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1ST SESSION**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, Mr. CASEY, Mr. WARNER, Mrs. LINCOLN, Mrs. BOXER, Mr. MENENDEZ, Mr. DURBIN, Mr. LAUTENBERG, Mr. KENNEDY, Mr. DOMENICI, Mrs. HUTCHISON, Ms. MURKOWSKI, Mr. KERRY, Mr. ROBERTS, Mr. JOHNSON, Mr. AKAKA, Mr. WEBB, Mr. BINGAMAN, Mr. INOUE, Mr. NELSON of Florida, Mr. MARTINEZ, Mr. BAYH, and Mr. TESTER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

JULY 30, 2007

Reported by Mr. LEAHY, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. TABLE OF CONTENTS.**

7 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;

1 (4) according to a recent National Drug Threat
2 Assessment, criminal street gangs are responsible for
3 much of the retail distribution of the cocaine, meth-
4 amphetamine, heroin, and other illegal drugs being
5 distributed in rural and urban communities through-
6 out the United States;

7 (5) gangs commit acts of violence or drug of-
8 fenses for numerous motives, such as membership in
9 or loyalty to the gang, for protecting gang territory,
10 and for profit;

11 (6) gang presence and intimidation, and the or-
12 ganized and repetitive nature of the crimes that
13 gangs commit, has a pernicious effect on the free
14 flow of interstate commercial activities and directly
15 affects the freedom and security of communities
16 plagued by gang activity, diminishing the value of
17 property, inhibiting the desire of national and multi-
18 national corporations to transact business in those
19 communities, and in a variety of ways significantly
20 affecting interstate and foreign commerce;

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

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

3 (9) gang recruitment can be deterred through
4 increased vigilance, strong criminal penalties, part-
5 nerships between Federal and State and local law
6 enforcement, and proactive intervention efforts, par-
7 ticularly targeted at juveniles, prior to gang involve-
8 ment;

9 (10) State and local prosecutors and law en-
10 forcement officers, in hearings before the Committee
11 on the Judiciary of the Senate and elsewhere, have
12 enlisted the help of Congress in the prevention, in-
13 vestigation, and prosecution of gang crimes and in
14 the protection of witnesses and victims of gang
15 crimes; and

16 (11) because State and local prosecutors and
17 law enforcement have the expertise, experience, and
18 connection to the community that is needed to assist
19 in combating gang violence, consultation and coordi-
20 nation between Federal, State, and local law enforce-
21 ment is critical to the successful prosecutions of
22 criminal street gangs.

1 **TITLE I—NEW FEDERAL CRIMI-**
 2 **NAL LAWS NEEDED TO FIGHT**
 3 **NATIONAL GANGS**

4 **SEC. 101. REVISION AND EXTENSION OF PENALTIES RE-**
 5 **LATED TO CRIMINAL STREET GANG ACTIV-**
 6 **ITY.**

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

9 **“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.

10 **“§ 521. Definitions**

11 “In this chapter:

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

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

5 “(A) A crime that has as an element the
 6 use, attempted use, or threatened use of phys-
 7 ical force against the person of another, or is
 8 burglary, arson, or extortion.

9 “(B) A crime involving obstruction of jus-
 10 tice, or tampering with or retaliating against a
 11 witness, victim, or informant.

12 “(C) A crime involving the manufacturing,
 13 importing, distributing, possessing with intent
 14 to distribute, or otherwise trafficking in a con-
 15 trolled substance or listed chemical (as those
 16 terms are defined in section 102 of the Con-
 17 trolled Substances Act (21 U.S.C. 802)).

18 “(D) Any conduct punishable under—

19 “(i) section 844 (relating to explosive
 20 materials);

21 “(ii) subsection (a)(1), (d), (g)(1)
 22 (where the underlying conviction is a vio-
 23 lent felony or a serious drug offense (as
 24 those terms are defined in section 924(e)),
 25 (g)(2), (g)(3), (g)(4), (g)(5), (g)(8), (g)(9),

1 (i), (j), (k), (n), (o), (p), (q), (u), or (x) of
2 section 922 (relating to unlawful acts);

3 “(iii) subsection (b), (c), (g), (h), (k),
4 (l), (m), or (n) of section 924 (relating to
5 penalties);

6 “(iv) section 930 (relating to posses-
7 sion of firearms and dangerous weapons in
8 Federal facilities);

9 “(v) section 931 (relating to purchase,
10 ownership, or possession of body armor by
11 violent felons);

12 “(vi) sections 1028 and 1029 (relating
13 to fraud and related activity in connection
14 with identification documents or access de-
15 vices);

16 “(vii) section 1084 (relating to trans-
17 mission of wagering information);

18 “(viii) section 1952 (relating to inter-
19 state and foreign travel or transportation
20 in aid of racketeering enterprises);

21 “(ix) section 1956 (relating to the
22 laundering of monetary instruments);

23 “(x) section 1957 (relating to engag-
24 ing in monetary transactions in property

1 derived from specified unlawful activity);

2 or

3 “(xi) sections 2312 through 2315 (re-
4 lating to interstate transportation of stolen
5 motor vehicles or stolen property).

6 “(E) Any conduct punishable under section
7 274 (relating to bringing in and harboring cer-
8 tain aliens), section 277 (relating to aiding or
9 assisting certain aliens to enter the United
10 States), or section 278 (relating to importation
11 of aliens for immoral purposes) of the Immigra-
12 tion and Nationality Act (8 U.S.C. 1324, 1327,
13 and 1328).

14 “(F) Any crime involving aggravated sex-
15 ual abuse, pimping or promoting prostitution,
16 obscenity (including sections 1461 through
17 1465), sexual exploitation of children (including
18 sections 2251, 2251A, 2252 and 2260), peon-
19 age, slavery or trafficking in persons (including
20 sections 1581 through 1592) and sections 2421
21 through 2427 (relating to transport for illegal
22 sexual activity).

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

1 “(4) **SERIOUS VIOLENT FELONY.**—The term
2 ‘serious violent felony’ has the meaning given that
3 term in section 3559.

4 “(5) **STATE.**—The term ‘State’ means each of
5 the several States of the United States, the District
6 of Columbia, and any commonwealth, territory, or
7 possession of the United States.

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

9 “(a) **STREET GANG CRIME.**—It shall be unlawful for
10 any person to knowingly commit, or conspire, threaten, or
11 attempt to commit, a gang crime for the purpose of fur-
12 thering the activities of a criminal street gang, or gaining
13 entrance to or maintaining or increasing position in a
14 criminal street gang, if the activities of that criminal street
15 gang occur in or affect interstate or foreign commerce.

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

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

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

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

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

6 **“§ 523. Recruitment of persons to participate in a**
7 **criminal street gang**

8 “(a) PROHIBITED ACTS.—It shall be unlawful to
9 knowingly recruit, employ, solicit, induce, command, or
10 cause another person to be or remain as a member of a
11 criminal street gang; or attempt or conspire to do so, with
12 the intent to cause that person to participate in an offense
13 described in section 522, if the defendant travels in inter-
14 state or foreign commerce in the course of the offense;
15 or if the activities of that criminal street gang are in or
16 affect interstate or foreign commerce.

17 “(b) PENALTIES.—Whoever violates subsection (a)
18 shall—

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

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

24 “(B) at the discretion of the sentencing
25 judge, be liable for any costs incurred by the

1 Federal Government, or by any State or local
 2 government, for housing, maintaining, and
 3 treating the minor until the person attains the
 4 age of 18 years;

5 “(2) if the person who recruits, employs, solie-
 6 its, induces, commands, or causes the participation
 7 or remaining in a criminal street gang is incarcerated
 8 at the time the offense takes place, be fined
 9 under this title, imprisoned not more than 20 years,
 10 or both; and

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

13 “(c) CONSECUTIVE NATURE OF PENALTIES.—Any
 14 term of imprisonment imposed under subsection (b)(2)
 15 shall be consecutive to any term imposed for any other
 16 offense.

17 **“§ 524. Violent crimes in furtherance of criminal**
 18 **street gangs**

19 “(a) IN GENERAL.—It shall be unlawful for any per-
 20 son, for the purpose of gaining entrance to or maintaining
 21 or increasing position in, or in furtherance of, or in asso-
 22 ciation with, a criminal street gang, or as consideration
 23 for anything of pecuniary value to or from a criminal
 24 street gang, to knowingly commit a crime of violence or
 25 threaten to commit a crime of violence against any indi-

1 vidual, or attempt or conspire to do so, if the activities
 2 of the criminal state gang occur in or affect interstate or
 3 foreign commerce.

4 “(b) PENALTY.—Any person who violates subsection
 5 (a) shall be punished by a fine 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, by imprisonment for
 10 any term of years or for life;

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

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

16 **“§ 525. Forfeiture**

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

20 “(1) any property used, or intended to be used,
 21 in any manner or part, to commit, or to facilitate
 22 the commission of, the violation; and

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

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

6 (b) AMENDMENT RELATING TO PRIORITY OF FOR-
 7 FEITURE OVER ORDERS FOR RESTITUTION.—Section
 8 3663(e)(4) of title 18, United States Code, is amended
 9 by striking “chapter 46 or” and inserting “chapter 26,
 10 chapter 46, or”.

11 (c) MONEY LAUNDERING.—Section 1956(e)(7)(D) of
 12 title 18, United States Code, is amended by inserting “,
 13 section 522 (relating to criminal street gang prosecutions),
 14 523 (relating to recruitment of persons to participate in
 15 a criminal street gang), and 524 (relating to violent crimes
 16 in furtherance of criminal street gangs)” before “; section
 17 541”.

18 **TITLE II—VIOLENT CRIME RE-**
 19 **FORMS TO REDUCE GANG VI-**
 20 **OLENCE**

21 **SEC. 201. VIOLENT CRIMES IN AID OF RACKETEERING AC-**
 22 **TIVITY.**

23 Section 1959(a) of title 18, United States Code, is
 24 amended—

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

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

4 (B) by inserting “engages in conduct that
5 would violate section 2241 if the conduct oc-
6 curred in the special maritime and territorial
7 jurisdiction of the United States,” before
8 “maims,”;

9 (2) in paragraph (1), by inserting “conduct
10 that would violate section 2241 if the conduct oc-
11 curred in the special maritime and territorial juris-
12 diction of the United States, or maiming,” after
13 “kidnapping,”;

14 (3) in paragraph (2), by striking “maiming”
15 and inserting “assault resulting in serious bodily in-
16 jury”;

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

19 (5) in paragraph (4)—

20 (A) by striking “five years” and inserting
21 “10 years”; and

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

23 (6) by striking paragraphs (5) and (6) and in-
24 serting the following:

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

6 **SEC. 202. MURDER AND OTHER VIOLENT CRIMES COM-**
 7 **MITTED DURING AND IN RELATION TO A**
 8 **DRUG TRAFFICKING CRIME.**

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

12 **“SEC. 424. MURDER AND OTHER VIOLENT CRIMES COM-**
 13 **MITTED DURING AND IN RELATION TO A**
 14 **DRUG TRAFFICKING CRIME.**

15 “(a) **IN GENERAL.**—Whoever, during and in relation
 16 to any drug trafficking crime, knowingly commits any fel-
 17 ony crime of violence against any individual, for which im-
 18 prisonment for a period longer than 1 year may be im-
 19 posed, or threatens, attempts or conspires to do so, shall
 20 be punished by a fine under title 18, United States Code,
 21 and, in addition and consecutive to the punishment pro-
 22 vided for the drug trafficking crime—

23 “(1) for murder, kidnapping, conduct that
 24 would violate section 2241 if the conduct occurred in
 25 the special maritime and territorial jurisdiction of

1 the United States, or maiming, by imprisonment for
2 any term of years or for life;

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

7 “(3) for a crime of violence that is not a serious
8 violent felony, by imprisonment for not more than
9 20 years; and

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

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

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

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

18 “(c) DEFINITIONS.—In this section—

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

22 “(2) the term ‘drug trafficking crime’ has the
23 meaning given that term in section 924(e)(2) of title
24 18, United States Code.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
 2 for the Controlled Substances Act is amended by inserting
 3 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.”.

4 **SEC. 203. EXPANSION OF REBUTTABLE PRESUMPTION**
 5 **AGAINST RELEASE OF PERSONS CHARGED**
 6 **WITH FIREARMS OFFENSES.**

7 Section 3142(c) of title 18, United States Code, is
 8 amended in the matter following paragraph (3), by insert-
 9 ing after “that the person committed” the following: “an
 10 offense under subsection (g)(1) (where the underlying con-
 11 viction is a drug trafficking crime or crime of violence (as
 12 those terms are defined in section 924(e)), (g)(2), (g)(3),
 13 (g)(4), (g)(5), (g)(8), or (g)(9) of section 922,”.

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

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

18 **“§ 3299A. Violent crime offenses**

19 “No person shall be prosecuted, tried, or punished
 20 for any noncapital felony crime of violence, including any
 21 racketeering activity or gang crime which involves any
 22 crime of violence, unless the indictment is found or the
 23 information is instituted not later than 10 years after the

1 date on which the alleged violation occurred or the con-
 2 tinuing offense was completed.”.

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

“3299A. Violent crime offenses.”.

6 **SEC. 205. STUDY OF HEARSAY EXCEPTION FOR FOR-**
 7 **FEITURE BY WRONGDOING.**

8 The Committee on Rules, Practice, Procedure, and
 9 Evidence of the Judicial Conference of the United States
 10 shall study the necessity and desirability of amending sec-
 11 tion 804(b) of the Federal Rules of Evidence to permit
 12 the introduction of statements against a party by a wit-
 13 ness who has been made unavailable where it is reasonably
 14 foreseeable by that party that wrongdoing would make the
 15 declarant unavailable.

16 **SEC. 206. POSSESSION OF FIREARMS BY DANGEROUS FEL-**
 17 **ONS.**

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

21 “(1) In the case of a person who violates section
 22 922(g) of this title and has previously been convicted by
 23 any court referred to in section 922(g)(1) of a violent fel-
 24 ony or a serious drug offense shall—

1 “(A) in the case of 1 such prior conviction,
2 where a period of not more than 10 years has
3 elapsed since the later of the date of conviction and
4 the date of release of the person from imprisonment
5 for that conviction, be imprisoned for not more than
6 15 years, fined under this title, or both;

7 “(B) in the case of 2 such prior convictions,
8 committed on occasions different from one another,
9 and where a period of not more than 10 years has
10 elapsed since the later of the date of conviction and
11 the date of release of the person from imprisonment
12 for the most recent such conviction, be imprisoned
13 for not more than 20 years, fined under this title,
14 or both; and

15 “(C) in the case of 3 such prior convictions,
16 committed on occasions different from one another,
17 and where a period of not more than 10 years has
18 elapsed since the later of date of conviction and the
19 date of release of the person from imprisonment for
20 the most recent such conviction, be imprisoned for
21 any term of years not less than 15 years or for life
22 and fined under this title, and notwithstanding any
23 other provision of law, the court shall not suspend
24 the sentence of, or grant a probationary sentence to,

1 such person with respect to the conviction under sec-
 2 tion 922(g).”.

3 (b) **AMENDMENT TO SENTENCING GUIDELINES.**—

4 Pursuant to its authority under section 994(p) of title 28,
 5 United States Code, the United States Sentencing Com-
 6 mission shall amend the Federal Sentencing Guidelines to
 7 provide for an appropriate increase in the offense level for
 8 violations of section 922(g) of title 18, United States
 9 Code, in accordance with section 924(e) of that title 18,
 10 as amended by subsection (a).

11 **SEC. 207. CONFORMING AMENDMENT.**

12 The matter preceding paragraph (1) in section
 13 922(d) of title 18, United States Code, is amended by in-
 14 serting “, transfer,” after “sell”.

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

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

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

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

21 (B) by inserting “in the physical presence
 22 of, and causing a reasonable apprehension of
 23 fear in, another individual” after “by force and
 24 violence”; and

1 (C) by inserting “or conspires” after “at-
2 tempts”;

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

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

8 (b) CLARIFICATION AND STRENGTHENING OF PROHI-
9 BITION ON ILLEGAL GUN TRANSFERS TO COMMIT DRUG
10 TRAFFICKING CRIME OR CRIME OF VIOLENCE.—Section
11 924(h) of title 18, United States Code, is amended to read
12 as follows:

13 “(h) Whoever knowingly transfers a firearm that has
14 moved in or that otherwise affects interstate or foreign
15 commerce, knowing that the firearm will be used to com-
16 mit, or possessed in furtherance of, a crime of violence
17 (as defined in subsection (e)(3)) or drug trafficking crime
18 (as defined in subsection (e)(2)) shall be fined under this
19 title and imprisoned not more than 20 years.”.

20 (c) AMENDMENT OF SPECIAL SENTENCING PROVI-
21 SION RELATING TO LIMITATIONS ON CRIMINAL ASSOCIA-
22 TION.—Section 3582(d) of title 18, United States Code,
23 is amended—

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

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

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

15 **SEC. 209. CRIMES OF VIOLENCE AND DRUG CRIMES COM-**
16 **MITTED BY ILLEGAL ALIENS.**

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

20 **“CHAPTER 52—ILLEGAL ALIENS**

 “Sec.

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

21 **“§ 1131. Enhanced penalties for certain crimes com-**
22 **mitted by illegal aliens**

23 “(a) IN GENERAL.—Whoever, being an alien who is
24 present in the United States in violation of section 275

1 or 276 of the Immigration and Nationality Act (8 U.S.C.
2 1325 and 1326), knowingly commits, conspires, or at-
3 tempts to commit a felony crime of violence for which im-
4 prisonment for a period of more than 1 year may be im-
5 posed, or a drug trafficking crime (as defined in section
6 924(e)), shall be fined under this title, imprisoned not
7 more than 20 years, or both.

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

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

18 (b) CLERICAL AMENDMENT.—The table of chapters
19 at the beginning of part I of title 18, United States Code,
20 is amended by inserting after the item relating to chapter
21 51 the following new item:

 “52. **Illegal aliens** **1131**”.

22 **SEC. 210. PUBLICITY CAMPAIGN ABOUT NEW CRIMINAL**
23 **PENALTIES.**

24 The Attorney General is authorized to conduct media
25 campaigns in any area designated as a high intensity

1 interstate gang activity area under section 301 and any
 2 area with existing and emerging problems with gangs, as
 3 needed, to educate individuals in that area about the
 4 changes in criminal penalties made by this Act, and shall
 5 report to the Committee on the Judiciary of the Senate
 6 and the Committee on the Judiciary of the House of Rep-
 7 resentatives the amount of expenditures and all other as-
 8 pects of the media campaign.

9 **SEC. 211. STATUTE OF LIMITATIONS FOR TERRORISM OF-**
 10 **FENSES.**

11 Section 3286(a) of title 18, United States Code, is
 12 amended—

13 (1) in the subsection heading, by striking
 14 “EIGHT-YEAR” and inserting “TEN-YEAR”; and

15 (2) in the first sentence, by striking “8 years”
 16 and inserting “10 years”.

17 **SEC. 212. CRIMES COMMITTED IN INDIAN COUNTRY OR EX-**
 18 **CLUSIVE FEDERAL JURISDICTION AS RACK-**
 19 **ETEERING PREDICATES.**

20 Section 1961(1)(A) of title 18, United States Code,
 21 is amended by inserting “, or would have been so charge-
 22 able if the act or threat (other than gambling) had not
 23 been committed in Indian country (as defined in section
 24 1151) or in any other area of exclusive Federal jurisdic-
 25 tion,” after “chargeable under State law”.

1 **SEC. 213. PREDICATE CRIMES FOR AUTHORIZATION OF**
 2 **INTERCEPTION OF WIRE, ORAL, AND ELEC-**
 3 **TRONIC COMMUNICATIONS.**

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

6 (1) by striking “or” and the end of paragraph
 7 (r);

8 (2) by redesignating paragraph (s) as para-
 9 graph (u); and

10 (3) by inserting after paragraph (r) the fol-
 11 lowing:

12 “(s) any violation of section 424 of the Con-
 13 trolled Substances Act (relating to murder and other
 14 violent crimes in furtherance of a drug trafficking
 15 crime);

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

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

19 Section 1951(b) of title 18, United States Code, is
 20 amended—

21 (1) in paragraph (1), by inserting “including
 22 the unlawful impersonation of a law enforcement of-
 23 ficer (as that term is defined in section 245(e) of
 24 this title),” after “by means of actual or threatened
 25 force;” and

1 (2) in paragraph (2), by inserting “including
 2 the unlawful impersonation of a law enforcement of-
 3 ficer (as that term is defined in section 245(e) of
 4 this title),” after “by wrongful use of actual or
 5 threatened force.”.

6 **TITLE III—INCREASED FEDERAL**
 7 **RESOURCES TO DETER AND**
 8 **PREVENT AT-RISK YOUTH**
 9 **FROM JOINING ILLEGAL**
 10 **STREET GANGS AND FOR**
 11 **OTHER PURPOSES**

12 **SEC. 301. DESIGNATION OF AND ASSISTANCE FOR HIGH IN-**
 13 **TENSITY INTERSTATE GANG ACTIVITY**
 14 **AREAS.**

15 (a) **DEFINITIONS.**—In this section:

16 (1) **GOVERNOR.**—The term “Governor” means
 17 a Governor of a State, the Mayor of the District of
 18 Columbia, the tribal leader of an Indian tribe, or the
 19 chief executive of a Commonwealth, territory, or pos-
 20 session of the United States.

21 (2) **HIGH INTENSITY INTERSTATE GANG ACTIV-**
 22 **ITY AREA.**—The term “high intensity interstate
 23 gang activity area” or “HIGAA” means an area
 24 within a State or Indian country that is designated

1 as a high intensity interstate gang activity area
2 under subsection (b)(1).

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

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

10 (5) STATE.—The term “State” means a State
11 of the United States, the District of Columbia, and
12 any commonwealth, territory, or possession of the
13 United States.

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

17 (b) HIGH INTENSITY INTERSTATE GANG ACTIVITY
18 AREAS.—

19 (1) DESIGNATION.—The Attorney General,
20 after consultation with the Governors of appropriate
21 States, may designate as high intensity interstate
22 gang activity areas, specific areas that are located
23 within 1 or more States.

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

4 (A) establish local collaborative working
5 groups, which shall include—

6 (i) criminal street gang enforcement
7 teams, consisting of Federal, State, tribal,
8 and local law enforcement authorities, for
9 the coordinated investigation, disruption,
10 apprehension, and prosecution of criminal
11 street gangs and offenders in each high in-
12 tensity interstate gang activity area;

13 (ii) school, community, and faith lead-
14 ers in the area; and

15 (iii) service providers in the commu-
16 nity, including those experienced at reach-
17 ing youth who have been involved in vio-
18 lence and violent gangs or groups, to pro-
19 vide at-risk youth with positive alternatives
20 to gangs and other violent groups and to
21 address the needs of those who leave gangs
22 and other violent groups;

23 (B) direct the reassignment or detailing
24 from any Federal department or agency (sub-
25 ject to the approval of the head of that depart-

1 ment or agency, in the case of a department or
2 agency other than the Department of Justice)
3 of personnel to each criminal street gang en-
4 forcement team;

5 (C) provide all necessary funding for the
6 operation of each local collaborative working
7 group in each high intensity interstate gang ac-
8 tivity area; and

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

17 (3) COMPOSITION OF CRIMINAL STREET GANG
18 ENFORCEMENT TEAM.—Each team established
19 under paragraph (2)(A)(i) shall consist of agents
20 and officers, where feasible, from—

21 (A) the Federal Bureau of Investigation;

22 (B) the Drug Enforcement Administration;

23 (C) the Bureau of Alcohol, Tobacco, Fire-
24 arms, and Explosives;

25 (D) the United States Marshals Service;

1 (E) the Department of Homeland Security;

2 (F) the Department of Housing and Urban

3 Development;

4 (G) State, local, and, where appropriate,

5 tribal law enforcement;

6 (H) Federal, State, and local prosecutors;

7 and

8 (I) the Bureau of Indian Affairs, Office of

9 Law Enforcement Services, where appropriate.

10 (4) CRITERIA FOR DESIGNATION.—In consid-

11 ering an area for designation as a high intensity

12 interstate gang activity area under this section, the

13 Attorney General shall consider—

14 (A) the current and predicted levels of

15 gang crime activity in the area;

16 (B) the extent to which violent crime in

17 the area appears to be related to criminal street

18 gang activity, such as drug trafficking, murder,

19 robbery, assaults, carjacking, arson, kidnap-

20 ping, extortion, and other criminal activity;

21 (C) the extent to which State, local, and,

22 where appropriate, tribal law enforcement agen-

23 cies have committed resources to—

24 (i) respond to the gang crime prob-

25 lem; and

1 (ii) participate in a gang enforcement
2 team;

3 ~~(D)~~ the extent to which a significant in-
4 crease in the allocation of Federal resources
5 would enhance local response to the gang crime
6 activities in the area; and

7 ~~(E)~~ any other criteria that the Attorney
8 General considers to be appropriate.

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

19 ~~(A)~~ the Executive Board of that HDTA
20 shall establish a separate high intensity inter-
21 state gang activity area law enforcement steer-
22 ing committee, and select (with a preference for
23 Federal, State, and local law enforcement agen-
24 cies that are within the geographic area of that
25 high intensity interstate gang activity area) the

1 members of that committee, subject to the con-
2 currence of the Attorney General;

3 ~~(B)~~ the high intensity interstate gang ac-
4 tivity area law enforcement steering committee
5 established under subparagraph (A) shall ad-
6 minister the funds provided under subsection
7 ~~(g)(1)~~ for the Criminal Street Gang Enforce-
8 ment Team, after consulting with, and con-
9 sistent with the goals and strategies established
10 by, that local collaborative working group;

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

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

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

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

7 (2) the measurements used to evaluate the per-
8 formance of the high intensity interstate gang activ-
9 ity area in achieving the long-term and short-term
10 goals;

11 (3) the age, composition, and membership of
12 gangs;

13 (4) the number and nature of crimes committed
14 by gangs; and

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

17 (d) NATIONAL GANG ACTIVITY DATABASE.—

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

23 (2) DESCRIPTION.—The database required by
24 paragraph (1) shall—

1 (A) be designed to disseminate gang infor-
2 mation to law enforcement agencies throughout
3 the country;

4 (B) contain critical information on gangs,
5 gang members, firearms, criminal activities, ve-
6 hicles, and other information useful for inves-
7 tigators in solving gang-related crimes; and

8 (C) operate in a manner that enables law
9 enforcement agencies to—

10 (i) identify gang members involved in
11 crimes;

12 (ii) track the movement of gangs and
13 members throughout the region;

14 (iii) coordinate law enforcement re-
15 sponse to gang violence;

16 (iv) enhance officer safety;

17 (v) provide realistic, up to date figures
18 and statistical data on gang crime and vio-
19 lence;

20 (vi) forecast trends and respond ac-
21 cordingly; and

22 (vii) more easily solve crimes and pre-
23 vent violence.

24 (c) ~~ADDITIONAL ASSISTANT UNITED STATES ATTOR-~~
25 ~~NEYS.—~~The Attorney General is authorized to hire 94 ad-

ditional Assistant United States attorneys to carry out the provisions of this section. Each attorney hired under this subsection shall be assigned to a high intensity interstate gang activity area.

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

(1) IN GENERAL.—The Bureau of Justice Assistance of the Department of Justice, after consulting with relevant with law enforcement officials, practitioners and researchers, shall establish a National Gang Research, Evaluation, and Policy Institute (in this subsection referred to as the “Institute”).

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

(3) NATIONAL CONFERENCE.—Not later than 90 days after the date of its formation, the Institute shall design and conduct a national conference to

1 prevent gang violence, and to teach and promote
2 gang violence prevention strategies. The conference
3 shall be attended by appropriate representatives
4 from criminal street enforcement teams, and local
5 collaborative working groups, including community,
6 religious, and social service organizations.

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

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

1 appropriate information to assist jurisdictions in re-
2 ducing gang violence.

3 (6) SUPPORT.—The Institute shall obtain initial
4 and continuing support from experienced researchers
5 and practitioners, as it deems necessary, to assist in
6 implementing its strategies nationally, regionally,
7 and locally.

8 (7) RESEARCH AGENDA.—The Institute shall
9 establish and implement a core research agenda de-
10 signed to address areas of particular challenge, in-
11 cluding—

12 (A) how best to apply Operation Ceasefire
13 or other successful models to particularly large
14 jurisdictions;

15 (B) how to foster and maximize the con-
16 tinuing impact of community moral voices in
17 this context;

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

21 (D) how to apply existing intervention
22 frameworks to emerging regional or national
23 gang problems, such as the emergence of the
24 gang known as MS-13.

1 (8) EVALUATION.—The National Institute of
 2 Justice shall evaluate, on a continuing basis, gang
 3 violence prevention strategies supported by the Insti-
 4 tute, and shall report the results of these evaluations
 5 by no later than October 1 each year to the Com-
 6 mittee on the Judiciary of the Senate and the Com-
 7 mittee on the Judiciary of the House of Representa-
 8 tives.

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

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

18 (1) 50 percent shall be used for the operation
 19 of criminal street gang enforcement teams; and

20 (2) 50 percent shall be used—

21 (A) to provide at-risk youth with positive
 22 alternatives to gangs and other violent groups
 23 and to address the needs of those who leave
 24 gangs and other violent groups through—

1 (i) service providers in the community,
2 including schools and school districts; and

3 (ii) faith leaders and other individuals
4 experienced at reaching youth who have
5 been involved in violence and violent gangs
6 or groups;

7 (B) for the establishment and operation of
8 the National Gang Research, Evaluation, and
9 Policy Institute; and

10 (C) to support and provide technical assist-
11 ance to research in criminal justice, social serv-
12 ices, and community gang violence prevention
13 collaborations.

14 (h) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated to carry out this section
16 \$100,000,000 for each of fiscal years 2008 through 2012.
17 Any funds made available under this subsection shall re-
18 main available until expended.

19 **SEC. 302. ENHANCEMENT OF PROJECT SAFE NEIGHBOR-**
20 **HOODS INITIATIVE TO IMPROVE ENFORCE-**
21 **MENT OF CRIMINAL LAWS AGAINST VIOLENT**
22 **GANGS.**

23 (a) IN GENERAL.—While maintaining the focus of
24 Project Safe Neighborhoods as a comprehensive, strategic
25 approach to reducing gun violence in America, the Attor-

1 ney General is authorized to expand the Project Safe
 2 Neighborhoods program to require each United States at-
 3 torney to—

4 (1) identify, investigate, and prosecute signifi-
 5 cant criminal street gangs operating within their dis-
 6 trict; and

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

10 (b) **ADDITIONAL STAFF FOR PROJECT SAFE NEIGH-**
 11 **BORHOODS.—**

12 (1) **IN GENERAL.—**The Attorney General may
 13 hire Assistant United States attorneys, non-attorney
 14 coordinators, or paralegals to carry out the provi-
 15 sions of this section.

16 (2) **ENFORCEMENT.—**The Attorney General
 17 may hire Bureau of Alcohol, Tobacco, Firearms, and
 18 Explosives agents for, and otherwise expend addi-
 19 tional resources in support of, the Project Safe
 20 Neighborhoods/Firearms Violence Reduction pro-
 21 gram.

22 (3) **AUTHORIZATION OF APPROPRIATIONS.—**
 23 There are authorized to be appropriated
 24 \$20,000,000 for each of fiscal years 2008 through
 25 2012 to carry out this section. Any funds made

1 available under this paragraph shall remain available
2 until expended.

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

7 (a) **RESPONSIBILITIES OF ATTORNEY GENERAL.—**

8 The Attorney General is authorized to require the Federal
9 Bureau of Investigation to—

10 (1) increase funding for the Safe Streets Pro-
11 gram; and

12 (2) support criminal street gang enforcement
13 teams.

14 (b) **AUTHORIZATION OF APPROPRIATIONS.—**

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

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

1 **SEC. 304. GRANTS TO PROSECUTORS AND LAW ENFORCE-**
2 **MENT TO COMBAT VIOLENT CRIME.**

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

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

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

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

11 “(5) to hire additional prosecutors to—

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

13 and

14 “(B) reduce backlogs; and

15 “(6) to fund technology, equipment, and train-
16 ing for prosecutors and law enforcement in order to
17 increase accurate identification of gang members
18 and violent offenders; and to maintain databases
19 with such information to facilitate coordination
20 among law enforcement and prosecutors.”.

21 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
22 31707 of the Violent Crime Control and Law Enforcement
23 Act of 1994 (42 U.S.C. 13867) is amended to read as
24 follows:

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

2 “There are authorized to be appropriated
3 \$20,000,000 for each of the fiscal years 2008 through
4 2012 to carry out this subtitle.”.

5 **SEC. 305. SHORT-TERM STATE WITNESS PROTECTION SEC-**
6 **TION.**

7 (a) ESTABLISHMENT.—

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

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

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

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

1 available crime statistics from the Federal Bureau of In-
 2 vestigation.”.

3 (2) CHAPTER ANALYSIS.—The chapter analysis
 4 for chapter 37 of title 28, United States Code, is
 5 amended by striking the items relating to sections
 6 570 through 576 and inserting the following:

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

7 (b) GRANT PROGRAM.—

8 (1) DEFINITIONS.—In this subsection—

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

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

21 (2) GRANTS AUTHORIZED.—

22 (A) IN GENERAL.—The Attorney General
 23 is authorized to make grants to eligible prosecu-
 24 tor’s offices for the purpose of providing short

1 term protection to witnesses in trials involving
2 homicide or serious violent felony.

3 (B) ALLOCATION.—Each eligible prosecu-
4 tor's office receiving a grant under this sub-
5 section may either—

6 (i) use the grant to provide witness
7 protection; or

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

16 (3) APPLICATION.—

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

23 (B) CONTENTS.—Each application sub-
24 mitted under subparagraph (A) shall—

1 (i) describe the activities for which as-
2 sistence under this subsection is sought;
3 and

4 (ii) provide such additional assurances
5 as the Attorney General determines to be
6 essential to ensure compliance with the re-
7 quirements of this subsection.

8 (4) AUTHORIZATION OF APPROPRIATIONS.—
9 There are authorized to be appropriated to carry out
10 this subsection \$90,000,000 for each of fiscal years
11 2008 through 2010.

12 **SEC. 306. WITNESS PROTECTION SERVICES.**

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

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

1 **SEC. 307. EXPANSION OF FEDERAL WITNESS RELOCATION**
2 **AND PROTECTION PROGRAM.**

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

6 **SEC. 308. FAMILY ABDUCTION PREVENTION GRANT PRO-**
7 **GRAM.**

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

10 (1) the extradition of individuals suspected of
11 committing a family abduction;

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

14 (3) the training of State and local law enforce-
15 ment agencies in responding to family abductions
16 and recovering abducted children, including the de-
17 velopment of written guidelines and technical assist-
18 ance;

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

21 (5) the flagging of school records.

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

26 (c) DEFINITIONS.—In this section:

1 (1) FAMILY ABDUCTION.—The term “family
2 abduction” means the taking, keeping, or concealing
3 of a child or children by a parent, other family mem-
4 ber, or person acting on behalf of the parent or fam-
5 ily member, that prevents another individual from
6 exercising lawful custody or visitation rights.

7 (2) FLAGGING.—The term “flagging” means
8 the process of notifying law enforcement authorities
9 of the name and address of any person requesting
10 the school records of an abducted child.

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

17 (d) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to carry out this section
19 \$500,000 for fiscal year 2008 and such sums as may be
20 necessary for each of fiscal years 2009 and 2010.

21 **SECTION 1. SHORT TITLE.**

22 *This Act may be cited as the “Gang Abatement and*
23 *Prevention Act of 2007”.*

24 **SEC. 2. TABLE OF CONTENTS.**

25 *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 VIOLENT NATIONAL, INTERNATIONAL, REGIONAL, AND LOCAL GANGS THAT AFFECT INTERSTATE AND FOREIGN COMMERCE

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. Publicity campaign about new criminal penalties.

Sec. 210. Statute of limitations for terrorism offenses.

Sec. 211. Crimes committed in Indian country or exclusive Federal jurisdiction as racketeering predicates.

Sec. 212. Predicate crimes for authorization of interception of wire, oral, and electronic communications.

Sec. 213. Clarification of Hobbs Act.

Sec. 214. Interstate tampering with or retaliation against a witness, victim, or informant in a State criminal proceeding.

Sec. 215. Prohibition on firearms possession based on valid gang injunction and conviction for gang-related misdemeanor.

Sec. 216. Amendment of sentencing guidelines.

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

Sec. 301. Designation of and assistance for high intensity gang activity areas.

Sec. 302. Gang prevention grants.

Sec. 303. Enhancement of Project Safe Neighborhoods initiative to improve enforcement of criminal laws against violent gangs.

Sec. 304. Additional resources needed by the Federal Bureau of Investigation to investigate and prosecute violent criminal street gangs.

Sec. 305. Grants to prosecutors and law enforcement to combat violent crime.

Sec. 306. Expansion and reauthorization of the mentoring initiative for system involved youth.

Sec. 307. Demonstration grants to encourage creative approaches to gang activity and after-school programs.

Sec. 308. Short-Term State Witness Protection Section.

Sec. 309. Witness protection services.

Sec. 310. Expansion of Federal witness relocation and protection program.

Sec. 311. Family abduction prevention grant program.

Sec. 312. Study on adolescent development and sentences in the Federal system.

Sec. 313. National youth anti-heroin media campaign.

Sec. 314. Training at the national advocacy center.

TITLE IV—CRIME PREVENTION AND INTERVENTION STRATEGIES

Sec. 401. Short title.

Sec. 402. Purposes.

Sec. 403. Definitions.

Sec. 404. National Commission on Public Safety Through Crime Prevention.

Sec. 405. Innovative crime prevention and intervention strategy grants.

1 SEC. 3. FINDINGS.

2 *Congress finds that—*

3 *(1) violent crime and drug trafficking are perva-*
4 *sive problems at the national, State, and local level;*

5 *(2) according to recent Federal Bureau of Inves-*
6 *tigation, Uniform Crime Reports, violent crime in the*
7 *United States is on the rise, with a 2.3 percent in-*
8 *crease in violent crime in 2005 (the largest increase*
9 *in the United States in 15 years) and an even larger*
10 *3.7 percent jump during the first 6 months of 2006,*
11 *and the Police Executive Research Forum reports*
12 *that, among jurisdictions providing information,*
13 *homicides are up 10.21 percent, robberies are up*
14 *12.27 percent, and aggravated assaults with firearms*
15 *are up 9.98 percent since 2004;*

16 *(3) these disturbing rises in violent crime are at-*
17 *tributable in part to the spread of criminal street*
18 *gangs and the willingness of gang members to commit*
19 *acts of violence and drug trafficking offenses;*

20 *(4) according to a recent National Drug Threat*
21 *Assessment, criminal street gangs are responsible for*

1 *much of the retail distribution of the cocaine, meth-*
2 *amphetamine, heroin, and other illegal drugs being*
3 *distributed in rural and urban communities through-*
4 *out the United States;*

5 *(5) gangs commit acts of violence or drug of-*
6 *fenses for numerous motives, such as membership in*
7 *or loyalty to the gang, for protecting gang territory,*
8 *and for profit;*

9 *(6) gang presence and intimidation, and the or-*
10 *ganized and repetitive nature of the crimes that gangs*
11 *and gang members commit, has a pernicious effect on*
12 *the free flow of interstate commercial activities and*
13 *directly affects the freedom and security of commu-*
14 *nities plagued by gang activity, diminishing the*
15 *value of property, inhibiting the desire of national*
16 *and multinational corporations to transact business*
17 *in those communities, and in a variety of ways di-*
18 *rectly and substantially affecting interstate and for-*
19 *eign commerce;*

20 *(7) gangs often recruit and utilize minors to en-*
21 *gage in acts of violence and other serious offenses out*
22 *of a belief that the criminal justice systems are more*
23 *lenient on juvenile offenders;*

24 *(8) gangs often intimidate and threaten wit-*
25 *nesses to prevent successful prosecutions;*

1 (9) gangs prey upon and incorporate minors
2 into their ranks, exploiting the fact that adolescents
3 have immature decision-making capacity, therefore,
4 gang activity and recruitment can be reduced and de-
5 terred through increased vigilance, appropriate crimi-
6 nal penalties, partnerships between Federal and State
7 and local law enforcement, and proactive prevention
8 and intervention efforts, particularly targeted at juve-
9 niles and young adults, prior to and even during
10 gang involvement;

11 (10) State and local prosecutors and law enforce-
12 ment officers, in hearings before the Committee on the
13 Judiciary of the Senate and elsewhere, have enlisted
14 the help of Congress in the prevention, investigation,
15 and prosecution of gang crimes and in the protection
16 of witnesses and victims of gang crimes; and

17 (11) because State and local prosecutors and law
18 enforcement have the expertise, experience, and con-
19 nection to the community that is needed to assist in
20 combating gang violence, consultation and coordina-
21 tion between Federal, State, and local law enforce-
22 ment and collaboration with other community agen-
23 cies is critical to the successful prosecutions of crimi-
24 nal street gangs and reduction of gang problems.

1 **TITLE I—NEW FEDERAL CRIMI-**
 2 **NAL LAWS NEEDED TO FIGHT**
 3 **VIOLENT NATIONAL, INTER-**
 4 **NATIONAL, REGIONAL, AND**
 5 **LOCAL GANGS THAT AFFECT**
 6 **INTERSTATE AND FOREIGN**
 7 **COMMERCE**

8 **SEC. 101. REVISION AND EXTENSION OF PENALTIES RE-**
 9 **LATED TO CRIMINAL STREET GANG ACTIVITY.**

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

12 **“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.

13 **“§ 521. Definitions**

14 *“In this chapter:*

15 *“(1) CRIMINAL STREET GANG.—The term ‘crimi-*
 16 *nal street gang’ means a formal or informal group,*
 17 *organization, or association of 5 or more individ-*
 18 *uals—*

19 *“(A) each of whom has committed at least*
 20 *1 gang crime; and*

21 *“(B) who collectively commit 3 or more*
 22 *gang crimes (not less than 1 of which is a seri-*

1 ous violent felony), in separate criminal episodes
2 (not less than 1 of which occurs after the date of
3 enactment of the Gang Abatement and Preven-
4 tion Act of 2007, and the last of which occurs not
5 later than 5 years after the commission of a
6 prior gang crime (excluding any time of impris-
7 onment for that individual)).

8 “(2) GANG CRIME.—The term ‘gang crime’
9 means an offense under Federal law punishable by
10 imprisonment for more than 1 year, or a felony of-
11 fense under State law that is punishable by a term
12 of imprisonment of 5 years or more in any of the fol-
13 lowing categories:

14 “(A) A crime that has as an element the
15 use, attempted use, or threatened use of physical
16 force against the person of another, or is bur-
17 glary, arson, kidnapping, or extortion.

18 “(B) A crime involving obstruction of jus-
19 tice, or tampering with or retaliating against a
20 witness, victim, or informant.

21 “(C) A crime involving the manufacturing,
22 importing, distributing, possessing with intent to
23 distribute, or otherwise trafficking in a con-
24 trolled substance or listed chemical (as those

1 *terms are defined in section 102 of the Controlled*
2 *Substances Act (21 U.S.C. 802)).*

3 “(D) *Any conduct punishable under—*

4 “(i) *section 844 (relating to explosive*
5 *materials);*

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

14 “(iii) *subsection (b), (c), (g), (h), (k),*
15 *(l), (m), or (n) of section 924 (relating to*
16 *penalties);*

17 “(iv) *section 930 (relating to possession*
18 *of firearms and dangerous weapons in Fed-*
19 *eral facilities);*

20 “(v) *section 931 (relating to purchase,*
21 *ownership, or possession of body armor by*
22 *violent felons);*

23 “(vi) *sections 1028 and 1029 (relating*
24 *to fraud, identity theft, and related activity*

1 *in connection with identification documents*
2 *or access devices);*

3 “(vii) *section 1084 (relating to trans-*
4 *mission of wagering information);*

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

8 “(ix) *section 1956 (relating to the*
9 *laundering of monetary instruments);*

10 “(x) *section 1957 (relating to engaging*
11 *in monetary transactions in property de-*
12 *rived from specified unlawful activity); or*

13 “(xi) *sections 2312 through 2315 (re-*
14 *lating to interstate transportation of stolen*
15 *motor vehicles or stolen property).*

16 “(E) *Any conduct punishable under section*
17 *274 (relating to bringing in and harboring cer-*
18 *tain aliens), section 277 (relating to aiding or*
19 *assisting certain aliens to enter the United*
20 *States), or section 278 (relating to importation*
21 *of aliens for immoral purposes) of the Immigra-*
22 *tion and Nationality Act (8 U.S.C. 1324, 1327,*
23 *and 1328).*

24 “(F) *Any crime involving aggravated sexual*
25 *abuse, sexual assault, pimping or pandering in-*

1 *volving prostitution, sexual exploitation of chil-*
 2 *dren (including sections 2251, 2251A, 2252 and*
 3 *2260), peonage, slavery, or trafficking in persons*
 4 *(including sections 1581 through 1592) and sec-*
 5 *tions 2421 through 2427 (relating to transport*
 6 *for illegal sexual activity).*

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

9 “(4) *SERIOUS VIOLENT FELONY.*—*The term ‘seri-*
 10 *ous violent felony’ has the meaning given that term*
 11 *in section 3559.*

12 “(5) *STATE.*—*The term ‘State’ means each of the*
 13 *several States of the United States, the District of Co-*
 14 *lumbia, and any commonwealth, territory, or posses-*
 15 *sion of the United States.*

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

17 “(a) *STREET GANG CRIME.*—*It shall be unlawful for*
 18 *any person to knowingly commit, or conspire, threaten, or*
 19 *attempt to commit, a gang crime for the purpose of fur-*
 20 *thering the activities of a criminal street gang, or gaining*
 21 *entrance to or maintaining or increasing position in a*
 22 *criminal street gang, if the activities of that criminal street*
 23 *gang occur in or affect interstate or foreign commerce.*

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

1 “(1) for murder, kidnapping, conduct that would
2 violate section 2241 if the conduct occurred in the
3 special maritime and territorial jurisdiction of the
4 United States, or maiming, imprisonment for any
5 term of years or for life;

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

8 “(3) for any crime of violence that is not a seri-
9 ous violent felony, by imprisonment for not more than
10 20 years; and

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

13 **“§523. Recruitment of persons to participate in a**
14 **criminal street gang**

15 “(a) *PROHIBITED ACTS.*—It shall be unlawful to
16 knowingly recruit, employ, solicit, induce, command, co-
17 erce, or cause another person to be or remain as a member
18 of a criminal street gang, or attempt or conspire to do so,
19 with the intent to cause that person to participate in a gang
20 crime, if the defendant travels in interstate or foreign com-
21 merce in the course of the offense, or if the activities of that
22 criminal street gang are in or affect interstate or foreign
23 commerce.

24 “(b) *PENALTIES.*—Whoever violates subsection (a)
25 shall—

1 “(1) if the person recruited, employed, solicited,
2 induced, commanded, coerced, or caused to partici-
3 pate or remain in a criminal street gang is a
4 minor—

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

7 “(B) at the discretion of the sentencing
8 judge, be liable for any costs incurred by the
9 Federal Government, or by any State or local
10 government, for housing, maintaining, and treat-
11 ing the minor until the person attains the age of
12 18 years;

13 “(2) if the person who recruits, employs, solicits,
14 induces, commands, coerces, or causes the participa-
15 tion or remaining in a criminal street gang is incar-
16 cerated at the time the offense takes place, be fined
17 under this title, imprisoned not more than 10 years,
18 or both; and

19 “(3) in any other case, be fined under this title,
20 imprisoned not more than 5 years, or both.

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

1 **“§524. Violent crimes in furtherance of criminal**
2 **street gangs**

3 “(a) *IN GENERAL.*—*It shall be unlawful for any per-*
4 *son, for the purpose of gaining entrance to or maintaining*
5 *or increasing position in, or in furtherance of, or in asso-*
6 *ciation with, a criminal street gang, or as consideration*
7 *for anything of pecuniary value to or from a criminal street*
8 *gang, to knowingly commit or threaten to commit against*
9 *any individual a crime of violence that is an offense under*
10 *Federal law punishable by imprisonment for more than 1*
11 *year or a felony offense under State law that is punishable*
12 *by a term of imprisonment of 5 years or more, or attempt*
13 *or conspire to do so, if the activities of the criminal street*
14 *gang occur in or affect interstate or foreign commerce.*

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

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

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

25 “(3) *in any other case, by imprisonment for not*
26 *more than 20 years.*

1 **“§ 525. Forfeiture**

2 “(a) *CRIMINAL FORFEITURE.*—A person who is con-
3 victed of a violation of this chapter shall forfeit to the
4 United States—

5 “(1) any property used, or intended to be used,
6 in any manner or part, to commit, or to facilitate the
7 commission of, the violation; and

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

11 “(b) *PROCEDURES APPLICABLE.*—Pursuant to section
12 2461(c) of title 28, the provisions of section 413 of the Con-
13 trolled Substances Act (21 U.S.C. 853), except subsections
14 (a) and (d) of that section, shall apply to the criminal for-
15 feiture of property under this section.”.

16 (b) *AMENDMENT RELATING TO PRIORITY OF FOR-*
17 *FEITURE OVER ORDERS FOR RESTITUTION.*—Section
18 3663(c)(4) of title 18, United States Code, is amended by
19 striking “chapter 46 or” and inserting “chapter 26, chapter
20 46, or”.

21 (c) *MONEY LAUNDERING.*—Section 1956(c)(7)(D) of
22 title 18, United States Code, is amended by inserting “,
23 section 522 (relating to criminal street gang prosecutions),
24 523 (relating to recruitment of persons to participate in
25 a criminal street gang), and 524 (relating to violent crimes

1 *in furtherance of criminal street gangs)” before “, section*
 2 *541”.*

3 *(d) AMENDMENT OF SPECIAL SENTENCING PROVISION*
 4 *PROHIBITING PRISONER COMMUNICATIONS.—Section*
 5 *3582(d) of title 18, United States Code, is amended—*

6 *(1) by inserting “chapter 26 (criminal street*
 7 *gangs),” before “chapter 95”; and*

8 *(2) by inserting “a criminal street gang or” be-*
 9 *fore “an illegal enterprise”.*

10 ***TITLE II—VIOLENT CRIME RE-***
 11 ***FORMS TO REDUCE GANG VIO-***
 12 ***LENCE***

13 ***SEC. 201. VIOLENT CRIMES IN AID OF RACKETEERING AC-***
 14 ***TIVITY.***

15 *Section 1959(a) of title 18, United States Code, is*
 16 *amended—*

17 *(1) in the matter preceding paragraph (1)—*

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

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

1 (2) in paragraph (1), by inserting “conduct that
2 would violate section 2241 if the conduct occurred in
3 the special maritime and territorial jurisdiction of
4 the United States, or maiming,” after “kidnapping”;

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

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

10 (5) in paragraph (4)—

11 (A) by striking “five years” and inserting
12 “10 years”; and

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

14 (6) by striking paragraphs (5) and (6) and in-
15 serting the following:

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

1 **SEC. 202. MURDER AND OTHER VIOLENT CRIMES COM-**
2 **MITTED DURING AND IN RELATION TO A**
3 **DRUG TRAFFICKING CRIME.**

4 (a) *IN GENERAL.*—*Part D of the Controlled Substances*
5 *Act (21 U.S.C. 841 et seq.) is amended by adding at the*
6 *end the following:*

7 **“SEC. 424. MURDER AND OTHER VIOLENT CRIMES COM-**
8 **MITTED DURING AND IN RELATION TO A**
9 **DRUG TRAFFICKING CRIME.**

10 *“(a) IN GENERAL.—Whoever, during and in relation*
11 *to any drug trafficking crime, knowingly commits any*
12 *crime of violence against any individual that is an offense*
13 *under Federal law punishable by imprisonment for more*
14 *than 1 year or a felony offense under State law that is pun-*
15 *ishable by a term of imprisonment of 5 years or more, or*
16 *threatens, attempts or conspires to do so, shall be punished*
17 *by a fine under title 18, United States Code, and—*

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

23 *“(2) for a serious violent felony (as defined in*
24 *section 3559 of title 18, United States Code) other*
25 *than one described in paragraph (1) by imprisonment*
26 *for not more than 30 years;*

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

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

6 “(b) *VENUE*.—A prosecution for a violation of this sec-
7 tion may be brought in—

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

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

12 “(c) *DEFINITIONS*.—In this section—

13 “(1) the term ‘crime of violence’ has the meaning
14 given that term in section 16 of title 18, United
15 States Code; and

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

19 (b) *CLERICAL AMENDMENT*.—The table of contents for
20 the Comprehensive Drug Abuse Prevention and Control Act
21 of 1970 (Public Law 91–513; 84 Stat. 1236) is amended
22 by inserting after the item relating to section 423, the fol-
23 lowing:

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

1 **SEC. 203. EXPANSION OF REBUTTABLE PRESUMPTION**
 2 **AGAINST RELEASE OF PERSONS CHARGED**
 3 **WITH FIREARMS OFFENSES.**

4 *Section 3142(e) of title 18, United States Code, is*
 5 *amended in the matter following paragraph (3), by insert-*
 6 *ing after “that the person committed” the following: “an*
 7 *offense under subsection (g)(1) (where the underlying con-*
 8 *viction is a drug trafficking crime or crime of violence (as*
 9 *those terms are defined in section 924(c)), (g)(2), (g)(3),*
 10 *(g)(4), (g)(5), (g)(8), (g)(9), (g)(10), or (g)(11) of section*
 11 *922.”.*

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

13 *(a) IN GENERAL.—Chapter 213 of title 18, United*
 14 *States Code, is amended by adding at the end the following:*
 15 **“§ 3299A. Violent crime offenses**

16 *“No person shall be prosecuted, tried, or punished for*
 17 *any noncapital felony crime of violence, including any*
 18 *racketeering activity or gang crime which involves any*
 19 *crime of violence, unless the indictment is found or the in-*
 20 *formation is instituted not later than 10 years after the*
 21 *date on which the alleged violation occurred or the con-*
 22 *tinuing offense was completed.”.*

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

“3299A. Violent crime offenses.”.

1 **SEC. 205. STUDY OF HEARSAY EXCEPTION FOR FORFEITURE**
2 **BY WRONGDOING.**

3 *The Judicial Conference of the United States shall*
4 *study the necessity and desirability of amending section*
5 *804(b) of the Federal Rules of Evidence to permit the intro-*
6 *duction of statements against a party by a witness who has*
7 *been made unavailable where it is reasonably foreseeable by*
8 *that party that wrongdoing would make the declarant un-*
9 *available.*

10 **SEC. 206. POSSESSION OF FIREARMS BY DANGEROUS FEL-**
11 **ONS.**

12 *(a) IN GENERAL.—Section 924(e) of title 18, United*
13 *States Code, is amended by striking paragraph (1) and in-*
14 *serting the following:*

15 *“(1) In the case of a person who violates section 922(g)*
16 *of this title and has previously been convicted by any court*
17 *referred to in section 922(g)(1) of a violent felony or a seri-*
18 *ous drug offense shall—*

19 *“(A) in the case of 1 such prior conviction, where*
20 *a period of not more than 10 years has elapsed since*
21 *the later of the date of conviction and the date of re-*
22 *lease of the person from imprisonment for that convic-*
23 *tion, be imprisoned for not more than 15 years, fined*
24 *under this title, or both;*

25 *“(B) in the case of 2 such prior convictions, com-*
26 *mitted on occasions different from one another, and*

1 *where a period of not more than 10 years has elapsed*
2 *since the later of the date of conviction and the date*
3 *of release of the person from imprisonment for the*
4 *most recent such conviction, be imprisoned for not*
5 *more than 20 years, fined under this title, or both;*
6 *and*

7 *“(C) in the case of 3 such prior convictions, com-*
8 *mitted on occasions different from one another, and*
9 *where a period of not more than 10 years has elapsed*
10 *since the later of date of conviction and the date of*
11 *release of the person from imprisonment for the most*
12 *recent such conviction, be imprisoned for any term of*
13 *years not less than 15 years or for life and fined*
14 *under this title, and notwithstanding any other provi-*
15 *sion of law, the court shall not suspend the sentence*
16 *of, or grant a probationary sentence to, such person*
17 *with respect to the conviction under section 922(g).”.*

18 *(b) AMENDMENT TO SENTENCING GUIDELINES.—Pur-*
19 *suant to its authority under section 994(p) of title 28,*
20 *United States Code, the United States Sentencing Commis-*
21 *sion shall amend the Federal Sentencing Guidelines to pro-*
22 *vide for an appropriate increase in the offense level for vio-*
23 *lations of section 922(g) of title 18, United States Code, in*
24 *accordance with section 924(e) of that title 18, as amended*
25 *by subsection (a).*

1 **SEC. 207. CONFORMING AMENDMENT.**

2 *The matter preceding paragraph (1) in section 922(d)*
3 *of title 18, United States Code, is amended by inserting*
4 *“, transfer,” after “sell”.*

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

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

8 *(1) in the matter preceding paragraph (1), by*
9 *striking “, with the intent” and all that follows*
10 *through “to do so, shall” and inserting “knowingly*
11 *takes a motor vehicle that has been transported,*
12 *shipped, or received in interstate or foreign commerce*
13 *from the person of another by force and violence or*
14 *by intimidation, causing a reasonable apprehension*
15 *of fear of death or serious bodily injury in an indi-*
16 *vidual, or attempts or conspires to do so, shall”;*

17 *(2) in paragraph (1), by striking “15 years” and*
18 *inserting “20 years”;*

19 *(3) in paragraph (2), by striking “or imprisoned*
20 *not more than 25 years, or both” and inserting “and*
21 *imprisoned for any term of years or for life”; and*

22 *(4) in paragraph (3), by inserting “the person*
23 *takes or attempts to take the motor vehicle in viola-*
24 *tion of this section with intent to cause death or cause*
25 *serious bodily injury, and” before “death results”.*

1 (b) *CLARIFICATION AND STRENGTHENING OF PROHIBI-*
2 *TION ON ILLEGAL GUN TRANSFERS TO COMMIT DRUG*
3 *TRAFFICKING CRIME OR CRIME OF VIOLENCE.*—Section
4 *924(h) of title 18, United States Code, is amended to read*
5 *as follows:*

6 “(h) *Whoever knowingly transfers a firearm that has*
7 *moved in or that otherwise affects interstate or foreign com-*
8 *merce, knowing that the firearm will be used to commit,*
9 *or possessed in furtherance of, a crime of violence (as de-*
10 *fin ed in subsection (c)(3)) or drug trafficking crime (as de-*
11 *fin ed in subsection (c)(2)) shall be fined under this title and*
12 *imprisoned not more than 20 years.”.*

13 (c) *AMENDMENT OF SPECIAL SENTENCING PROVISION*
14 *RELATING TO LIMITATIONS ON CRIMINAL ASSOCIATION.*—
15 *Section 3582(d) of title 18, United States Code, is amend-*
16 *ed—*

17 (1) *by inserting “chapter 26 of this title (crimi-*
18 *nal street gang prosecutions) or in” after “felony set*
19 *forth in”; and*

20 (2) *by inserting “a criminal street gang or” be-*
21 *fore “an illegal enterprise”.*

22 (d) *CONSPIRACY PENALTY.*—Section 371 of title 18,
23 *United States Code, is amended by striking “five years, or*
24 *both.” and inserting “10 years (unless the maximum pen-*
25 *alty for the crime that served as the object of the conspiracy*

1 *has a maximum penalty of imprisonment of less than 10*
 2 *years, in which case the maximum penalty under this sec-*
 3 *tion shall be the penalty for such crime), or both. This para-*
 4 *graph does not supersede any other penalty specifically set*
 5 *forth for a conspiracy offense.”.*

6 **SEC. 209. PUBLICITY CAMPAIGN ABOUT NEW CRIMINAL**
 7 **PENALTIES.**

8 *The Attorney General is authorized to conduct media*
 9 *campaigns in any area designated as a high intensity gang*
 10 *activity area under section 301 and any area with existing*
 11 *and emerging problems with gangs, as needed, to educate*
 12 *individuals in that area about the changes in criminal pen-*
 13 *alties made by this Act, and shall report to the Committee*
 14 *on the Judiciary of the Senate and the Committee on the*
 15 *Judiciary of the House of Representatives the amount of*
 16 *expenditures and all other aspects of the media campaign.*

17 **SEC. 210. STATUTE OF LIMITATIONS FOR TERRORISM OF-**
 18 **FENSES.**

19 *Section 3286(a) of title 18, United States Code, is*
 20 *amended—*

21 *(1) in the subsection heading, by striking*
 22 *“EIGHT-YEAR” and inserting “TEN-YEAR”; and*

23 *(2) in the first sentence, by striking “8 years”*
 24 *and inserting “10 years”.*

1 **SEC. 211. CRIMES COMMITTED IN INDIAN COUNTRY OR EX-**
 2 **CLUSIVE FEDERAL JURISDICTION AS RACK-**
 3 **ETEERING PREDICATES.**

4 *Section 1961(1)(A) of title 18, United States Code, is*
 5 *amended by inserting “, or would have been so chargeable*
 6 *if the act or threat (other than gambling) had not been com-*
 7 *mited in Indian country (as defined in section 1151) or*
 8 *in any other area of exclusive Federal jurisdiction,” after*
 9 *“chargeable under State law”.*

10 **SEC. 212. PREDICATE CRIMES FOR AUTHORIZATION OF**
 11 **INTERCEPTION OF WIRE, ORAL, AND ELEC-**
 12 **TRONIC COMMUNICATIONS.**

13 *Section 2516(1) of title 18, United States Code, is*
 14 *amended—*

15 *(1) by striking “or” and the end of paragraph*
 16 *(r);*

17 *(2) by redesignating paragraph (s) as paragraph*
 18 *(u); and*

19 *(3) by inserting after paragraph (r) the fol-*
 20 *lowing:*

21 *“(s) any violation of section 424 of the Con-*
 22 *trolled Substances Act (relating to murder and other*
 23 *violent crimes in furtherance of a drug trafficking*
 24 *crime);*

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

1 **SEC. 213. CLARIFICATION OF HOBBS ACT.**

2 *Section 1951(b) of title 18, United States Code, is*
 3 *amended—*

4 *(1) in paragraph (1), by inserting “including*
 5 *the unlawful impersonation of a law enforcement offi-*
 6 *cer (as that term is defined in section 245(c) of this*
 7 *title),” after “by means of actual or threatened*
 8 *force,”; and*

9 *(2) in paragraph (2), by inserting “including*
 10 *the unlawful impersonation of a law enforcement offi-*
 11 *cer (as that term is defined in section 245(c) of this*
 12 *title),” after “by wrongful use of actual or threatened*
 13 *force,”.*

14 **SEC. 214. INTERSTATE TAMPERING WITH OR RETALIATION**
 15 **AGAINST A WITNESS, VICTIM, OR INFORMANT**
 16 **IN A STATE CRIMINAL PROCEEDING.**

17 *(a) IN GENERAL.—Chapter 73 of title 18, United*
 18 *States Code, is amended by inserting after section 1513 the*
 19 *following:*

20 **“§1513A. Interstate tampering with or retaliation**
 21 **against a witness, victim, or informant in**
 22 **a State criminal proceeding**

23 *“(a) IN GENERAL.—It shall be unlawful for any per-*
 24 *son—*

25 *“(1) to travel in interstate or foreign commerce,*
 26 *or to use the mail or any facility in interstate or for-*

1 *eign commerce, or to employ, use, command, counsel,*
2 *persuade, induce, entice, or coerce any individual to*
3 *do the same, with the intent to—*

4 “(A) *use or threaten to use any physical*
5 *force against any witness, informant, victim, or*
6 *other participant in a State criminal proceeding*
7 *in an effort to influence or prevent participation*
8 *in such proceeding, or to retaliate against such*
9 *individual for participating in such proceeding;*
10 *or*

11 “(B) *threaten, influence, or prevent from*
12 *testifying any actual or prospective witness in a*
13 *State criminal proceeding; or*

14 “(2) *to attempt or conspire to commit an offense*
15 *under subparagraph (A) or (B) of paragraph (1).*

16 “(b) *PENALTIES.—*

17 “(1) *USE OF FORCE.—Any person who violates*
18 *subsection (a)(1)(A) by use of force—*

19 “(A) *shall be fined under this title, impris-*
20 *oned not more than 20 years, or both; and*

21 “(B) *if death, kidnapping, or serious bodily*
22 *injury results, shall be fined under this title, im-*
23 *prisoned for any term of years or for life, or*
24 *both.*

1 “(2) *OTHER VIOLATIONS.*—Any person who vio-
 2 lates subsection (a)(1)(A) by threatened use of force or
 3 violates paragraph (1)(B) or (2) of subsection (a)
 4 shall be fined under this title, imprisoned not more
 5 than 10 years, or both.

6 “(c) *VENUE.*—A prosecution under this section may
 7 be brought in the district in which the official proceeding
 8 (whether or not pending, about to be instituted or was com-
 9 pleted) was intended to be affected or was completed, or in
 10 which the conduct constituting the alleged offense oc-
 11 curred.”.

12 (b) *CONFORMING AMENDMENT.*—Section 1512 is
 13 amended, in the section heading, by adding at the end the
 14 following: “***in a Federal proceeding***”.

15 (c) *CHAPTER ANALYSIS.*—The table of sections for
 16 chapter 73 of title 18, United States Code, is amended—

17 (1) by striking the item relating to section 1512
 18 and inserting the following:

“1512. Tampering with a witness, victim, or an informant in a Federal pro-
 ceeding.”;

19 and

20 (2) by inserting after the item relating to section
 21 1513 the following:

“1513A. Interstate tampering with or retaliation against a witness, victim, or in-
 formant in a State criminal proceeding.”.

1 **SEC. 215. PROHIBITION ON FIREARMS POSSESSION BASED**
 2 **ON VALID GANG INJUNCTION AND CONVIC-**
 3 **TION FOR GANG-RELATED MISDEMEANOR.**

4 (a) *IN GENERAL.*—Section 922(g) of title 18, United
 5 States Code, is amended—

6 (1) in paragraph (8), by striking “or” at the
 7 end;

8 (2) in paragraph (9), by striking the comma at
 9 the end and inserting a semicolon;

10 (3) by inserting after paragraph (9) the fol-
 11 lowing:

12 “(10) who has been convicted in any court of a
 13 misdemeanor gang-related offense; or

14 “(11) who otherwise has, within the last 5 years,
 15 been found by any court to be in contempt of a gang
 16 injunction order, so long as the finding of contempt
 17 was issued after a hearing of which such person re-
 18 ceived actual notice, and at which such person had an
 19 opportunity to participate and challenge the suffi-
 20 ciency of process and the constitutional validity of the
 21 underlying gang injunction order,”.

22 (b) *DEFINITION.*—Section 921(a) of title 18, United
 23 States Code, is amended by adding at the end the following:

24 “(36)(A) The term ‘misdemeanor gang-related of-
 25 fense’ means an offense that—

1 “(i) is a misdemeanor under Federal, State,
2 or Tribal law; and

3 “(ii) has, as an element, the membership of
4 the defendant in a criminal street gang, illegal
5 association with a criminal street gang, or par-
6 ticipation in a criminal street gang activity.

7 “(B)(i) A person shall not be considered to have
8 been convicted of such an offense for purposes of this
9 chapter, unless—

10 “(I) the person was represented by counsel
11 in the case, or knowingly and intelligently
12 waived the right to counsel in the case; and

13 “(II) in the case of a prosecution for an of-
14 fense described in this paragraph for which a
15 person was entitled to a jury trial in the juris-
16 diction in which the case was tried—

17 “(aa) the case was tried by a jury; or

18 “(bb) the person knowingly and intel-
19 ligently waived the right to have the case
20 tried by a jury, by guilty plea or otherwise.

21 “(ii) A person shall not be considered to have
22 been convicted of such an offense for purposes of this
23 chapter if the conviction has been expunged or set
24 aside, or is an offense for which the person has been
25 pardoned or has had civil rights restored (if the law

1 of the applicable jurisdiction provides for the loss of
 2 civil rights under such an offense) unless the pardon,
 3 expungement, or restoration of civil rights expressly
 4 provides that the person may not ship, transport, pos-
 5 sess, or receive firearms.

6 “(37) The term ‘gang injunction order’ means a
 7 court order that—

8 “(A) names the defendant as a member of a
 9 criminal street gang; and

10 “(B) restrains the defendant from associ-
 11 ating with other gang members.”.

12 **SEC. 216. AMENDMENT OF SENTENCING GUIDELINES.**

13 (a) *IN GENERAL.*—Pursuant to its authority under
 14 section 994 of title 28, United States Code, and in accord-
 15 ance with this section, the United States Sentencing Com-
 16 mission shall review and, if appropriate, amend its guide-
 17 lines and policy statements to conform with this title and
 18 the amendments made by this title.

19 (b) *REQUIREMENTS.*—In carrying out this section, the
 20 United States Sentencing Commission shall—

21 (1) establish new guidelines and policy state-
 22 ments, as warranted, in order to implement new or
 23 revised criminal offenses under this title and the
 24 amendments made by this title;

1 (2) *consider the extent to which the guidelines*
2 *and policy statements adequately address—*

3 (A) *whether the guidelines offense levels and*
4 *enhancements—*

5 (i) *are sufficient to deter and punish*
6 *such offenses; and*

7 (ii) *are adequate in view of the statu-*
8 *tory increases in penalties contained in this*
9 *title and the amendments made by this title;*
10 *and*

11 (B) *whether any existing or new specific of-*
12 *fense characteristics should be added to reflect*
13 *congressional intent to increase penalties for the*
14 *offenses set forth in this title and the amend-*
15 *ments made by this title;*

16 (3) *ensure that specific offense characteristics are*
17 *added to increase the guideline range—*

18 (A) *by at least 2 offense levels, if a criminal*
19 *defendant committing a gang crime or gang re-*
20 *cruiting offense was an alien who was present in*
21 *the United States in violation of section 275 or*
22 *276 of the Immigration and Nationality Act (8*
23 *U.S.C. 1325 and 1326) at the time the offense*
24 *was committed; and*

1 (B) by at least 4 offense levels, if such de-
2 fendant had also previously been ordered re-
3 moved or deported under the Immigration and
4 Nationality Act (8 U.S.C. 1101 et seq.) on the
5 grounds of having committed a crime;

6 (4) determine under what circumstances a sen-
7 tence of imprisonment imposed under this title or the
8 amendments made by this title shall run consecutively
9 to any other sentence of imprisonment imposed for
10 any other crime, except that the Commission shall en-
11 sure that a sentence of imprisonment imposed under
12 section 424 of the Controlled Substances Act (21
13 U.S.C. 841 et seq.), as added by this Act, shall run
14 consecutively, to an extent that the Sentencing Com-
15 mission determines appropriate, to the sentence im-
16 posed for the underlying drug trafficking offense;

17 (5) account for any aggravating or mitigating
18 circumstances that might justify exceptions to the
19 generally applicable sentencing ranges;

20 (6) ensure reasonable consistency with other rel-
21 evant directives, other sentencing guidelines, and stat-
22 utes;

23 (7) make any necessary and conforming changes
24 to the sentencing guidelines and policy statements;
25 and

1 (8) ensure that the guidelines adequately meet
2 the purposes of sentencing set forth in section
3 3553(a)(2) of title 18, United States Code.

4 **TITLE III—INCREASED FEDERAL**
5 **RESOURCES TO DETER AND**
6 **PREVENT SERIOUSLY AT-RISK**
7 **YOUTH FROM JOINING ILLE-**
8 **GAL STREET GANGS AND FOR**
9 **OTHER PURPOSES**

10 **SEC. 301. DESIGNATION OF AND ASSISTANCE FOR HIGH IN-**
11 **TENSITY GANG ACTIVITY AREAS.**

12 (a) *DEFINITIONS.*—*In this section:*

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

18 (2) *HIGH INTENSITY GANG ACTIVITY AREA.*—*The*
19 *term “high intensity gang activity area” or*
20 *“HIGAA” means an area within 1 or more States or*
21 *Indian country that is designated as a high intensity*
22 *gang activity area under subsection (b)(1).*

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

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

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

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

12 (b) *HIGH INTENSITY GANG ACTIVITY AREAS*.—

13 (1) *DESIGNATION*.—The Attorney General, after
14 consultation with the Governors of appropriate
15 States, may designate as high intensity gang activity
16 areas, specific areas that are located within 1 or more
17 States, which may consist of 1 or more municipali-
18 ties, counties, or other jurisdictions as appropriate.

19 (2) *ASSISTANCE*.—In order to provide Federal
20 assistance to high intensity gang activity areas, the
21 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 gang activity area;*

6 *(ii) educational, community, and faith*
7 *leaders in the area;*

8 *(iii) service providers in the commu-*
9 *nity, including those experienced at reach-*
10 *ing youth and adults who have been in-*
11 *volved in violence and violent gangs or*
12 *groups, to provide gang-involved or seri-*
13 *ously at-risk youth with positive alter-*
14 *natives to gangs and other violent groups*
15 *and to address the needs of those who leave*
16 *gangs and other violent groups, and those*
17 *reentering society from prison; and*

18 *(iv) evaluation teams to research and*
19 *collect information, assess data, recommend*
20 *adjustments, and generally assure the ac-*
21 *countability and effectiveness of program*
22 *implementation;*

23 *(B) direct the reassignment or detailing*
24 *from any Federal department or agency (subject*
25 *to the approval of the head of that department*

1 or agency, in the case of a department or agency
2 other than the Department of Justice) of per-
3 sonnel to each criminal street gang enforcement
4 team;

5 (C) direct the reassignment or detailing of
6 representatives from—

7 (i) the Department of Justice;

8 (ii) the Department of Education;

9 (iii) the Department of Labor;

10 (iv) the Department of Health and
11 Human Services;

12 (v) the Department of Housing and
13 Urban Development; and

14 (vi) any other Federal department or
15 agency (subject to the approval of the head
16 of that department or agency, in the case of
17 a department or agency other than the De-
18 partment of Justice) to each high intensity
19 gang activity area to identify and coordi-
20 nate efforts to access Federal programs and
21 resources available to provide gang preven-
22 tion, intervention, and reentry assistance;

23 (D) prioritize and administer the Federal
24 program and resource requests made by the local
25 collaborative working group established under

1 *subparagraph (A) for each high intensity gang*
2 *activity area;*

3 *(E) provide all necessary funding for the*
4 *operation of each local collaborative working*
5 *group in each high intensity gang activity area;*
6 *and*

7 *(F) provide all necessary funding for na-*
8 *tional and regional meetings of local collabo-*
9 *rative working groups, criminal street gang en-*
10 *forcement teams, and educational, community,*
11 *social service, faith-based, and all other related*
12 *organizations, as needed, to ensure effective oper-*
13 *ation of such teams through the sharing of intel-*
14 *ligence and best practices and for any other re-*
15 *lated purpose.*

16 (3) *COMPOSITION OF CRIMINAL STREET GANG*
17 *ENFORCEMENT TEAM.—Each team established under*
18 *paragraph (2)(A)(i) shall consist of agents and offi-*
19 *cers, where feasible, from—*

20 *(A) the Federal Bureau of Investigation;*

21 *(B) the Drug Enforcement Administration;*

22 *(C) the Bureau of Alcohol, Tobacco, Fire-*
23 *arms, and Explosives;*

24 *(D) the United States Marshals Service;*

25 *(E) the Department of Homeland Security;*

1 (F) the Department of Housing and Urban
2 Development;

3 (G) State, local, and, where appropriate,
4 tribal law enforcement;

5 (H) Federal, State, and local prosecutors;
6 and

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

9 (4) CRITERIA FOR DESIGNATION.—In consid-
10 ering an area for designation as a high intensity
11 gang activity area under this section, the Attorney
12 General shall consider—

13 (A) the current and predicted levels of gang
14 crime activity in the area;

15 (B) the extent to which qualitative and
16 quantitative data indicate that violent crime in
17 the area is related to criminal street gang activ-
18 ity, such as murder, robbery, assaults,
19 carjacking, arson, kidnapping, extortion, drug
20 trafficking, and other criminal activity;

21 (C) the extent to which State, local, and,
22 where appropriate, tribal law enforcement agen-
23 cies, schools, community groups, social service
24 agencies, job agencies, faith-based organizations,

1 *and other organizations have committed re-*
2 *sources to—*

3 *(i) respond to the gang crime problem;*

4 *and*

5 *(ii) participate in a gang enforcement*
6 *team;*

7 *(D) the extent to which a significant in-*
8 *crease in the allocation of Federal resources*
9 *would enhance local response to the gang crime*
10 *activities in the area; and*

11 *(E) any other criteria that the Attorney*
12 *General considers to be appropriate.*

13 *(5) RELATION TO HIDTAS.—If the Attorney Gen-*
14 *eral establishes a high intensity gang activity area*
15 *that substantially overlaps geographically with any*
16 *existing high intensity drug trafficking area (in this*
17 *section referred to as a “HIDTA”), the Attorney Gen-*
18 *eral shall direct the local collaborative working group*
19 *for that high intensity gang activity area to enter*
20 *into an agreement with the Executive Board for that*
21 *HIDTA, providing that—*

22 *(A) the Executive Board of that HIDTA*
23 *shall establish a separate high intensity gang ac-*
24 *tivity area law enforcement steering committee,*
25 *and select (with a preference for Federal, State,*

1 *and local law enforcement agencies that are*
2 *within the geographic area of that high intensity*
3 *gang activity area) the members of that com-*
4 *mittee, subject to the concurrence of the Attorney*
5 *General;*

6 *(B) the high intensity gang activity area*
7 *law enforcement steering committee established*
8 *under subparagraph (A) shall administer the*
9 *funds provided under subsection (g)(1) for the*
10 *criminal street gang enforcement team, after con-*
11 *sulting with, and consistent with the goals and*
12 *strategies established by, that local collaborative*
13 *working group;*

14 *(C) the high intensity gang activity area*
15 *law enforcement steering committee established*
16 *under subparagraph (A) shall select, from Fed-*
17 *eral, State, and local law enforcement agencies*
18 *within the geographic area of that high intensity*
19 *gang activity area, the members of the Criminal*
20 *Street Gang Enforcement Team, in accordance*
21 *with paragraph (3); and*

22 *(D) the Criminal Street Gang Enforcement*
23 *Team of that high intensity gang activity area,*
24 *and its law enforcement steering committee,*
25 *may, with approval of the Executive Board of*

1 *the HIDTA with which it substantially overlaps,*
2 *utilize the intelligence-sharing, administrative,*
3 *and other resources of that HIDTA.*

4 *(c) REPORTING REQUIREMENTS.—*

5 *(1) IN GENERAL.—Not later than December 1 of*
6 *each year, the Attorney General shall submit a report*
7 *to the appropriate committees of Congress and the Di-*
8 *rector of the Office of Management and Budget and*
9 *the Domestic Policy Council that describes, for each*
10 *designated high intensity gang activity area—*

11 *(A) the specific long-term and short-term*
12 *goals and objectives;*

13 *(B) the measurements used to evaluate the*
14 *performance of the high intensity gang activity*
15 *area in achieving the long-term and short-term*
16 *goals;*

17 *(C) the age, composition, and membership*
18 *of gangs;*

19 *(D) the number and nature of crimes com-*
20 *mitted by gangs and gang members;*

21 *(E) the definition of the term “gang” used*
22 *to compile that report; and*

23 *(F) the programmatic outcomes and fund-*
24 *ing need of the high intensity gang area, includ-*
25 *ing—*

1 (i) *an evidence-based analysis of the*
2 *best practices and outcomes from the work*
3 *of the relevant local collaborative working*
4 *group; and*

5 (ii) *an analysis of whether Federal re-*
6 *sources distributed meet the needs of the*
7 *high intensity gang activity area and, if*
8 *any programmatic funding shortfalls exist,*
9 *recommendations for programs or funding*
10 *to meet such shortfalls.*

11 (2) *APPROPRIATE COMMITTEES.—In this sub-*
12 *section, the term “appropriate committees of Con-*
13 *gress” means—*

14 (A) *the Committee on the Judiciary, the*
15 *Committee on Appropriations, and the Com-*
16 *mittee on Health, Education, Labor, and Pen-*
17 *sions of the Senate; and*

18 (B) *the Committee on the Judiciary, the*
19 *Committee on Appropriations, the Committee on*
20 *Education and Labor, and the Committee on*
21 *Energy and Commerce of the House of Rep-*
22 *resentatives.*

23 (d) *ADDITIONAL ASSISTANT UNITED STATES ATTOR-*
24 *NEYS.—The Attorney General is authorized to hire 94 addi-*
25 *tional Assistant United States attorneys, and nonattorney*

1 coordinators and paralegals as necessary, to carry out the
2 provisions of this section.

3 (e) *ADDITIONAL DEFENSE COUNSEL.*—In each of the
4 fiscal years 2008 through 2012, the Director of the Adminis-
5 trative Office of the United States Courts is authorized to
6 hire 71 additional attorneys, nonattorney coordinators, and
7 investigators, as necessary, in Federal Defender Programs
8 and Federal Community Defender Organizations, and to
9 make additional payments as necessary to retain appointed
10 counsel under section 3006A of title 18, United States Code,
11 to adequately respond to any increased or expanded case-
12 loads that may occur as a result of this Act or the amend-
13 ments made by this Act. Funding under this subsection
14 shall not exceed the funding levels under subsection (d).

15 (f) *NATIONAL GANG RESEARCH, EVALUATION, AND*
16 *POLICY INSTITUTE.*—

17 (1) *IN GENERAL.*—The Office of Justice Pro-
18 grams of the Department of Justice, after consulting
19 with relevant law enforcement officials, practitioners
20 and researchers, shall establish a National Gang Re-
21 search, Evaluation, and Policy Institute (in this sub-
22 section referred to as the “Institute”).

23 (2) *ACTIVITIES.*—The Institute shall—

24 (A) promote and facilitate the implementa-
25 tion of data-driven, effective gang violence sup-

1 *pression, prevention, intervention, and reentry*
2 *models, such as the Operation Ceasefire model,*
3 *the Strategic Public Health Approach, the Gang*
4 *Reduction Program, or any other promising mu-*
5 *nicipally driven, comprehensive community-wide*
6 *strategy that is demonstrated to be effective in*
7 *reducing gang violence;*

8 *(B) assist jurisdictions by conducting time-*
9 *ly research on effective models and designing and*
10 *promoting implementation of effective local*
11 *strategies, including programs that have objec-*
12 *tives and data on how they reduce gang violence*
13 *(including shootings and killings), using preven-*
14 *tion, outreach, and community approaches, and*
15 *that demonstrate the efficacy of these approaches;*
16 *and*

17 *(C) provide and contract for technical as-*
18 *sistance as needed in support of its mission.*

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

1 *forcement teams, and local collaborative working*
2 *groups, including representatives of educational, com-*
3 *munity, religious, and social service organizations,*
4 *and gang program and policy research evaluators.*

5 (4) *NATIONAL DEMONSTRATION SITES.*—*Not*
6 *later than 120 days after the date of its formation,*
7 *the Institute shall select appropriate HIGAA areas to*
8 *serve as primary national demonstration sites, based*
9 *on the nature, concentration, and distribution of var-*
10 *ious gang types, the jurisdiction's established capacity*
11 *to integrate prevention, intervention, re-entry and en-*
12 *forcement efforts, and the range of particular gang-re-*
13 *lated issues. After establishing primary national dem-*
14 *onstration sites, the Institute shall establish such other*
15 *secondary sites, to be linked to and receive evaluation,*
16 *research, and technical assistance through the pri-*
17 *mary sites, as it may determine appropriate.*

18 (5) *DISSEMINATION OF INFORMATION.*—*Not later*
19 *than 180 days after the date of its formation, the In-*
20 *stitute shall develop and begin dissemination of infor-*
21 *mation about methods to effectively reduce and pre-*
22 *vent gang violence, including guides, research and as-*
23 *essment models, case studies, evaluations, and best*
24 *practices. The Institute shall also create a website, de-*
25 *signed to support the implementation of successful*

1 *gang violence prevention models, and disseminate ap-*
2 *propriate information to assist jurisdictions in reduc-*
3 *ing gang violence.*

4 (6) *GANG INTERVENTION ACADEMIES.*—*Not later*
5 *than 6 months after the date of its formation, the In-*
6 *stitute shall, either directly or through contracts with*
7 *qualified nonprofit organizations, establish not less*
8 *than 1 training academy, located in a high intensity*
9 *gang activity area, to promote effective gang interven-*
10 *tion and community policing. The purposes of an*
11 *academy established under this paragraph shall be to*
12 *increase professionalism of gang intervention workers,*
13 *improve officer training for working with gang inter-*
14 *vention workers, create best practices for independent*
15 *cooperation between officers and intervention workers,*
16 *and develop training for community policing.*

17 (7) *SUPPORT.*—*The Institute shall obtain initial*
18 *and continuing support from experienced researchers*
19 *and practitioners, as it determines necessary, to test*
20 *and assist in implementing its strategies nationally,*
21 *regionally, and locally.*

22 (8) *RESEARCH AGENDA.*—*The Institute shall es-*
23 *tablish and implement a core research agenda de-*
24 *signed to address areas of particular challenge, in-*
25 *cluding—*

1 (A) *how best to apply and continue to test*
2 *the models described in paragraph (2) in par-*
3 *ticularly large jurisdictions;*

4 (B) *how to foster and maximize the con-*
5 *tinuing impact of community moral voices in*
6 *this context;*

7 (C) *how to ensure the long-term sustain-*
8 *ability of reduced violent crime levels once ini-*
9 *tial levels of enthusiasm may subside; and*

10 (D) *how to apply existing intervention*
11 *frameworks to emerging local, regional, national,*
12 *or international gang problems, such as the*
13 *emergence of the gang known as MS-13.*

14 (9) *EVALUATION.*—*The National Institute of*
15 *Justice shall evaluate, on a continuing basis, com-*
16 *prehensive gang violence prevention, intervention,*
17 *suppression, and reentry strategies supported by the*
18 *Institute, and shall report the results of these evalua-*
19 *tions by no later than October 1 each year to the*
20 *Committee on the Judiciary of the Senate and the*
21 *Committee on the Judiciary of the House of Rep-*
22 *resentatives.*

23 (10) *FUNDS.*—*The Attorney General shall use*
24 *not less than 3 percent, and not more than 5 percent,*

1 *of the amounts made available under this section to*
2 *establish and operate the Institute.*

3 *(g) USE OF FUNDS.—Of amounts made available to*
4 *a local collaborative working group under this section for*
5 *each fiscal year that are remaining after the costs of hiring*
6 *a full time coordinator for the local collaborative effort—*

7 *(1) 50 percent shall be used for the operation of*
8 *criminal street gang enforcement teams; and*

9 *(2) 50 percent shall be used—*

10 *(A) to provide at-risk youth with positive*
11 *alternatives to gangs and other violent groups*
12 *and to address the needs of those who leave gangs*
13 *and other violent groups through—*

14 *(i) service providers in the community,*
15 *including schools and school districts; and*

16 *(ii) faith leaders and other individuals*
17 *experienced at reaching youth who have*
18 *been involved in violence and violent gangs*
19 *or groups;*

20 *(B) for the establishment and operation of*
21 *the National Gang Research, Evaluation, and*
22 *Policy Institute; and*

23 *(C) to support and provide technical assist-*
24 *ance to research in criminal justice, social serv-*

1 ices, and community gang violence prevention
2 collaborations.

3 (h) *AUTHORIZATION OF APPROPRIATIONS.*—There are
4 authorized to be appropriated to carry out this section
5 \$75,000,000 for each of fiscal years 2008 through 2012. Any
6 funds made available under this subsection shall remain
7 available until expended.

8 **SEC. 302. GANG PREVENTION GRANTS.**

9 (a) *AUTHORITY TO MAKE GRANTS.*—The Office of
10 Justice Programs of the Department of Justice may make
11 grants, in accordance with such regulations as the Attorney
12 General may prescribe, to States, units of local government,
13 tribal governments, and qualified private entities, to de-
14 velop community-based programs that provide crime pre-
15 vention, research, and intervention services that are de-
16 signed for gang members and at-risk youth.

17 (b) *USE OF GRANT AMOUNTS.*—A grant under this sec-
18 tion may be used (including through subgrants) for—

19 (1) preventing initial gang recruitment and in-
20 volvement among younger teenagers;

21 (2) reducing gang involvement through non-
22 violent and constructive activities, such as community
23 service programs, development of nonviolent conflict
24 resolution skills, employment and legal assistance,

1 *family counseling, and other safe, community-based*
2 *alternatives for high-risk youth;*

3 (3) *developing in-school and after-school gang*
4 *safety, control, education, and resistance procedures*
5 *and programs;*

6 (4) *identifying and addressing early childhood*
7 *risk factors for gang involvement, including parent*
8 *training and childhood skills development;*

9 (5) *identifying and fostering protective factors*
10 *that buffer children and adolescents from gang in-*
11 *volvement;*

12 (6) *developing and identifying investigative pro-*
13 *grams designed to deter gang recruitment, involve-*
14 *ment, and activities through effective intelligence*
15 *gathering;*

16 (7) *developing programs and youth centers for*
17 *first-time nonviolent offenders facing alternative pen-*
18 *alties, such as mandated participation in community*
19 *service, restitution, counseling, and education and*
20 *prevention programs;*

21 (8) *implementing regional, multidisciplinary*
22 *approaches to combat gang violence through coordi-*
23 *nated programs for prevention and intervention (in-*
24 *cluding street outreach programs and other peace-*
25 *making activities) or coordinated law enforcement ac-*

1 *tivities (including regional gang task forces and re-*
2 *gional crime mapping strategies that enhance focused*
3 *prosecutions and reintegration strategies for offender*
4 *reentry); or*

5 *(9) identifying at-risk and high-risk students*
6 *through home visits organized through joint collabora-*
7 *tions between law enforcement, faith-based organiza-*
8 *tions, schools, and social workers.*

9 *(c) GRANT REQUIREMENTS.—*

10 *(1) MAXIMUM.—The amount of a grant under*
11 *this section may not exceed \$1,000,000.*

12 *(2) CONSULTATION AND COOPERATION.—Each*
13 *recipient of a grant under this section shall have in*
14 *effect on the date of the application by that entity*
15 *agreements to consult and cooperate with local, State,*
16 *or Federal law enforcement and participate, as ap-*
17 *propriate, in coordinated efforts to reduce gang activ-*
18 *ity and violence.*

19 *(d) ANNUAL REPORT.—Each recipient of a grant*
20 *under this section shall submit to the Attorney General, for*
21 *each year in which funds from a grant received under this*
22 *section are expended, a report containing—*

23 *(1) a summary of the activities carried out with*
24 *grant funds during that year;*

1 (2) *an assessment of the effectiveness of the crime*
2 *prevention, research, and intervention activities of the*
3 *recipient, based on data collected by the grant recipi-*
4 *ent;*

5 (3) *a strategic plan for the year following the*
6 *year described in paragraph (1);*

7 (4) *evidence of consultation and cooperation with*
8 *local, State, or Federal law enforcement or, if the*
9 *grant recipient is a government entity, evidence of*
10 *consultation with an organization engaged in any ac-*
11 *tivity described in subsection (b); and*

12 (5) *such other information as the Attorney Gen-*
13 *eral may require.*

14 (e) *DEFINITION.—In this section, the term “units of*
15 *local government” includes sheriffs departments, police de-*
16 *partments, and local prosecutor offices.*

17 (f) *AUTHORIZATION OF APPROPRIATIONS.—There are*
18 *authorized to be appropriated for grants under this section*
19 *\$35,000,000 for each of the fiscal years 2008 through 2012.*

20 **SEC. 303. ENHANCEMENT OF PROJECT SAFE NEIGHBOR-**
21 **HOODS INITIATIVE TO IMPROVE ENFORCE-**
22 **MENT OF CRIMINAL LAWS AGAINST VIOLENT**
23 **GANGS.**

24 (a) *IN GENERAL.—While maintaining the focus of*
25 *Project Safe Neighborhoods as a comprehensive, strategic*

1 *approach to reducing gun violence in America, the Attorney*
2 *General is authorized to expand the Project Safe Neighbor-*
3 *hoods program to require each United States attorney to—*

4 (1) *identify, investigate, and prosecute signifi-*
5 *cant criminal street gangs operating within their dis-*
6 *trict; and*

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

10 (b) *ADDITIONAL STAFF FOR PROJECT SAFE NEIGH-*
11 *BORHOODS.—*

12 (1) *IN GENERAL.—The Attorney General may*
13 *hire Assistant United States attorneys, non-attorney*
14 *coordinators, or paralegals to carry out the provisions*
15 *of this section.*

16 (2) *ENFORCEMENT.—The Attorney General may*
17 *hire Bureau of Alcohol, Tobacco, Firearms, and Ex-*
18 *plosives agents for, and otherwise expend additional*
19 *resources in support of, the Project Safe Neighbor-*
20 *hoods/Firearms Violence Reduction program.*

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

1 **SEC. 304. ADDITIONAL RESOURCES NEEDED BY THE FED-**
2 **ERAL BUREAU OF INVESTIGATION TO INVES-**
3 **TIGATE AND PROSECUTE VIOLENT CRIMINAL**
4 **STREET GANGS.**

5 (a) *EXPANSION OF SAFE STREETS PROGRAM.*—The
6 Attorney General is authorized to expand the Safe Streets
7 Program of the Federal Bureau of Investigation for the pur-
8 pose of supporting criminal street gang enforcement teams.

9 (b) *NATIONAL GANG ACTIVITY DATABASE.*—

10 (1) *IN GENERAL.*—The Attorney General shall es-
11 tablish a National Gang Activity Database to be
12 housed at and administered by the Department of
13 Justice.

14 (2) *DESCRIPTION.*—The database required by
15 paragraph (1) shall—

16 (A) be designed to disseminate gang infor-
17 mation to law enforcement agencies throughout
18 the country and, subject to appropriate controls,
19 to disseminate aggregate statistical information
20 to other members of the criminal justice system,
21 community leaders, academics, and the public;

22 (B) contain critical information on gangs,
23 gang members, firearms, criminal activities, ve-
24 hicles, and other information useful for inves-
25 tigators in solving and reducing gang-related
26 crimes;

- 1 (C) operate in a manner that enables law
2 enforcement agencies to—
- 3 (i) identify gang members involved in
4 crimes;
- 5 (ii) track the movement of gangs and
6 members throughout the region;
- 7 (iii) coordinate law enforcement re-
8 sponse to gang violence;
- 9 (iv) enhance officer safety;
- 10 (v) provide realistic, up-to-date figures
11 and statistical data on gang crime and vio-
12 lence;
- 13 (vi) forecast trends and respond ac-
14 cordingly; and
- 15 (vii) more easily solve crimes and pre-
16 vent violence; and
- 17 (D) be subject to guidelines, issued by the
18 Attorney General, specifying the criteria for add-
19 ing information to the database, the appropriate
20 period for retention of such information, and a
21 process for removing individuals from the data-
22 base, and prohibiting disseminating gang infor-
23 mation to any entity that is not a law enforce-
24 ment agency, except aggregate statistical infor-
25 mation where appropriate.

1 (3) *USE OF RISS SECURE INTRANET.*—From
2 amounts made available to carry out this section, the
3 Attorney General shall provide the Regional Informa-
4 tion Sharing Systems such sums as are necessary to
5 use the secure intranet known as *RISSNET* to elec-
6 tronically connect existing gang information systems
7 (including the *RISSGang National Gang Database*)
8 with the *National Gang Activity Database*, thereby
9 facilitating the automated information exchange of
10 existing gang data by all connected systems without
11 the need for additional databases or data replication.

12 (c) *AUTHORIZATION OF APPROPRIATIONS.*—

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

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

21 **SEC. 305. GRANTS TO PROSECUTORS AND LAW ENFORCE-**
22 **MENT TO COMBAT VIOLENT CRIME.**

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

8 “(B) *reduce backlogs; and*

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

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

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

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

1 **SEC. 306. EXPANSION AND REAUTHORIZATION OF THE**
2 **MENTORING INITIATIVE FOR SYSTEM IN-**
3 **VOLVED YOUTH.**

4 (a) *EXPANSION.*—Section 261(a) of the *Juvenile Jus-*
5 *tice and Delinquency Prevention Act of 1974 (42 U.S.C.*
6 *5665(a)) is amended by adding at the end the following:*
7 *“The Administrator shall expand the number of sites receiv-*
8 *ing such grants from 4 to 12.”.*

9 (b) *AUTHORIZATION OF PROGRAM.*—Section 299(c) of
10 *the Juvenile Justice and Delinquency Prevention Act of*
11 *1974 (42 U.S.C. 5671(c)) is amended—*

12 (1) *by striking “There are authorized” and in-*
13 *serting the following:*

14 *“(1) IN GENERAL.—There are authorized”; and*

15 (2) *by adding at the end the following:*

16 *“(2) AUTHORIZATION OF APPROPRIATIONS FOR*
17 *MENTORING INITIATIVE.—There are authorized to be*
18 *appropriated to carry out the Mentoring Initiative*
19 *for System Involved Youth Program under part E*
20 *\$4,800,000 for each of fiscal years 2008 through*
21 *2012.”.*

22 **SEC. 307. DEMONSTRATION GRANTS TO ENCOURAGE CRE-**
23 **ATIVE APPROACHES TO GANG ACTIVITY AND**
24 **AFTER-SCHOOL PROGRAMS.**

25 (a) *IN GENERAL.*—The Attorney General may make
26 *grants to public or nonprofit private entities (including*

1 *faith-based organizations) for the purpose of assisting the*
2 *entities in carrying out projects involving innovative ap-*
3 *proaches to combat gang activity.*

4 (b) *CERTAIN APPROACHES.*—*Approaches under sub-*
5 *section (a) may include the following:*

6 (1) *Encouraging teen-driven approaches to gang*
7 *activity prevention.*

8 (2) *Educating parents to recognize signs of prob-*
9 *lems and potential gang involvement in their chil-*
10 *dren.*

11 (3) *Teaching parents the importance of a nur-*
12 *turing family and home environment to keep children*
13 *out of gangs.*

14 (4) *Facilitating communication between parents*
15 *and children, especially programs that have been eval-*
16 *uated and proven effective.*

17 (c) *MATCHING FUNDS.*—

18 (1) *IN GENERAL.*—*The Attorney General may*
19 *make a grant under this section only if the entity re-*
20 *ceiving the grant agrees to make available (directly or*
21 *through donations from public or private entities)*
22 *non-Federal contributions toward the cost of activities*
23 *to be performed with that grant in an amount that*
24 *is not less than 25 percent of such costs.*

1 (2) *DETERMINATION OF AMOUNT CONTRIB-*
2 *UTED.—Non-Federal contributions required under*
3 *paragraph (1) may be in cash or in kind, fairly eval-*
4 *uated, including facilities, equipment, or services.*
5 *Amounts provided by the Federal Government, or*
6 *services assisted or subsidized to any significant ex-*
7 *tent by the Federal Government, may not be included*
8 *in determining the amount of such non-Federal con-*
9 *tributions.*

10 (d) *EVALUATION OF PROJECTS.—*

11 (1) *IN GENERAL.—The Attorney General shall es-*
12 *tablish criteria for the evaluation of projects involving*
13 *innovative approaches under subsection (a).*

14 (2) *GRANTEES.—A grant may be made under*
15 *subsection (a) only if the entity involved—*

16 (A) *agrees to conduct evaluations of the ap-*
17 *proach in accordance with the criteria estab-*
18 *lished under paragraph (1);*

19 (B) *agrees to submit to the Attorney Gen-*
20 *eral reports describing the results of the evalua-*
21 *tions, as the Attorney General determines to be*
22 *appropriate; and*

23 (C) *submits to the Attorney General, in the*
24 *application under subsection (e), a plan for con-*
25 *ducting the evaluations.*

1 (e) *APPLICATION FOR GRANT.*—A public or nonprofit
 2 private entity desiring a grant under this section shall sub-
 3 mit an application in such form, in such manner, and con-
 4 taining such agreements, assurances, and information (in-
 5 cluding the agreements under subsections (c) and (d) and
 6 the plan under subsection (d)(2)(C)) as the Attorney Gen-
 7 eral determines appropriate.

8 (f) *REPORT TO CONGRESS.*—Not later than February
 9 1 of each year, the Attorney General shall submit to Con-
 10 gress a report describing the extent to which the approaches
 11 under subsection (a) have been successful in reducing the
 12 rate of gang activity in the communities in which the ap-
 13 proaches have been carried out. Each report under this sub-
 14 section shall describe the various approaches used under
 15 subsection (a) and the effectiveness of each of the ap-
 16 proaches.

17 (g) *AUTHORIZATION OF APPROPRIATIONS.*—There are
 18 authorized to be appropriated \$5,000,000 to carry out this
 19 section for each of the fiscal years 2008 through 2012.

20 **SEC. 308. SHORT-TERM STATE WITNESS PROTECTION SEC-**
 21 **TION.**

22 (a) *ESTABLISHMENT.*—

23 (1) *IN GENERAL.*—Chapter 37 of title 28, United
 24 States Code, is amended by adding at the end the fol-
 25 lowing:

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

2 “(a) *IN GENERAL.*—*There is established in the United*
3 *States Marshals Service a Short-Term State Witness Pro-*
4 *tection Section which shall provide protection for witnesses*
5 *in State and local trials involving homicide or other major*
6 *violent crimes pursuant to cooperative agreements with*
7 *State and local criminal prosecutor’s offices and the United*
8 *States attorney for the District of Columbia.*

9 “(b) *ELIGIBILITY.*—

10 “(1) *IN GENERAL.*—*The Short-Term State Wit-*
11 *ness Protection Section shall give priority in award-*
12 *ing grants and providing services to—*

13 “(A) *criminal prosecutor’s offices for States*
14 *with an average of not less than 100 murders per*
15 *year; and*

16 “(B) *criminal prosecutor’s offices for juris-*
17 *dictions that include a city, town, or township*
18 *with an average violent crime rate per 100,000*
19 *inhabitants that is above the national average.*

20 “(2) *CALCULATION.*—*The rate of murders and*
21 *violent crime under paragraph (1) shall be calculated*
22 *using the latest available crime statistics from the*
23 *Federal Bureau of Investigation during 5-year period*
24 *immediately preceding an application for protec-*
25 *tion.”.*

1 (2) *CHAPTER ANALYSIS.*—*The chapter analysis*
2 *for chapter 37 of title 28, United States Code, is*
3 *amended by striking the items relating to sections 570*
4 *through 576 and inserting the following:*

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

5 (b) *GRANT PROGRAM.*—

6 (1) *DEFINITIONS.*—*In this subsection—*

7 (A) *the term “eligible prosecutor’s office”*
8 *means a State or local criminal prosecutor’s of-*
9 *fice or the United States attorney for the District*
10 *of Columbia; and*

11 (B) *the term “serious violent felony” has the*
12 *same meaning as in section 3559(c)(2) of title*
13 *18, United States Code.*

14 (2) *GRANTS AUTHORIZED.*—

15 (A) *IN GENERAL.*—*The Attorney General is*
16 *authorized to make grants to eligible prosecutor’s*
17 *offices for purposes of identifying witnesses in*
18 *need of protection or providing short term pro-*
19 *tection to witnesses in trials involving homicide*
20 *or serious violent felony.*

21 (B) *ALLOCATION.*—*Each eligible prosecu-*
22 *tor’s office receiving a grant under this sub-*
23 *section may—*

24 (i) *use the grant to identify witnesses*
25 *in need of protection or provide witness*

1 protection (including tattoo removal serv-
2 ices); 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 pro-
9 viding witness protection on behalf of the el-
10 igible prosecutor's office.

11 (3) APPLICATION.—

12 (A) IN GENERAL.—Each eligible prosecu-
13 tor's office desiring a grant under this subsection
14 shall submit an application to the Attorney Gen-
15 eral at such time, in such manner, and accom-
16 panied by such information as the Attorney Gen-
17 eral 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; and

22 (ii) provide such additional assurances
23 as the Attorney General determines to be es-
24 sential to ensure compliance with the re-
25 quirements of this subsection.

1 (4) *AUTHORIZATION OF APPROPRIATIONS.*—
 2 *There are authorized to be appropriated to carry out*
 3 *this subsection \$90,000,000 for each of fiscal years*
 4 *2008 through 2010.*

5 **SEC. 309. WITNESS PROTECTION SERVICES.**

6 *Section 3526 of title 18, United States Code (Coopera-*
 7 *tion of other Federal agencies and State governments; reim-*
 8 *bursement of expenses) is amended by adding at the end*
 9 *the following:*

10 “(c) *In any case in which a State government requests*
 11 *the Attorney General to provide temporary protection under*
 12 *section 3521(e) of this title, the costs of providing temporary*
 13 *protection are not reimbursable if the investigation or pros-*
 14 *ecution in any way relates to crimes of violence committed*
 15 *by a criminal street gang, as defined under the laws of the*
 16 *relevant State seeking assistance under this title.”.*

17 **SEC. 310. EXPANSION OF FEDERAL WITNESS RELOCATION**
 18 **AND PROTECTION PROGRAM.**

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

22 **SEC. 311. FAMILY ABDUCTION PREVENTION GRANT PRO-**
 23 **GRAM.**

24 (a) *STATE GRANTS.*—*The Attorney General is author-*
 25 *ized to make grants to States for projects involving—*

1 (1) *the extradition of individuals suspected of*
2 *committing a family abduction;*

3 (2) *the investigation by State and local law en-*
4 *forcement agencies of family abduction cases;*

5 (3) *the training of State and local law enforce-*
6 *ment agencies in responding to family abductions*
7 *and recovering abducted children, including the devel-*
8 *opment of written guidelines and technical assistance;*

9 (4) *outreach and media campaigns to educate*
10 *parents on the dangers of family abductions; and*

11 (5) *the flagging of school records.*

12 (b) *MATCHING REQUIREMENT.*—*Not less than 50 per-*
13 *cent of the cost of a project for which a grant is made under*
14 *this section shall be provided by non-Federal sources.*

15 (c) *DEFINITIONS.*—*In this section:*

16 (1) *FAMILY ABDUCTION.*—*The term “family ab-*
17 *duction” means the taking, keeping, or concealing of*
18 *a child or children by a parent, other family member,*
19 *or person acting on behalf of the parent or family*
20 *member, that prevents another individual from exer-*
21 *cising lawful custody or visitation rights.*

22 (2) *FLAGGING.*—*The term “flagging” means the*
23 *process of notifying law enforcement authorities of the*
24 *name and address of any person requesting the school*
25 *records of an abducted child.*

1 (3) *STATE.*—*The term “State” means each of the*
2 *several States, the District of Columbia, the Common-*
3 *wealth of Puerto Rico, the Commonwealth of the*
4 *Northern Mariana Islands, American Samoa, Guam,*
5 *the Virgin Islands, any territory or possession of the*
6 *United States, and any Indian tribe.*

7 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
8 *authorized to be appropriated to carry out this section*
9 *\$500,000 for fiscal year 2008 and such sums as may be*
10 *necessary for each of fiscal years 2009 and 2010.*

11 **SEC. 312. STUDY ON ADOLESCENT DEVELOPMENT AND SEN-**
12 **TENCES IN THE FEDERAL SYSTEM.**

13 (a) *IN GENERAL.*—*The United States Sentencing*
14 *Commission shall conduct a study to examine the appro-*
15 *priateness of sentences for minors in the Federal system.*

16 (b) *CONTENTS.*—*The study conducted under subsection*
17 *(a) shall—*

18 (1) *incorporate the most recent research and ex-*
19 *pertise in the field of adolescent brain development*
20 *and culpability;*

21 (2) *evaluate the toll of juvenile crime, particu-*
22 *larly violent juvenile crime, on communities;*

23 (3) *consider the appropriateness of life sentences*
24 *without possibility for parole for minor offenders in*
25 *the Federal system; and*

1 (4) *evaluate issues of recidivism by juveniles who*
2 *are released from prison or detention after serving de-*
3 *terminate sentences.*

4 (c) *REPORT.—Not later than 1 year after the date of*
5 *enactment of this Act, the United States Sentencing Com-*
6 *mission shall submit to Congress a report regarding the*
7 *study conducted under subsection (a), which shall—*

8 (1) *include the findings of the Commission;*

9 (2) *describe significant cases reviewed as part of*
10 *the study; and*

11 (3) *make recommendations, if any.*

12 (d) *REVISION OF GUIDELINES.—If determined appro-*
13 *priate by the United States Sentencing Commission, after*
14 *completing the study under subsection (a) the Commission*
15 *may, pursuant to its authority under section 994 of title*
16 *28, United States Code, establish or revise guidelines and*
17 *policy statements, as warranted, relating to the sentencing*
18 *of minors under this Act or the amendments made by this*
19 *Act.*

20 **SEC. 313. NATIONAL YOUTH ANTI-HEROIN MEDIA CAM-**
21 **PAIGN.**

22 *Section 709 of the Office of National Drug Control Pol-*
23 *icy Reauthorization Act of 1998 (21 U.S.C. 1708) is amend-*
24 *ed—*

1 (1) *by redesignating subsections (k) and (l) as*
2 *subsections (l) and (m), respectively; and*

3 (2) *by inserting after subsection (j) the following:*

4 “(k) *PREVENTION OF HEROIN ABUSE.—*

5 “(1) *FINDINGS.—Congress finds the following:*

6 “(A) *Heroin, and particularly the form*
7 *known as ‘cheese heroin’ (a drug made by mix-*
8 *ing black tar heroin with diphenhydramine),*
9 *poses a significant and increasing threat to*
10 *youth in the United States.*

11 “(B) *Drug organizations import heroin*
12 *from outside of the United States, mix the highly*
13 *addictive drug with diphenhydramine, and dis-*
14 *tribute it mostly to youth.*

15 “(C) *Since the initial discovery of cheese*
16 *heroin on Dallas school campuses in 2005, at*
17 *least 21 minors have died after overdosing on*
18 *cheese heroin in Dallas County.*

19 “(D) *The number of arrests involving pos-*
20 *session of cheese heroin in the Dallas area during*
21 *the 2006–2007 school year increased over 60 per-*
22 *cent from the previous school year.*

23 “(E) *The ease of communication via the*
24 *Internet and cell phones allows a drug trend to*

1 *spread rapidly across the country, creating a na-*
2 *tional threat.*

3 “(F) *Gangs recruit youth as new members*
4 *by providing them with this inexpensive drug.*

5 “(G) *Reports show that there is rampant ig-*
6 *norance among youth about the dangerous and*
7 *potentially fatal effects of cheese heroin.*

8 “(2) *PREVENTION OF HEROIN ABUSE.—In con-*
9 *ducting advertising and activities otherwise author-*
10 *ized under this section, the Director shall promote*
11 *prevention of youth heroin use, including cheese her-*
12 *oin.”.*

13 **SEC. 314. TRAINING AT THE NATIONAL ADVOCACY CENTER.**

14 (a) *IN GENERAL.—The National District Attorneys*
15 *Association may use the services of the National Advocacy*
16 *Center in Columbia, South Carolina to conduct a national*
17 *training program for State and local prosecutors for the*
18 *purpose of improving the professional skills of State and*
19 *local prosecutors and enhancing the ability of Federal,*
20 *State, and local prosecutors to work together.*

21 (b) *TRAINING.—The National Advocacy Center in Co-*
22 *lumbia, South Carolina may provide comprehensive con-*
23 *tinuing legal education in the areas of trial practice, sub-*
24 *stantive legal updates, and support staff training.*

1 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
 2 *authorized to be appropriated to the Attorney General to*
 3 *carry out this section \$6,500,000, to remain available until*
 4 *expended, for fiscal years 2008 through 2011.*

5 ***TITLE IV—CRIME PREVENTION***
 6 ***AND INTERVENTION STRATE-***
 7 ***GIES***

8 ***SEC. 401. SHORT TITLE.***

9 *This title may be cited as the “Prevention Resources*
 10 *for Eliminating Criminal Activity Using Tailored Inter-*
 11 *ventions in Our Neighborhoods Act of 2007” or the “PRE-*
 12 *CAUTION Act”.*

13 ***SEC. 402. PURPOSES.***

14 *The purposes of this title are to—*

15 (1) *establish a commitment on the part of the*
 16 *Federal Government to provide leadership on success-*
 17 *ful crime prevention and intervention strategies;*

18 (2) *further the integration of crime prevention*
 19 *and intervention strategies into traditional law en-*
 20 *forcement practices of State and local law enforce-*
 21 *ment offices around the country;*

22 (3) *develop a plain-language, implementation-fo-*
 23 *cused assessment of those current crime and delin-*
 24 *quency prevention and intervention strategies that*
 25 *are supported by rigorous evidence;*

1 (4) provide additional resources to the National
2 *Institute of Justice to administer research and devel-*
3 *opment grants for promising crime prevention and*
4 *intervention strategies;*

5 (5) develop recommendations for Federal prior-
6 *ities for crime and delinquency prevention and inter-*
7 *vention research, development, and funding that may*
8 *augment important Federal grant programs, includ-*
9 *ing the Edward Byrne Memorial Justice Assistance*
10 *Grant Program under subpart 1 of part E of title I*
11 *of the Omnibus Crime Control and Safe Streets Act*
12 *of 1968 (42 U.S.C. 3750 et seq.), grant programs ad-*
13 *ministered by the Office of Community Oriented Po-*
14 *licing Services of the Department of Justice, grant*
15 *programs administered by the Office of Safe and*
16 *Drug-Free Schools of the Department of Education,*
17 *and other similar programs; and*

18 (6) reduce the costs that rising violent crime im-
19 *poses on interstate commerce.*

20 **SEC. 403. DEFINITIONS.**

21 *In this title, the following definitions shall apply:*

22 (1) **COMMISSION.**—*The term “Commission”*
23 *means the National Commission on Public Safety*
24 *Through Crime Prevention established under section*
25 *404(a).*

1 (2) *RIGOROUS EVIDENCE.*—*The term “rigorous*
 2 *evidence” means evidence generated by scientifically*
 3 *valid forms of outcome evaluation, particularly ran-*
 4 *domized trials (where practicable).*

5 (3) *SUBCATEGORY.*—*The term “subcategory”*
 6 *means 1 of the following categories:*

7 (A) *Family and community settings (in-*
 8 *cluding public health-based strategies).*

9 (B) *Law enforcement settings (including*
 10 *probation-based strategies).*

11 (C) *School settings (including antigang and*
 12 *general antiviolence strategies).*

13 (4) *TOP-TIER.*—*The term “top-tier” means any*
 14 *strategy supported by rigorous evidence of the sizable,*
 15 *sustained benefits to participants in the strategy or to*
 16 *society.*

17 **SEC. 404. NATIONAL COMMISSION ON PUBLIC SAFETY**
 18 **THROUGH CRIME PREVENTION.**

19 (a) *ESTABLISHMENT.*—*There is established a commis-*
 20 *sion to be known as the National Commission on Public*
 21 *Safety Through Crime Prevention.*

22 (b) *MEMBERS.*—

23 (1) *IN GENERAL.*—*The Commission shall be com-*
 24 *posed of 9 members, of whom—*

1 (A) 3 shall be appointed by the President,
2 1 of whom shall be the Assistant Attorney Gen-
3 eral for the Office of Justice Programs or a rep-
4 resentative of such Assistant Attorney General;

5 (B) 2 shall be appointed by the Speaker of
6 the House of Representatives, unless the Speaker
7 is of the same party as the President, in which
8 case 1 shall be appointed by the Speaker of the
9 House of Representatives and 1 shall be ap-
10 pointed by the minority leader of the House of
11 Representatives;

12 (C) 1 shall be appointed by the minority
13 leader of the House of Representatives (in addi-
14 tion to any appointment made under subpara-
15 graph (B));

16 (D) 2 shall be appointed by the majority
17 leader of the Senate, unless the majority leader
18 is of the same party as the President, in which
19 case 1 shall be appointed by the majority leader
20 of the Senate and 1 shall be appointed by the
21 minority leader of the Senate; and

22 (E) 1 member appointed by the minority
23 leader of the Senate (in addition to any appoint-
24 ment made under subparagraph (D)).

25 (2) PERSONS ELIGIBLE.—

1 (A) *IN GENERAL.*—Each member of the
2 Commission shall be an individual who has
3 knowledge or expertise in matters to be studied
4 by the Commission.

5 (B) *REQUIRED REPRESENTATIVES.*—At
6 least—

7 (i) 2 members of the Commission shall
8 be respected social scientists with experience
9 implementing or interpreting rigorous, out-
10 come-based trials; and

11 (ii) 2 members of the Commission shall
12 be law enforcement practitioners.

13 (3) *CONSULTATION REQUIRED.*—The President,
14 the Speaker of the House of Representatives, the mi-
15 nority leader of the House of Representatives, and the
16 majority leader and minority leader of the Senate
17 shall consult prior to the appointment of the members
18 of the Commission to achieve, to the maximum extent
19 possible, fair and equitable representation of various
20 points of view with respect to the matters to be stud-
21 ied by the Commission.

22 (4) *TERM.*—Each member shall be appointed for
23 the life of the Commission.

1 (5) *TIME FOR INITIAL APPOINTMENTS.*—*The ap-*
2 *pointment of the members shall be made not later*
3 *than 60 days after the date of enactment of this Act.*

4 (6) *VACANCIES.*—*A vacancy in the Commission*
5 *shall be filled in the manner in which the original*
6 *appointment was made, and shall be made not later*
7 *than 60 days after the date on which the vacancy oc-*
8 *curred.*

9 (7) *EX OFFICIO MEMBERS.*—*The Director of the*
10 *National Institute of Justice, the Director of the Of-*
11 *fice of Juvenile Justice and Delinquency Prevention,*
12 *the Director of the Community Capacity Development*
13 *Office, the Director of the Bureau of Justice Statis-*
14 *tics, the Director of the Bureau of Justice Assistance,*
15 *and the Director of Community Oriented Policing*
16 *Services (or a representative of each such director)*
17 *shall each serve in an ex officio capacity on the Com-*
18 *mission to provide advice and information to the*
19 *Commission.*

20 (c) *OPERATION.*—

21 (1) *CHAIRPERSON.*—*At the initial meeting of the*
22 *Commission, the members of the Commission shall*
23 *elect a chairperson from among its voting members,*
24 *by a vote of $\frac{2}{3}$ of the members of the Commission.*
25 *The chairperson shall retain this position for the life*

1 *of the Commission. If the chairperson leaves the Com-*
2 *mission, a new chairperson shall be selected, by a vote*
3 *of $\frac{2}{3}$ of the members of the Commission.*

4 (2) *MEETINGS.—The Commission shall meet at*
5 *the call of the chairperson. The initial meeting of the*
6 *Commission shall take place not later than 30 days*
7 *after the date on which all the members of the Com-*
8 *mission have been appointed.*

9 (3) *QUORUM.—A majority of the members of the*
10 *Commission shall constitute a quorum to conduct*
11 *business, and the Commission may establish a lesser*
12 *quorum for conducting hearings scheduled by the*
13 *Commission.*

14 (4) *RULES.—The Commission may establish by*
15 *majority vote any other rules for the conduct of Com-*
16 *mission business, if such rules are not inconsistent*
17 *with this title or other applicable law.*

18 (d) *PUBLIC HEARINGS.—*

19 (1) *IN GENERAL.—The Commission shall hold*
20 *public hearings. The Commission may hold such hear-*
21 *ings, sit and act at such times and places, take such*
22 *testimony, and receive such evidence as the Commis-*
23 *sion considers advisable to carry out its duties under*
24 *this section.*

1 (2) *FOCUS OF HEARINGS.*—*The Commission*
2 *shall hold at least 3 separate public hearings, each of*
3 *which shall focus on 1 of the subcategories.*

4 (3) *WITNESS EXPENSES.*—*Witnesses requested to*
5 *appear before the Commission shall be paid the same*
6 *fees as are paid to witnesses under section 1821 of*
7 *title 28, United States Code. The per diem and mile-*
8 *age allowances for witnesses shall be paid from funds*
9 *appropriated to the Commission.*

10 (e) *COMPREHENSIVE STUDY OF EVIDENCE-BASED*
11 *CRIME PREVENTION AND INTERVENTION STRATEGIES.*—

12 (1) *IN GENERAL.*—*The Commission shall carry*
13 *out a comprehensive study of the effectiveness of crime*
14 *and delinquency prevention and intervention strate-*
15 *gies, organized around the 3 subcategories.*

16 (2) *MATTERS INCLUDED.*—*The study under*
17 *paragraph (1) shall include—*

18 (A) *a review of research on the general effec-*
19 *tiveness of incorporating crime prevention and*
20 *intervention strategies into an overall law en-*
21 *forcement plan;*

22 (B) *an evaluation of how to more effectively*
23 *communicate the wealth of social science research*
24 *to practitioners;*

1 (C) a review of evidence regarding the effec-
2 tiveness of specific crime prevention and inter-
3 vention strategies, focusing on those strategies
4 supported by rigorous evidence;

5 (D) an identification of—

6 (i) promising areas for further research
7 and development; and

8 (ii) other areas representing gaps in
9 the body of knowledge that would benefit
10 from additional research and development;

11 (E) an assessment of the best practices for
12 implementing prevention and intervention strat-
13 egies;

14 (F) an assessment of the best practices for
15 gathering rigorous evidence regarding the imple-
16 mentation of intervention and prevention strate-
17 gies; and

18 (G) an assessment of those top-tier strategies
19 best suited for duplication efforts in a range of
20 settings across the country.

21 (3) *INITIAL REPORT ON TOP-TIER CRIME PRE-*
22 *VENTION AND INTERVENTION STRATEGIES.*—

23 (A) *DISTRIBUTION.*—Not later than 18
24 months after the date on which all members of
25 the Commission have been appointed, the Com-

1 *mission shall submit a public report on the*
2 *study carried out under this subsection to—*

3 *(i) the President;*

4 *(ii) Congress;*

5 *(iii) the Attorney General;*

6 *(iv) the Chief Federal Public Defender*
7 *of each district;*

8 *(v) the chief executive of each State;*

9 *(vi) the Director of the Administrative*
10 *Office of the Courts of each State;*

11 *(vii) the Director of the Administrative*
12 *Office of the United States Courts; and*

13 *(viii) the attorney general of each*
14 *State.*

15 *(B) CONTENTS.—The report under subpara-*
16 *graph (A) shall include—*

17 *(i) the findings and conclusions of the*
18 *Commission;*

19 *(ii) a summary of the top-tier strate-*
20 *gies, including—*

21 *(I) a review of the rigorous evi-*
22 *dence supporting the designation of*
23 *each strategy as top-tier;*

1 (II) a brief outline of the keys to
2 successful implementation for each
3 strategy; and

4 (III) a list of references and other
5 information on where further informa-
6 tion on each strategy can be found;

7 (iii) recommended protocols for imple-
8 menting crime and delinquency prevention
9 and intervention strategies generally;

10 (iv) recommended protocols for evalu-
11 ating the effectiveness of crime and delin-
12 quency prevention and intervention strate-
13 gies; and

14 (v) a summary of the materials relied
15 upon by the Commission in preparation of
16 the report.

17 (C) CONSULTATION WITH OUTSIDE AU-
18 THORITIES.—In developing the recommended
19 protocols for implementation and rigorous eval-
20 uation of top-tier crime and delinquency preven-
21 tion and intervention strategies under this para-
22 graph, the Commission shall consult with the
23 Committee on Law and Justice at the National
24 Academy of Science and with national associa-
25 tions representing the law enforcement and social

1 *science professions, including the National Sher-*
2 *iffs' Association, the Police Executive Research*
3 *Forum, the International Association of Chiefs of*
4 *Police, the Consortium of Social Science Associa-*
5 *tions, and the American Society of Criminology.*

6 (f) *RECOMMENDATIONS REGARDING DISSEMINATION*
7 *OF THE INNOVATIVE CRIME PREVENTION AND INTERVEN-*
8 *TION STRATEGY GRANTS.—*

9 (1) *SUBMISSION.—*

10 (A) *IN GENERAL.—Not later than 30 days*
11 *after the date of the final hearing under sub-*
12 *section (d) relating to a subcategory, the Com-*
13 *mission shall provide the Director of the Na-*
14 *tional Institute of Justice with recommendations*
15 *on qualifying considerations relating to that sub-*
16 *category for selecting grant recipients under sec-*
17 *tion 405.*

18 (B) *DEADLINE.—Not later than 13 months*
19 *after the date on which all members of the Com-*
20 *mission have been appointed, the Commission*
21 *shall provide all recommendations required*
22 *under this subsection.*

23 (2) *MATTERS INCLUDED.—The recommendations*
24 *provided under paragraph (1) shall include rec-*
25 *ommendations relating to—*

1 (A) the types of strategies for the applicable
2 subcategory that would best benefit from addi-
3 tional research and development;

4 (B) any geographic or demographic targets;

5 (C) the types of partnerships with other
6 public or private entities that might be pertinent
7 and prioritized; and

8 (D) any classes of crime and delinquency
9 prevention and intervention strategies that
10 should not be given priority because of a pre-ex-
11 isting base of knowledge that would benefit less
12 from additional research and development.

13 (g) *FINAL REPORT ON THE RESULTS OF THE INNOVA-*
14 *TIVE CRIME PREVENTION AND INTERVENTION STRATEGY*
15 *GRANTS.*—

16 (1) *IN GENERAL.*—Following the close of the 3-
17 year implementation period for each grant recipient
18 under section 405, the Commission shall collect the re-
19 sults of the study of the effectiveness of that grant
20 under section 405(b)(3) and shall submit a public re-
21 port to the President, the Attorney General, Congress,
22 the chief executive of each State, and the attorney gen-
23 eral of each State describing each strategy funded
24 under section 405 and its results. This report shall be

1 *submitted not later than 5 years after the date of the*
2 *selection of the chairperson of the Commission.*

3 (2) *COLLECTION OF INFORMATION AND EVIDENCE*
4 *REGARDING GRANT RECIPIENTS.—The Commission’s*
5 *collection of information and evidence regarding each*
6 *grant recipient under section 405 shall be carried out*
7 *by—*

8 (A) *ongoing communications with the grant*
9 *administrator at the National Institute of Jus-*
10 *tice;*

11 (B) *visits by representatives of the Commis-*
12 *sion (including at least 1 member of the Com-*
13 *mission) to the site where the grant recipient is*
14 *carrying out the strategy with a grant under sec-*
15 *tion 405, at least once in the second and once in*
16 *the third year of that grant;*

17 (C) *a review of the data generated by the*
18 *study monitoring the effectiveness of the strategy;*
19 *and*

20 (D) *other means as necessary.*

21 (3) *MATTERS INCLUDED.—The report submitted*
22 *under paragraph (1) shall include a review of each*
23 *strategy carried out with a grant under section 405,*
24 *detailing—*

1 (A) *the type of crime or delinquency preven-*
2 *tion or intervention strategy;*

3 (B) *where the activities under the strategy*
4 *were carried out, including geographic and de-*
5 *mographic targets;*

6 (C) *any partnerships with public or private*
7 *entities through the course of the grant period;*

8 (D) *the type and design of the effectiveness*
9 *study conducted under section 405(b)(3) for that*
10 *strategy;*

11 (E) *the results of the effectiveness study con-*
12 *ducted under section 405(b)(3) for that strategy;*

13 (F) *lessons learned regarding implementa-*
14 *tion of that strategy or of the effectiveness study*
15 *conducted under section 405(b)(3), including rec-*
16 *ommendations regarding which types of environ-*
17 *ments might best be suited for successful replica-*
18 *tion; and*

19 (G) *recommendations regarding the need for*
20 *further research and development of the strategy.*

21 (h) *PERSONNEL MATTERS.—*

22 (1) *TRAVEL EXPENSES.—The members of the*
23 *Commission shall be allowed travel expenses, includ-*
24 *ing per diem in lieu of subsistence, at rates author-*
25 *ized for employees of agencies under subchapter I of*

1 *chapter 57 of title 5, United States Code, while away*
2 *from their homes or regular places of business in the*
3 *performance of service for the Commission.*

4 (2) *COMPENSATION OF MEMBERS.—Members of*
5 *the Commission shall serve without compensation.*

6 (3) *STAFF.—*

7 (A) *IN GENERAL.—The chairperson of the*
8 *Commission may, without regard to the civil*
9 *service laws and regulations, appoint and termi-*
10 *nate an executive director and such other addi-*
11 *tional personnel as may be necessary to enable*
12 *the Commission to perform its duties. The em-*
13 *ployment of an executive director shall be subject*
14 *to confirmation by the Commission.*

15 (B) *COMPENSATION.—The chairperson of*
16 *the Commission may fix the compensation of the*
17 *executive director and other personnel without*
18 *regard to the provisions of chapter 51 and sub-*
19 *chapter III of chapter 53 of title 5, United States*
20 *Code, relating to classification of positions and*
21 *General Schedule pay rates, except that the rate*
22 *of pay for the executive director and other per-*
23 *sonnel may not exceed the rate payable for level*
24 *V of the Executive Schedule under section 5316*
25 *of such title.*

1 (4) *DETAIL OF FEDERAL EMPLOYEES.*—With the
2 affirmative vote of $\frac{2}{3}$ of the members of the Commis-
3 sion, any Federal Government employee, with the ap-
4 proval of the head of the appropriate Federal agency,
5 may be detailed to the Commission without reim-
6 bursement, and such detail shall be without interrup-
7 tion or loss of civil service status, benefits, or privi-
8 leges.

9 (i) *CONTRACTS FOR RESEARCH.*—

10 (1) *NATIONAL INSTITUTE OF JUSTICE.*—With a
11 $\frac{2}{3}$ affirmative vote of the members of the Commission,
12 the Commission may select nongovernmental research-
13 ers and experts to assist the Commission in carrying
14 out its duties under this title. The National Institute
15 of Justice shall contract with the researchers and ex-
16 perts selected by the Commission to provide funding
17 in exchange for their services.

18 (2) *OTHER ORGANIZATIONS.*—Nothing in this
19 subsection shall be construed to limit the ability of the
20 Commission to enter into contracts with other entities
21 or organizations for research necessary to carry out
22 the duties of the Commission under this section.

23 (j) *AUTHORIZATION OF APPROPRIATIONS.*—There are
24 authorized to be appropriated \$5,000,000 to carry out this
25 section.

1 (k) *TERMINATION.*—*The Commission shall terminate*
 2 *on the date that is 30 days after the date on which the Com-*
 3 *mission submits the last report required by this section.*

4 (l) *EXEMPTION.*—*The Commission shall be exempt*
 5 *from the Federal Advisory Committee Act.*

6 **SEC. 405. INNOVATIVE CRIME PREVENTION AND INTERVEN-**
 7 **TION STRATEGY GRANTS.**

8 (a) *GRANTS AUTHORIZED.*—*The Director of the Na-*
 9 *tional Institute of Justice may make grants to public and*
 10 *private entities to fund the implementation and evaluation*
 11 *of innovative crime or delinquency prevention or interven-*
 12 *tion strategies. The purpose of grants under this section*
 13 *shall be to provide funds for all expenses related to the im-*
 14 *plementation of such a strategy and to conduct a rigorous*
 15 *study on the effectiveness of that strategy.*

16 (b) *GRANT DISTRIBUTION.*—

17 (1) *PERIOD.*—*A grant under this section shall be*
 18 *made for a period of not more than 3 years.*

19 (2) *AMOUNT.*—*The amount of each grant under*
 20 *this section—*

21 (A) *shall be sufficient to ensure that rig-*
 22 *orous evaluations may be performed; and*

23 (B) *shall not exceed \$2,000,000.*

24 (3) *EVALUATION SET-ASIDE.*—

1 (A) *IN GENERAL.*—A grantee shall use not
2 less than \$300,000 and not more than \$700,000
3 of the funds from a grant under this section for
4 a rigorous study of the effectiveness of the strat-
5 egy during the 3-year period of the grant for
6 that strategy.

7 (B) *METHODOLOGY OF STUDY.*—

8 (i) *IN GENERAL.*—Each study con-
9 ducted under subparagraph (A) shall use an
10 evaluator and a study design approved by
11 the employee of the National Institute of
12 Justice hired or assigned under subsection
13 (c).

14 (ii) *CRITERIA.*—The employee of the
15 National Institute of Justice hired or as-
16 signed under subsection (c) shall approve—

17 (I) an evaluator that has success-
18 fully carried out multiple studies pro-
19 ducing rigorous evidence of effective-
20 ness; and

21 (II) a proposed study design that
22 is likely to produce rigorous evidence of
23 the effectiveness of the strategy.

24 (iii) *APPROVAL.*—Before a grant is
25 awarded under this section, the evaluator

1 *and study design of a grantee shall be ap-*
2 *proved by the employee of the National In-*
3 *stitute of Justice hired or assigned under*
4 *subsection (c).*

5 (4) *DATE OF AWARD.*—*Not later than 6 months*
6 *after the date of receiving recommendations relating*
7 *to a subcategory from the Commission under section*
8 *404(f), the Director of the National Institute of Jus-*
9 *tice shall award all grants under this section relating*
10 *to that subcategory.*

11 (5) *TYPE OF GRANTS.*—*One-third of the grants*
12 *made under this section shall be made in each sub-*
13 *category. In distributing grants, the recommendations*
14 *of the Commission under section 404(f) shall be con-*
15 *sidered.*

16 (6) *AUTHORIZATION OF APPROPRIATIONS.*—
17 *There are authorized to be appropriated \$18,000,000*
18 *to carry out this subsection.*

19 (c) *DEDICATED STAFF.*—

20 (1) *IN GENERAL.*—*The Director of the National*
21 *Institute of Justice shall hire or assign a full-time*
22 *employee to oversee the grants under this section.*

23 (2) *STUDY OVERSIGHT.*—*The employee of the*
24 *National Institute of Justice hired or assigned under*
25 *paragraph (1) shall be responsible for ensuring that*

1 *grantees adhere to the study design approved before*
2 *the applicable grant was awarded.*

3 (3) *LIAISON.*—*The employee of the National In-*
4 *stitute of Justice hired or assigned under paragraph*
5 *(1) may be used as a liaison between the Commission*
6 *and the recipients of a grant under this section. That*
7 *employee shall be responsible for ensuring timely co-*
8 *operation with Commission requests.*

9 (4) *AUTHORIZATION OF APPROPRIATIONS.*—
10 *There are authorized to be appropriated \$150,000 for*
11 *each of fiscal years 2008 through 2012 to carry out*
12 *this subsection.*

13 (d) *APPLICATIONS.*—*A public or private entity desir-*
14 *ing a grant under this section shall submit an application*
15 *at such time, in such manner, and accompanied by such*
16 *information as the Director of the National Institute of Jus-*
17 *tice may reasonably require.*

18 (e) *COOPERATION WITH THE COMMISSION.*—*Grant re-*
19 *cipients shall cooperate with the Commission in providing*
20 *them with full information on the progress of the strategy*
21 *being carried out with a grant under this section, includ-*
22 *ing—*

23 (1) *hosting visits by the members of the Commis-*
24 *sion to the site where the activities under the strategy*
25 *are being carried out;*

1 (2) *providing pertinent information on the logis-*
2 *tics of establishing the strategy for which the grant*
3 *under this section was received, including details on*
4 *partnerships, selection of participants, and any ef-*
5 *forts to publicize the strategy; and*

6 (3) *responding to any specific inquiries that*
7 *may be made by the Commission.*

Calendar No. 290

110TH CONGRESS
1ST Session
S. 456

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.

JULY 30, 2007

Reported with an amendment