each of the fiscal years 2008 through
23 2012 to carry out this subtitle.”.

1 **SEC. 305. SHORT-TERM STATE WITNESS PROTECTION SEC-**
2 **TION.**

3 (a) ESTABLISHMENT.—

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

7 **“§ 570. Short-Term State Witness Protection Section**

8 “(a) IN GENERAL.—There is established in the
9 United States Marshals Service a Short-Term State Wit-
10 ness Protection Section which shall provide protection for
11 witnesses in State and local trials involving homicide or
12 other major violent crimes pursuant to cooperative agree-
13 ments with State and local criminal prosecutor’s offices
14 and the United States attorney for the District of Colum-
15 bia.

16 “(b) ELIGIBILITY.—The Short-Term State Witness
17 Protection Section shall give priority in awarding grants
18 and providing services to criminal prosecutor’s offices in
19 States with an average of not less than 100 murders per
20 year during the 5-year period immediately preceding an
21 application for protection, as calculated using the latest
22 available crime statistics from the Federal Bureau of In-
23 vestigation.”.

24 (2) CHAPTER ANALYSIS.—The chapter analysis
25 for chapter 37 of title 28, United States Code, is

1 amended by striking the items relating to sections
2 570 through 576 and inserting the following:

“570. Short-Term State Witness Protection Section.”.

3 (b) GRANT PROGRAM.—

4 (1) DEFINITIONS.—In this subsection—

5 (A) the term “eligible prosecutor’s office”
6 means a State or local criminal prosecutor’s of-
7 fice or the United States attorney for the Dis-
8 trict of Columbia that is located in a State with
9 an average of not less than 100 murders per
10 year during the most recent 5-year period, as
11 calculated using the latest available crime sta-
12 tistics from the Federal Bureau of Investiga-
13 tion; and

14 (B) the term “serious violent felony” has
15 the same meaning as in section 3559(e)(2) of
16 title 18, United States Code.

17 (2) GRANTS AUTHORIZED.—

18 (A) IN GENERAL.—The Attorney General
19 is authorized to make grants to eligible prosecu-
20 tor’s offices for the purpose of providing short
21 term protection to witnesses in trials involving
22 homicide or serious violent felony.

23 (B) ALLOCATION.—Each eligible prosecu-
24 tor’s office receiving a grant under this sub-
25 section may either—

1 (i) use the grant to provide witness
2 protection; or

3 (ii) pursuant to a cooperative agree-
4 ment with the Short-Term State Witness
5 Protection Section of the United States
6 Marshals Service, credit the grant to the
7 Short-Term State Witness Protection Sec-
8 tion to cover the costs to the section of
9 providing witness protection on behalf of
10 the eligible prosecutor's office.

11 (3) APPLICATION.—

12 (A) IN GENERAL.—Each eligible prosecu-
13 tor's office desiring a grant under this sub-
14 section shall submit an application to the Attor-
15 ney General at such time, in such manner, and
16 accompanied by such information as the Attor-
17 ney General may reasonably require.

18 (B) CONTENTS.—Each application sub-
19 mitted under subparagraph (A) shall—

20 (i) describe the activities for which as-
21 sistance under this subsection is sought;
22 and

23 (ii) provide such additional assurances
24 as the Attorney General determines to be

1 essential to ensure compliance with the re-
2 quirements of this subsection.

3 (4) AUTHORIZATION OF APPROPRIATIONS.—

4 There are authorized to be appropriated to carry out
5 this subsection \$90,000,000 for each of fiscal years
6 2008 through 2010.

7 **SEC. 306. WITNESS PROTECTION SERVICES.**

8 Section 3526 of title 18, United States Code (Co-
9 operation of other Federal agencies and State govern-
10 ments; reimbursement of expenses) is amended by adding
11 at the end the following:

12 “(c) In any case in which a State government re-
13 quests the Attorney General to provide temporary protec-
14 tion under section 3521(e) of this title, the costs of pro-
15 viding temporary protection are not reimbursable if the
16 investigation or prosecution in any way relates to crimes
17 of violence committed by a gang, as defined under the laws
18 of the relevant State seeking assistance under this title.”.

19 **SEC. 307. EXPANSION OF FEDERAL WITNESS RELOCATION**
20 **AND PROTECTION PROGRAM.**

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

1 **SEC. 308. FAMILY ABDUCTION PREVENTION GRANT PRO-**
2 **GRAM.**

3 (a) STATE GRANTS.—The Attorney General is au-
4 thorized to make grants to States for projects involving—

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

7 (2) the investigation by State and local law en-
8 forcement agencies of family abduction cases;

9 (3) the training of State and local law enforce-
10 ment agencies in responding to family abductions
11 and recovering abducted children, including the de-
12 velopment of written guidelines and technical assist-
13 ance;

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

16 (5) the flagging of school records.

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

21 (c) DEFINITIONS.—In this section:

22 (1) FAMILY ABDUCTION.—The term “family
23 abduction” means the taking, keeping, or concealing
24 of a child or children by a parent, other family mem-
25 ber, or person acting on behalf of the parent or fam-

1 ily member, that prevents another individual from
2 exercising lawful custody or visitation rights.

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

7 (3) STATE.—The term “State” means each of
8 the several States, the District of Columbia, the
9 Commonwealth of Puerto Rico, the Commonwealth
10 of the Northern Mariana Islands, American Samoa,
11 Guam, the Virgin Islands, any territory or posses-
12 sion of the United States, and any Indian tribe.

13 (d) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to carry out this section
15 \$500,000 for fiscal year 2008 and such sums as may be
16 necessary for each of fiscal years 2009 and 2010.

○