

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3315

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

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 19, 1993

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

MARCH 7, 1994

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

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## A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. FINDINGS.**

2 The Congress finds that—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (1) redesignating part Q as part R;

23 (2) redesignating section 1701 as section 1801;

24 and

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

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

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

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

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

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

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

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

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

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

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

15   **“SEC. 1702. STATE GRANTS.**

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

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

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

4                   “(A) the need for grant funds;

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

6                   “(C) the expected results; and

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

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

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

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

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

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

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

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

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

18      “(d) DISBURSEMENT OF FUNDS.—

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

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

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

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

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

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

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

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

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

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

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

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

18       “(d) APPLICATION REQUIREMENTS.—

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

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

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

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

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

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

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

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

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

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

10 “For purposes of this part—

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

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

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

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

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

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

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

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

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

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

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

“PART Q—GRANT TO COMBAT VIOLENT CRIMES AGAINST WOMEN

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

“Sec. 1702. State grants.

“Sec. 1703. General grants to tribes.

“Sec. 1704. General definitions.

“Sec. 1705. General terms and conditions.

“PART R—TRANSITION; EFFECTIVE DATE; REPEALER

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 **“SEC. 1802. APPLICATION.**

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

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

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

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

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

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

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

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

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

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

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

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

25       and

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

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

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

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

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

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

6       **“SEC. 1804. AWARD OF GRANTS.**

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

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

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

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

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

23       **“SEC. 1805. REPORTS.**

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

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

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

9 **“SEC. 1806. DEFINITIONS.**

10 “For the purposes of this part—

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

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

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

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

“Sec. 1801. Grant authorization.

“Sec. 1802. Application.

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

“Sec. 1804. Award of grants.

“Sec. 1805. Reports.

“Sec. 1806. Definitions.

“PART S—TRANSITION; EFFECTIVE DATE; REPEALER

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

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

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

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

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

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

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

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

17 **“PART S—FAMILY SUPPORT**

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

19 “The Director shall—

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

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

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

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

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

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

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

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

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

20 **“SEC. 1903. USES OF FUNDS.**

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

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

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

6           “(2) Child care on a 24-hour basis.

7           “(3) Marital and adolescent support groups.

8           “(4) Stress reduction programs.

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

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

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

16           “(2) Group therapy.

17           “(3) Hypertension clinics.

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

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

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

24           “(7) Counseling for peers.

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

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

5   **“SEC. 1904. APPLICATIONS.**

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

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

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

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

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

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

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

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

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

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

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

3 **“SEC. 1907. REPORTS.**

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

8 “(1) program descriptions;

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

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

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

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

18 “(2) Such report shall contain—

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

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

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

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

6   **“SEC. 1908. DEFINITIONS.**

7           “For purposes of this part—

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

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

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

                                  “PART S—FAMILY SUPPORT

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

                                  “PART T—TRANSITION; EFFECTIVE DATE; REPEALS

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

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

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

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

11 **Subtitle D—Police Misconduct**

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

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

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

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

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

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

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

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

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

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

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

8 **“§ 248. Police brutality**

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

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

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

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

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

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

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

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

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

“248. Police brutality.”.

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

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

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

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

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

4 **SEC. 141. PURPOSES.**

5 The purposes of this subtitle are to—

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

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

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

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

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

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

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

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

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

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

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

18 (2) administering the program in the State.

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

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

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

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

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

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

## 10 **CHAPTER 1—POLICE CORPS PROGRAM**

### 11 **SEC. 151. DEFINITIONS.**

12 For the purposes of this chapter—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4           (i) \$7,500; or

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

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

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

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

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

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

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

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

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

11 (i) \$7,500; or

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

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

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

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

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

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

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

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

17           (B) complete satisfactorily—

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

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

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

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

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

11           (i) dies; or

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (b) SELECTION CRITERIA AND QUALIFICATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 A State Police Corps plan shall—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 **CHAPTER 2—LAW ENFORCEMENT**

10 **SCHOLARSHIP PROGRAM**

11 **SEC. 161. DEFINITIONS.**

12 As used in this chapter—

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

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

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

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

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

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

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

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

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

12 **SEC. 162. ALLOTMENT.**

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

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

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

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

2 (a) USE OF ALLOTMENT.—

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

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

9 (B) providing—

10 (i) full-time employment in summer;

11 or

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

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

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

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

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

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

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

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

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

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

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

17 **SEC. 164. SCHOLARSHIPS.**

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

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

1 **SEC. 165. ELIGIBILITY.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4               (2) pursuing an undergraduate degree; and

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

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

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

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

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

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

1 (A) dies;

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

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

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

13 (c) SERVICE OBLIGATION.—

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

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

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

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

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

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

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

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

15 **CHAPTER 3—REPORTS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16           (6) adding at the end the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### 12 **ORDERS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### 3       **TITLE III—CRIME PREVENTION**

#### 4               **Subtitle A—Safe Schools**

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

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

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

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

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

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

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

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

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

1 **“SEC. 2002. USE OF FUNDS.**

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

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

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

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

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

15 **“SEC. 2003. APPLICATIONS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22   **“SEC. 2005. AWARD OF GRANTS.**

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

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

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

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

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

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

14 **“SEC. 2006. REPORTS.**

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

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

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

4 **“SEC. 2007. DEFINITIONS.**

5 “For the purpose of this part—

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

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

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

“PART T—SAFE SCHOOLS ASSISTANCE

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

“PART U—TRANSITION; EFFECTIVE DATE; REPEALER

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

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

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

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

8 **Subtitle B—Midnight Sports**

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

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

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

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

4           (b) ELIGIBLE ENTITIES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (e) GRANT AMOUNT LIMITATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7           (i) midnight sports; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1           **Subtitle C—Rape Prevention**

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

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

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

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

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

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

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

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

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

13 **SEC. 322. APPLICATIONS.**

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

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

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

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

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

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

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

11 **SEC. 323. REPORTS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 **SEC. 325. DEFINITIONS.**

9 For purposes of this subtitle—

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

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

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

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

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

5           **CHAPTER 1—GENERAL PROVISIONS**

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

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

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

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

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

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

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

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

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

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

12          (3) to reduce prison populations,

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

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

20 **SEC. 402. DEFINITIONS.**

21          For purposes of this subtitle:

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

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

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

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

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

10                   (C) is located in a nonrural area,

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

13                   (E) provides to residents—

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

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

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

24                                   (I) child development, and

25                                   (II) household management,

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

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

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

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

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

16 (IV) to obtain suitable child care.

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

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

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

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

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

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

14 the National Institute of Corrections.

15 (6) PRIMARY CARETAKER PARENT.—The term

16 “primary caretaker parent” means—

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

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

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

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

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

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

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

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

18 **CHAPTER 2—GRANTS TO STATES**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21   **SEC. 413. REPORT.**

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

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

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

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

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

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

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

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

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

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

3 **SEC. 422. REQUIREMENTS.**

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

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

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

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

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

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

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

24 **SEC. 432. DEFINITIONS.**

25 As used in this subtitle—

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

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

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

12                  (C) shall include—

13                          (i) addiction education;

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

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

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

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

1           vention services for seropositive individ-  
2           uals;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12   **SEC. 434. REPORT.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 **“SEC. 2102. STATE APPLICATIONS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

9 “(2) shall administer grant funds received  
10 under this part, including, review of spending, proc-  
11 essing, progress, financial reporting, technical assist-  
12 ance, grant adjustments, accounting, auditing, and  
13 fund disbursement.

14 **“SEC. 2103. REVIEW OF STATE APPLICATIONS.**

15 “(a) IN GENERAL.—The Bureau shall make a grant  
16 under section 1901 to carry out the projects described in  
17 the application submitted under section 2102 upon deter-  
18 mining that—

19 “(1) the application is consistent with the re-  
20 quirements of this part; and

21 “(2) before the approval of the application the  
22 Bureau has made an affirmative finding in writing  
23 that the proposed project has been reviewed in ac-  
24 cordance with this part.

1       “(b) APPROVAL.—Each application submitted under  
2 section 1902 shall be considered approved, in whole or in  
3 part, by the Bureau not later than 45 days after first re-  
4 ceived unless the Bureau informs the applicant of specific  
5 reasons for disapproval.

6       “(c) RESTRICTION.—Grant funds received under this  
7 part shall not be used for land acquisition or construction  
8 projects.

9       “(d) DISAPPROVAL NOTICE AND RECONSIDER-  
10 ATION.—The Bureau shall not disapprove any application  
11 without first affording the applicant reasonable notice and  
12 an opportunity for reconsideration.

13 **“SEC. 2104. ALLOCATION AND DISTRIBUTION OF FUNDS.**

14       “(a) ALLOCATION.—Of the total amount appro-  
15 priated under this part in any fiscal year—

16               “(1) 0.4 percent shall be allocated to each of  
17 the participating States; and

18               “(2) of the total funds remaining after the allo-  
19 cation under paragraph (1), there shall be allocated  
20 to each of the participating States an amount which  
21 bears the same ratio to the amount of remaining  
22 funds described in this paragraph as the State pris-  
23 on population of such State bears to the total prison  
24 population of all the participating States.

1       “(b) FEDERAL SHARE.—The Federal share of a  
2 grant made under this part may not exceed 75 percent  
3 of the total costs of the projects described in the applica-  
4 tion submitted under section 2102 for the fiscal year for  
5 which the projects receive assistance under this part.

6       **“SEC. 2105. EVALUATION.**

7       “Each State that receives a grant under this part  
8 shall submit to the Director an evaluation not later than  
9 March 1 of each year in such form and containing such  
10 information as the Director may reasonably require.”.

11       (b) CONFORMING AMENDMENT.—The table of con-  
12 tents of title I of the Omnibus Crime Control and Safe  
13 Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended  
14 by striking the matter relating to part U and inserting  
15 the following:

      “PART U—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS

      “Sec. 2101. Grant authorization.

      “Sec. 2102. State applications.

      “Sec. 2103. Review of State applications.

      “Sec. 2104. Allocation and distribution of funds.

      “Sec. 2105. Evaluation.

      “PART V—TRANSITION; EFFECTIVE DATE; REPEALER

      “Sec. 2201. Continuation of rules, authorities, and proceedings.”.

16       (c) DEFINITIONS.—Section 901(a) of the Omnibus  
17 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
18 3791(a)) is amended by adding after paragraph (25) the  
19 following:

1           “(26) The term ‘residential substance abuse  
2           treatment program’ means a course of individual  
3           and group activities, lasting between 9 and 12  
4           months, in residential treatment facilities set apart  
5           from the general prison population—

6                   “(A) directed at the substance abuse prob-  
7                   lems of the prisoner;

8                   “(B) intended to develop the prisoner’s  
9                   cognitive, behavioral, social, vocational, and  
10                  other skills so as to solve the prisoner’s sub-  
11                  stance abuse and related problems; and

12                  “(C) shall include—

13                          “(i) addiction education;

14                          “(ii) individual, group, and family  
15                          counseling pursuant to individualized treat-  
16                          ment plans;

17                          “(iii) opportunity for involvement in  
18                          Alcoholics Anonymous, Narcotics Anony-  
19                          mous, or Cocaine Anonymous;

20                          “(iv) parenting skills training, domes-  
21                          tic violence counseling, and sexual abuse  
22                          counseling, where appropriate;

23                          “(v) HIV education, counseling and  
24                          testing, when requested, and early inter-

1           vention services for seropositive individ-  
2           uals;

3           “(vi) services that facilitate access to  
4           health and social services, where appro-  
5           priate and to the extent available; and

6           “(vii) planning for and counseling to  
7           assist reentry into society, including refer-  
8           rals to appropriate educational, vocational,  
9           and other employment-related programs  
10          (to the extent available), referrals to ap-  
11          propriate outpatient or other drug or alco-  
12          hol treatment, counseling, transitional  
13          housing, and assistance in obtaining suit-  
14          able affordable housing and employment  
15          upon discharge.

16          “(27) The term ‘substance abuse’ means the  
17          abuse of drugs or alcohol.

18          “(28) The term ‘aftercare services’ means a  
19          course of individual and group treatment for a mini-  
20          mum of one year involving sustained and frequent  
21          interaction between the program and with individ-  
22          uals who have participated in or successfully com-  
23          pleted a program of residential substance abuse  
24          treatment, and shall include consistent personal  
25          interaction between the individual and a primary

1 counselor or case manager, participation in group  
2 and individual counseling sessions, social activities  
3 targeted toward a recovering substance abuser, and  
4 where appropriate, more intensive intervention.”.

5 (d) AUTHORIZATION OF APPROPRIATIONS.—Section  
6 1001(a) of title I of the Omnibus Crime Control and Safe  
7 Streets Act of 1968 (42 U.S.C. 3793), as amended by sec-  
8 tion 302 of this Act, is amended by adding after para-  
9 graph (14) the following:

10 “(15) There are authorized to be appropriated  
11 \$100,000,000 for each of the fiscal years 1995, 1996, and  
12 1997 to carry out the projects under part U.”.

## 13 **Subtitle D—Alternatives to** 14 **Incarceration**

### 15 **CHAPTER 1—GRANTS**

#### 16 **SEC. 451. GRANT AUTHORIZATION.**

17 The Director of the Bureau of Justice Assistance is  
18 authorized to make grants to States, units of local govern-  
19 ment, court systems, district attorneys, and private non-  
20 profit organizations to establish or expand, sentencing op-  
21 tions in addition to existing incarceration and probation  
22 programs for offenders who would otherwise be sentenced  
23 to incarceration.

1 **SEC. 452. USE OF FUNDS.**

2 (a) IN GENERAL.—Grants received under this chap-  
3 ter may be used to develop sentencing option projects that  
4 may include the following programs—

5 (1) day fines;

6 (2) house arrest;

7 (3) electronic monitoring;

8 (4) intensive probation supervision;

9 (5) defense-based sentencing;

10 (6) day reporting centers;

11 (7) victim-offender reconciliation;

12 (8) shock incarceration; and

13 (9) substance abuse treatment in lieu of incar-  
14 ceration, including treatment in a therapeutic com-  
15 munity.

16 (b) COURT SYSTEM.—Court systems may receive a  
17 grant to establish and implement these systems and to  
18 train court personnel, including judges and district attor-  
19 neys, regarding how to best utilize these programs.

20 (c) NONPROFIT GROUPS.—Nonprofit groups may re-  
21 ceive funds to establish and implement community-based  
22 programs that reflect community needs and draw on com-  
23 munity resources and organizations.

1 **SEC. 453. GRANT APPLICATION.**

2 (a) IN GENERAL.—Submit application in such form  
3 and containing such information as the Director may rea-  
4 sonably require.

5 (b) CONTENTS.—Each application shall contain—

6 (1) a request for funds;

7 (2) a description of areas and populations to be  
8 served;

9 (3) a comprehensive plan that describes the  
10 project and available resources, specifically, how a  
11 determination will be made regarding eligible defend-  
12 ants, who would otherwise be likely to receive sen-  
13 tences of incarceration; and

14 (4) an evaluation component.

15 **SEC. 454. GRANT TERMS.**

16 (a) RENEWAL.—Grants may be renewed for up to 2  
17 additional years after the first fiscal year a recipient re-  
18 ceives an initial grant.

19 (b) FEDERAL SHARE.—Federal Share of a grant  
20 made under this chapter not to exceed 75 percent of the  
21 total costs.

22 **SEC. 455. AWARD OF GRANTS.**

23 In selecting applicants under this chapter, the Direc-  
24 tor shall consider the following factors in descending order  
25 of priority—

1 (1) programs that make use of existing commu-  
2 nity recourses;

3 (2) the need for the program and ability of an  
4 applicant to provide elements of a program; and

5 (3) the geographical distribution with urban  
6 settings represented.

7 **SEC. 456. AUTHORIZATION OF APPROPRIATIONS.**

8 There are authorized to be appropriated  
9 \$150,000,000 to carry out the projects under this chapter  
10 for each of the fiscal years 1994, 1995, and 1996.

11 **CHAPTER 2—SUBSTANCE ABUSE TREAT-**  
12 **MENT ALTERNATIVES TO INCARCER-**  
13 **ATION**

14 **SEC. 457. GRANT AUTHORIZATION.**

15 (a) IN GENERAL.—The Director of the Bureau of  
16 Justice Assistance is authorized to make grants to public  
17 and nonprofit private entities to provide substance abuse  
18 treatment to individuals who are not incarcerated, but are  
19 under criminal justice supervision because of their status  
20 as pretrial releasees, post-trial releasees, probationers, pa-  
21 rolees, supervised releasees, or releasees with a deferred  
22 prosecution.

23 (b) PRIORITY.—In awarding grants under subsection  
24 (a), the Director shall give priority to programs commen-  
25 surate with the extent to which such programs provide,

1 directly or in conjunction with other public or private non-  
2 profit entities, one or more of the following:

3 (1) A continuum of offender management serv-  
4 ices as individuals enter, proceed through, and leave  
5 the criminal justice system, including identification  
6 and assessment, substance abuse treatment, and  
7 continuing or aftercare services.

8 (2) Comprehensive treatment services for juve-  
9 nile offenders.

10 (3) Comprehensive treatment services for fe-  
11 male offenders.

12 (4) Comprehensive treatment services for indi-  
13 viduals who have not been convicted previously of a  
14 violent felony offense and would serve a mandatory  
15 minimum sentence but for diversion into a substance  
16 abuse treatment program.

17 (c) SUBSTANCE ABUSE TREATMENT SERVICES.—A  
18 grantee shall provide the following substance abuse treat-  
19 ment services:

20 (1) Addiction education.

21 (2) Individual, group, and family counseling  
22 pursuant to individualized treatment plans.

23 (3) Opportunity for involvement in Alcoholics  
24 Anonymous, Narcotics Anonymous, or Cocaine  
25 Anonymous.

1           (4) Parenting skills training, domestic violence  
2           counseling, and sexual abuse counseling, where ap-  
3           propriate.

4           (5) HIV education, counseling and testing,  
5           when requested, and early intervention services for  
6           seropositive individuals.

7           (6) Services that facilitate access to health and  
8           social services, where appropriate and to the extent  
9           available.

10          (7) Planning for and counseling to assist re-  
11          entry into society, including referrals to appropriate  
12          educational, vocational, and other employment-relat-  
13          ed programs (to the extent available), referrals to  
14          appropriate outpatient or other drug or alcohol  
15          treatment, counseling, transitional housing, and as-  
16          sistance in obtaining suitable affordable housing and  
17          employment upon discharge.

18 **SEC. 458. GRANT APPLICATION.**

19          (a) IN GENERAL.—To request a grant, an applicant  
20          must submit an application in such form and containing  
21          such information as the Director may reasonably require.

22          (b) CONTENTS.—Each application shall contain—

23                  (1) a request for funds;

24                  (2) a description of populations to be served;

1           (3) a comprehensive plan that describes the  
2 project, and specifically, how a determination will be  
3 made regarding eligible defendants who would other-  
4 wise be likely to receive sentences of incarceration,  
5 and actions that will be taken to apprehend individ-  
6 uals who have violated the conditions for release by  
7 not completing or complying with the substance  
8 abuse treatment program;

9           (4) assurances that the Federal funds received  
10 under this part shall be used to supplement, not  
11 supplant, non-Federal funds that would otherwise be  
12 available for activities funded under this subtitle;

13           (5) assurance that the substance abuse treat-  
14 ment programs that will provide the services are li-  
15 censed by the single State authority in the State re-  
16 sponsible for drug and alcohol treatment services;  
17 and

18           (6) an evaluation component.

19 **SEC. 459. AUTHORIZATION OF APPROPRIATIONS.**

20       There are authorized to be appropriated  
21 \$300,000,000 to carry out the projects under this chapter  
22 for each of the fiscal years 1995, 1996, and 1997.

1           **Subtitle E—Voting Rights for**  
2                           **Former Offenders**

3   **SEC. 461. RIGHTS OF CITIZENS.**

4           The right of a citizen of the United States, who other-  
5 wise is qualified, to vote in any election for Federal office  
6 shall not be denied or abridged because he has committed  
7 a criminal offense unless such citizen is imprisoned in a  
8 correctional institution or facility at the time of such elec-  
9 tion.

10 **SEC. 462. STATE REQUIREMENTS.**

11           Nothing in this subtitle shall be construed to prohibit  
12 the States from establishing requirements for the holding  
13 of State or local elective office; nor from enacting any  
14 State law which affords the right to vote in any election  
15 for Federal office on terms less restrictive than those es-  
16 tablished by this subtitle.

17 **SEC. 463. FINES.**

18           Whoever shall intentionally deny or attempt to deny  
19 any person any right secured by this subtitle shall be fined  
20 not more than \$500, or imprisoned not more than one  
21 year, or both.

22 **SEC. 464. DEFINITIONS.**

23           For purposes of this subtitle—

24                   (1) the term “correctional institution or facil-  
25           ity” means any prison, penitentiary, jail, or other in-

1       stitution or facility for the confinement of individ-  
2       uals convicted of criminal offenses, except that such  
3       term does not include any residential community  
4       treatment center (or similar public or private facil-  
5       ity);

6               (2) the term “election” means (A) a general,  
7       special, primary, or runoff election, (B) a convention  
8       or caucus of a political party held to nominate a  
9       candidate, (C) a primary election held for the selec-  
10      tion of delegates to a national nominating conven-  
11      tion of a political party, or (D) a primary election  
12      held for the expression of a preference for the nomi-  
13      nation of persons for election to the office of Presi-  
14      dent; and

15              (3) the term “Federal office” means the office  
16      of President or Vice President of the United States,  
17      or of Senator or Representative in, or Delegate or  
18      Resident Commissioner to, the Congress of the Unit-  
19      ed States.

20                              **Subtitle F—Sex Offender**  
21                              **Treatment Programs**

22      **SEC. 471. NATIONAL INSTITUTE OF JUSTICE TRAINING**  
23                              **PROGRAMS.**

24              (a) IN GENERAL.—The National Institute of Justice,  
25      after consultation with victim advocates and individuals

1 who have expertise in treating sex offenders, shall estab-  
2 lish criteria and develop training programs to assist—

3 (1) prison, youth residential, and mental health  
4 institutional staff; and

5 (2) probation and parole officers and other per-  
6 sonnel who work with released sex offenders in the  
7 areas of—

8 (A) relapse prevention (internal and exter-  
9 nal management);

10 (B) supervision; and

11 (C) case management.

12 (b) TRAINING PROGRAMS.—The Director of the Na-  
13 tional Institute of Justice shall attempt, to the extent  
14 practicable, to make specialized training programs devel-  
15 oped under subsection (a) available in geographically di-  
16 verse locations throughout the country.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
18 authorized to be appropriated \$1,000,000 for each of the  
19 fiscal years 1994 and 1995 to carry out the provisions  
20 of this section.

21 **SEC. 472. INFORMATION PROGRAMS.**

22 The Attorney General shall compile information re-  
23 garding sex offender treatment programs and ensure that  
24 information regarding specialized community treatment

1 programs in the community into which a convicted sex of-  
2 fender is released is made available to—

3 (1) each person serving a sentence of imprison-  
4 ment in a penal or correctional institution for a com-  
5 mission of an offense under chapter 109A of title 18  
6 of the United States Code or for the commission of  
7 a similar offense; and

8 (2) each person serving a sentence of imprison-  
9 ment in an institution other than a penal or correc-  
10 tional institution for a commission of an offense  
11 under chapter 109A of title 18 of the United States  
12 Code or for the commission for a similar offense.

13 **Subtitle G—Education and Train-**  
14 **ing for Judges and Court Per-**  
15 **sonnel in State Courts**

16 **SEC. 481. GRANTS AUTHORIZED.**

17 The State Justice Institute is authorized to award  
18 grants for the purpose of developing, testing presenting,  
19 and disseminating model programs to be used by States  
20 in training judges and court personnel in the laws of the  
21 States on rape, sexual assault, domestic violence, and  
22 other crimes of violence motivated by the victim's gender.

1 **SEC. 482. TRAINING PROVIDED BY GRANTS.**

2 Training provided pursuant to grants made under  
3 this subtitle may include current information, existing  
4 studies, or current data on—

5 (1) the nature and incidence of rape and sexual  
6 assault by strangers and nonstrangers, marital rape,  
7 and incest;

8 (2) the underreporting of rape, sexual assault,  
9 and child sexual abuse;

10 (3) the physical, psychological, and economic  
11 impact of rape and sexual assault on the victim, the  
12 costs to society, and the implications for sentencing;

13 (4) the psychology of sex offenders, their rate  
14 of recidivism, and the implications for sentencing;

15 (5) the historical evolution of laws and attitudes  
16 on rape and sexual assault;

17 (6) sex stereotyping of female and male victims  
18 of rape and sexual assault, racial stereotyping of  
19 rape victims and defendants, and the impact of such  
20 stereotypes on credibility of witnesses, sentencing,  
21 and other aspects of the administration of justice;

22 (7) application of rape shield laws and other  
23 limits on introduction of evidence that may subject  
24 victims to improper sex stereotyping and harassment  
25 in both rape and nonrape cases, including the need

1 for sua sponte judicial intervention in inappropriate  
2 cross-examination;

3 (8) the use of expert witness testimony on rape  
4 trauma syndrome, child sexual abuse accommodation  
5 syndrome, post-traumatic stress syndrome, and simi-  
6 lar issues;

7 (9) the reasons why victims of rape, sexual as-  
8 sault, domestic violence, and incest may refuse to  
9 testify against a defendant;

10 (10) the nature and incidence of domestic vio-  
11 lence;

12 (11) the physical, psychological, and economic  
13 impact of domestic violence on the victim, the costs  
14 to society, and the implications for court procedures  
15 and sentencing;

16 (12) the psychology and self-presentation of  
17 batterers and victims and the negative implications  
18 for court proceedings and credibility of witnesses;

19 (13) sex stereotyping of female and male vic-  
20 tims of domestic violence, myths about presence or  
21 absence of domestic violence in certain racial, ethnic,  
22 religious, or socioeconomic groups, and their impact  
23 on the administration of justice;

24 (14) historical evolution of laws and attitudes  
25 on domestic violence;

1           (15) proper and improper interpretations of the  
2 defenses of self-defense and provocation, and the use  
3 of expert witness testimony on battered woman syn-  
4 drome;

5           (16) the likelihood of retaliation, recidivism,  
6 and escalation of violence by batterers, and the po-  
7 tential impact of incarceration and other meaningful  
8 sanctions for acts of domestic violence including vio-  
9 lations of orders of protection;

10           (17) economic, psychological, social and institu-  
11 tional reasons for victims' inability to leave the  
12 batterer, to report domestic violence or to follow  
13 through on complaints, including the influence of  
14 lack of support from police, judges, and court per-  
15 sonnel, and the legitimate reasons why victims of do-  
16 mestic violence may refuse to testify against a de-  
17 fendant and should not be held in contempt;

18           (18) the need for orders of protection, and the  
19 negative implications of mutual orders of protection,  
20 dual arrest policies, and mediation in domestic vio-  
21 lence cases; and

22           (19) recognition of and response to gender-mo-  
23 tivated crimes of violence other than rape, sexual as-  
24 sault and domestic violence, such as mass or serial  
25 murder motivated by the gender of the victims.

1 **SEC. 483. COOPERATION IN DEVELOPING PROGRAMS.**

2 The State Justice Institute shall ensure that model  
3 programs carried out pursuant to grants made under this  
4 subtitle are developed with the participation of law en-  
5 forcement officials, public and private nonprofit victim ad-  
6 vocates, legal experts, prosecutors, defense attorneys, and  
7 recognized experts on gender bias in the courts.

8 **SEC. 484. AUTHORIZATION OF APPROPRIATIONS.**

9 There is authorized to be appropriated for fiscal year  
10 1995, \$600,000 to carry out the purposes of this subtitle.  
11 Of amounts appropriated under this section, the State  
12 Justice Institute shall expend no less than 40 percent on  
13 model programs regarding domestic violence and no less  
14 than 40 percent on model programs regarding rape and  
15 sexual assault.

16 **Subtitle H—Education and Train-**  
17 **ing for Judges and Court Per-**  
18 **sonnel in Federal Courts**

19 **SEC. 491. AUTHORIZATIONS OF CIRCUIT STUDIES; EDU-**  
20 **CATION AND TRAINING GRANTS.**

21 (a) STUDY.—In order to gain a better understanding  
22 of the nature and the extent of gender bias in the Federal  
23 courts, the circuit judicial councils shall conduct studies  
24 of the instances of gender bias in their respective circuits.  
25 The studies may include an examination of the effects of  
26 gender on—

1 (1) the treatment of litigants, witnesses, attor-  
2 neys, jurors, and judges in the courts, including be-  
3 fore magistrate and bankruptcy judges;

4 (2) the interpretation and application of the  
5 law, both civil and criminal;

6 (3) treatment of defendants in criminal cases;

7 (4) treatment of victims of violent crimes;

8 (5) sentencing;

9 (6) sentencing alternatives, facilities for incar-  
10 ceration, and the nature of supervision of probation  
11 and parole;

12 (7) appointments to committees of the Judicial  
13 Conference and the courts;

14 (8) case management and court sponsored al-  
15 ternative dispute resolution programs;

16 (9) the selection, retention, promotion, and  
17 treatment of employees;

18 (10) appointment of arbitrators, experts, and  
19 special masters; and

20 (11) the aspects of the topics listed in section  
21 403 that pertain to issues within the jurisdiction of  
22 the Federal courts.

23 (b) CLEARINGHOUSE.—The Judicial Conference of  
24 the United States shall designate an entity within the Ju-  
25 dicial branch to act as a clearinghouse to disseminate any

1 reports and materials issued by the gender bias task forces  
2 under subsection (a) and to respond to requests for such  
3 reports and materials. The gender bias task forces shall  
4 provide this entity with their reports and related material.

5 (c) MODEL PROGRAMS.—The Federal Judicial Cen-  
6 ter, in carrying out section 620(b)(3) of title 28, United  
7 States Code, shall—

8 (1) include in the educational programs it pre-  
9 sents and prepares, including the training programs  
10 for newly appointed judges, information on issues re-  
11 lated to gender bias in the courts including such  
12 areas as are listed in subsection (a) along with such  
13 other topics as the Federal Judicial Center deems  
14 appropriate;

15 (2) prepare materials necessary to implement  
16 this subsection; and

17 (3) take into consideration the findings and rec-  
18 ommendations of the studies conducted pursuant to  
19 subsection (a), and to consult with individuals and  
20 groups with relevant expertise in gender bias issues  
21 as it prepares or revises such materials.

22 **SEC. 492. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) IN GENERAL.—There is authorized to be appro-  
24 priated—

1           (1) \$600,000 to the Salaries and Expenses Ac-  
2           count of the Courts of Appeals, District Courts, and  
3           other Judicial Services, to carry out section 491(a),  
4           to be available until expended through fiscal year  
5           1995;

6           (2) \$100,000 to the Federal Judicial Center to  
7           carry out section 491(c) and any activities des-  
8           ignated by the Judicial Conference under section  
9           491(b); and

10          (3) such sums as are necessary to the Adminis-  
11          trative Office of the United States Courts to carry  
12          out any activities designated by the Judicial Con-  
13          ference under section 491(b).

14          (b) THE JUDICIAL CONFERENCE OF THE UNITED  
15          STATES.—(1) The Judicial Conference of the United  
16          States Courts shall allocate funds to Federal circuit courts  
17          under this subtitle that—

18                (A) undertake studies in their own circuits; or

19                (B) implement reforms recommended as a re-  
20                sult of such studies in their own or other circuits,  
21                including education and training.

22          (2) Funds shall be allocated to Federal circuits under  
23          this subtitle on a first come first serve basis in an amount  
24          not to exceed \$100,000 on the first application. If within  
25          6 months after the date on which funds authorized under

1 this Act become available, funds are still available, circuits  
2 that have received funds may reapply for additional funds,  
3 with not more than \$200,000 going to any one circuit.

4           **TITLE V—COMMISSION ON**  
5           **CRIME, DRUGS, AND VIOLENCE**

6           **SEC. 501. ESTABLISHMENT OF COMMISSION ON CRIME,**  
7   **DRUGS, AND VIOLENCE.**

8           There is established a commission to be known as the  
9 “National Commission on Crime, Drugs, and Violence in  
10 America” (referred to in this title as “Commission”).

11           **SEC. 502. PURPOSE.**

12           The purposes of the Commission are to examine—

13                   (1) the impact of criminal justice policy on the  
14 African-American, Hispanic, Asian, and Native  
15 American communities, and criticism that the crimi-  
16 nal justice system functions in a racially disparate  
17 manner;

18                   (2) the root causes of violent crime and make  
19 recommendation for the creation of a national public  
20 education strategy on violence; and

21                   (3) the root causes of the demand for drugs in  
22 the United States, and an evaluation of the efficacy  
23 of current Federal drug policy.

1 **SEC. 503. DUTIES.**

2 (a) IN GENERAL.—The Commission shall be respon-  
3 sible for the following:

4 (1) Reviewing the effectiveness of traditional  
5 criminal justice approaches in preventing and con-  
6 trolling crime and violence.

7 (2) Examining the impact that changes to State  
8 and Federal law have had in controlling crime and  
9 violence.

10 (3) Examining the impact of changes in Fed-  
11 eral immigration laws and policies and increased de-  
12 velopment and growth along United States inter-  
13 national borders on crime and violence in the United  
14 States, particularly among our Nation's youth.

15 (4) Examining the problem of youth gangs and  
16 provide recommendations as to how to reduce youth  
17 involvement in violent crime.

18 (5) Examining the extent to which assault  
19 weapons and high power firearms have contributed  
20 to violence and murder in America.

21 (6) Convening field hearings in various regions  
22 of the country to receive testimony from a cross sec-  
23 tion of criminal justice professionals, business lead-  
24 ers, elected officials, medical doctors, and other citi-  
25 zens that wish to participate.

1           (7) Reviewing all segments of our criminal jus-  
2           tice system, including the law enforcement, prosecu-  
3           tion, defense, judicial, corrections components in de-  
4           veloping the crime control plan.

5           (b) EXAMINATION.—Matters examined by the Com-  
6           mission under this section shall include—

7           (1) the characteristics of potential illicit drug  
8           users and abusers or drug traffickers, including age  
9           and social, economic, and educational backgrounds;

10          (2) the environmental factors that contribute to  
11          illicit drug use and abuse, including the correlation  
12          between unemployment, poverty, and homelessness  
13          on drug experimentation and abuse;

14          (3) the current status of, and models for pro-  
15          viding more effective offender rehabilitation and vic-  
16          tim assistance programs, including restitution to vic-  
17          tims of crime;

18          (4) an evaluation of the efficacy of existing  
19          Federal laws regarding the unlawful production, dis-  
20          tribution, and use of controlled substances, including  
21          the efficacy of Federal minimum sentences for viola-  
22          tions of the laws regarding the unlawful sale and use  
23          of controlled substances; and

24          (5) an analysis of the costs, benefits, risks, and  
25          advantages of the present national policy regarding

1 controlled substances and of potential modifications  
2 of that policy, including an analysis of what propor-  
3 tion of the funds dedicated to combating the unlaw-  
4 ful sale and use of controlled substances should be  
5 devoted to—

6 (A) interdicting controlled substances en-  
7 tering the United States unlawfully;

8 (B) enforcing Federal laws relating to the  
9 unlawful production, distribution, and use of  
10 controlled substances;

11 (C) education and other forms of prevent-  
12 ing the unlawful use of controlled substances;  
13 or

14 (D) rehabilitating individuals who use con-  
15 trolled substances unlawfully.

16 **SEC. 504. MEMBERSHIP.**

17 (a) NUMBER AND APPOINTMENT.—

18 (1) IN GENERAL.—The Commission shall con-  
19 sist of 13 members, as follows:

20 (A) PRESIDENT.—Three individuals ap-  
21 pointed by the President.

22 (B) SENATE.—Five individuals appointed  
23 jointly by the majority and minority leaders of  
24 the Senate. Not more than 3 members ap-  
25 pointed under this paragraph may be of the

1 same political party. At least 1 member ap-  
2 pointed under this paragraph shall be a recover-  
3 ing drug user.

4 (C) HOUSE OF REPRESENTATIVES.—Five  
5 individuals appointed jointly by the Speaker,  
6 majority leader, and minority leader of the  
7 House of Representatives. Not more than 3  
8 members appointed under this paragraph may  
9 be of the same political party. At least 1 mem-  
10 ber appointed under this paragraph shall be a  
11 recovering drug abuser.

12 (2) GOALS IN MAKING APPOINTMENTS.—In ap-  
13 pointing individuals as members of the Commission,  
14 the President and the majority and minority leaders  
15 of the House of Representatives and the Senate shall  
16 seek to ensure that—

17 (A) the membership of the Commission re-  
18 flects the racial, ethnic, and gender diversity of  
19 the United States; and

20 (B) members are specially qualified to  
21 serve on the Commission by reason of their edu-  
22 cation, training, expertise, or experience in—

23 (i) sociology,

24 (ii) psychology,

25 (iii) law,

1 (iv) bio-medicine,  
2 (v) addiction, and  
3 (vi) ethnography and urban poverty,  
4 including health care, housing, education,  
5 and employment.

6 (b) PROHIBITION AGAINST OFFICER OR EM-  
7 PLOYEE.—Each individual appointed under subsection (a)  
8 shall not be an officer or employee of any government and  
9 shall be qualified to serve the Commission by virtue of  
10 education, training, or experience.

11 (c) DEADLINE FOR APPOINTMENT.—Members of the  
12 Commission shall be appointed within 60 days after the  
13 date of the enactment of this Act for the life of the Com-  
14 mission.

15 (d) MEETINGS.—The Commission shall have its  
16 headquarters in the District of Columbia, and shall meet  
17 at least once each month for a business session that shall  
18 be conducted by the Chairperson.

19 (e) QUORUM.—Seven members of the Commission  
20 shall constitute a quorum, but a lesser number may hold  
21 hearings.

22 (f) CHAIRPERSON AND VICE CHAIRPERSON.—No  
23 later than 15 days after the members of the Commission  
24 are appointed, such members shall designate a Chair-  
25 person and Vice Chairperson of the Commission.

1 (g) CONTINUATION OF MEMBERSHIP.—If a member  
2 of the Commission later becomes an officer or employee  
3 of any government, the individual may continue as a mem-  
4 ber until a successor is appointed.

5 (h) VACANCIES.—A vacancy in the Commission shall  
6 be filled not later than 30 days after the Commission is  
7 informed of the vacancy in the manner in which the origi-  
8 nal appointment was made.

9 (i) COMPENSATION.—

10 (1) NO PAY, ALLOWANCE, OR BENEFIT.—Mem-  
11 bers of the Commission shall receive no additional  
12 pay, allowances, or benefits by reason of their serv-  
13 ice on the Commission.

14 (2) TRAVEL EXPENSES.—Each member of the  
15 Commission shall receive travel expenses, including  
16 per diem in lieu of subsistence, in accordance with  
17 sections 5702 and 5703 of title 5, United States  
18 Code.

19 **SEC. 505. STAFF AND SUPPORT SERVICES.**

20 (a) DIRECTOR.—The Chairperson shall appoint a di-  
21 rector after consultation with the members of the Commis-  
22 sion, who shall be paid the rate of basic pay for level V  
23 of the Executive Schedule.

1 (b) STAFF.—With the approval of the Commission,  
2 the director may appoint personnel as the director consid-  
3 ers appropriate.

4 (c) APPLICABILITY OF CIVIL SERVICE LAWS.—The  
5 staff of the Commission shall be appointed without regard  
6 to the provisions of title 5, United States Code, governing  
7 appointments in the competitive service, and shall be paid  
8 without regard to the provisions of chapter 51 and sub-  
9 chapter III of chapter 53 of that title relating to classifica-  
10 tion and General Schedule pay rates.

11 (d) EXPERTS AND CONSULTANTS.—With the ap-  
12 proval of the Commission, the director may procure tem-  
13 porary and intermittent services under section 3109(b) of  
14 title 5, United States Code.

15 (e) STAFF OF FEDERAL AGENCIES.—Upon the re-  
16 quest of the Commission, the head of any Federal agency  
17 may detail, on a reimbursable basis, any of the personnel  
18 of that agency to the Commission to assist in carrying out  
19 its duties under this Act.

20 (f) OTHER RESOURCES.—The Commission shall have  
21 reasonable access to materials, resources, statistical data,  
22 and other information from the Library of Congress, as  
23 well as agencies and elected representatives of the execu-  
24 tive and legislative branches of government. The Chair-

1 person of the Commission shall make requests in writing  
2 where necessary.

3 (g) PHYSICAL FACILITIES.—The General Services  
4 Administration shall find suitable office space for the op-  
5 eration of the Commission. The facilities shall serve as the  
6 headquarters of the Commission and shall include all nec-  
7 essary equipment and incidentals required for proper func-  
8 tioning.

9 **SEC. 506. POWERS OF COMMISSION.**

10 (a) HEARINGS.—The Commission may conduct pub-  
11 lic hearings or forums at its discretion, at any time and  
12 place it is able to secure facilities and witnesses, for the  
13 purpose of carrying out its duties.

14 (b) DELEGATION OF AUTHORITY.—Any member or  
15 agent of the Commission may, if authorized by the Com-  
16 mission, take any action the Commission is authorized to  
17 take by this section.

18 (c) INFORMATION.—The Commission may secure di-  
19 rectly from any Federal agency information necessary to  
20 enable it to carry out this Act. Upon request of the Chair-  
21 person or Vice Chairperson of the Commission, the head  
22 of a Federal agency shall furnish the information to the  
23 Commission to the extent permitted by law.

24 (d) GIFTS, BEQUESTS, AND DEVICES.—The Commis-  
25 sion may accept, use, and dispose of gifts, bequests, or

1 devices of services or property, both real and personal, for  
2 the purpose of aiding or facilitating the work of the Com-  
3 mission. Gifts, bequests, or devises of money and proceeds  
4 from sales of other property received as gifts, bequests,  
5 or devices shall be deposited in the Treasury and shall be  
6 available for disbursement upon order of the Commission.

7 (e) **MAILS.**—The Commission may use the United  
8 States mails in the same manner and under the same con-  
9 ditions as other Federal agencies.

10 **SEC. 507. REPORTS.**

11 (a) **MONTHLY REPORTS.**—The Commission shall  
12 submit monthly activity reports to the President and the  
13 Congress.

14 (b) **REPORTS.**—

15 (1) **INTERIM REPORT.**—The Commission shall  
16 submit an interim report to the President and the  
17 Congress not later than 1 year before the termi-  
18 nation of the Commission. The interim report shall  
19 contain a detailed statement of the findings and con-  
20 clusions of the Commission, together with its rec-  
21 ommendations for legislative and administrative ac-  
22 tion based on the Commission's activities to date. A  
23 strategy for disseminating the report to Federal,  
24 State, and local authorities shall be formulated and

1 submitted with the formal presentation of the report  
2 to the President and the Congress.

3 (2) FINAL REPORT.—Not later than the date of  
4 the termination of the Commission, the Commission  
5 shall submit to the Congress and the President a  
6 final report with a detailed statement of final find-  
7 ings, conclusions, and recommendations, including  
8 an assessment of the extent to which recommenda-  
9 tions of the Commission included in the interim re-  
10 port under paragraph (1) have been implemented.

11 (c) PRINTING AND PUBLIC DISTRIBUTION.—Upon  
12 receipt of each report of the Commission under this sec-  
13 tion, the President shall—

14 (1) order the report to be printed; and

15 (2) make the report available to the public upon  
16 request.

17 **SEC. 508. TERMINATION.**

18 The Commission shall terminate on the date which  
19 is 2 years after the Members of the Commission have met  
20 and designated a Chairperson and Vice Chairperson.

1       **TITLE VI—CONFIDENCE IN**  
2       **CRIMINAL JUSTICE SYSTEM**  
3       **Subtitle A—Racial Justice Act**

4       **SEC. 601. SHORT TITLE.**

5           This subtitle may be cited as the “Racial Justice Act  
6 of 1993”.

7       **SEC. 602. FINDINGS.**

8           The Congress finds that—

9           (1) section 5 of the fourteenth amendment of  
10          the United States Constitution calls upon Congress  
11          to enforce the Constitution’s promise of equality  
12          under law;

13          (2) equality under law is tested most profoundly  
14          by whether a legal system tolerates race playing a  
15          role in the determination of whether and when to  
16          administer the ultimate penalty of death;

17          (3) the death penalty is being administered in  
18          a pattern that evidences a significant risk that the  
19          race of the defendant, or the race of the victim  
20          against whom the crime was committed, influences  
21          the likelihood that the defendant will be sentenced to  
22          death;

23          (4) the Constitution’s guarantee of equal justice  
24          for all is jeopardized when the death penalty is im-  
25          posed in a pattern in which the likelihood of a death

1 sentence is affected by the race of the perpetrator or  
2 of the victim;

3 (5) the United States Supreme Court has con-  
4 cluded that the Federal judiciary is institutionally  
5 unable to eliminate this jeopardy to equal justice in  
6 the absence of proof that a legislature, prosecutor,  
7 judge, or jury acted with racially invidious and dis-  
8 criminatory motives in the case of a particular de-  
9 fendant;

10 (6) the interest in ensuring equal justice under  
11 law may be harmed, not only by decisions motivated  
12 by explicit racial bias, but also by government rules,  
13 policies, and practices that operate to reinforce the  
14 subordinate status to which racial minorities were  
15 relegated in our society;

16 (7) the institutional need of courts to identify  
17 invidiously motivated perpetrators is not shared by  
18 Congress, which is empowered by section 5 of the  
19 fourteenth amendment to take system-wide, preven-  
20 tive measures not only to eliminate adjudicated in-  
21 stances of official race discrimination but also to  
22 eradicate wide-scale patterns and practices that en-  
23 tail an intolerable danger that persons of different  
24 races would be treated differently; and

1           (8) the persistent racial problems pervading the  
 2           implementation of the death penalty in many parts  
 3           of this Nation require the Government of the United  
 4           States to counteract the lingering effects of racial  
 5           prejudice in order to enforce the constitutional guar-  
 6           antee of equal justice for all Americans.

7   **SEC. 603. AMENDMENT TO TITLE 28.**

8           (a) PROCEDURE.—Part VI of title 28, United States  
 9   Code, is amended by adding at the end thereof the follow-  
 10 ing new chapter:

11           **“CHAPTER 177—RACIALLY DISCRIMINATORY**  
 12   **CAPITAL SENTENCING**

“Sec.

“2921. Definitions.

“2922. Prohibition on the imposition or execution of the death penalty in a ra-  
   cially discriminatory pattern.

“2923. Data on death penalty cases.

“2924. Enforcement of the chapter.

“2925. Construction of chapter.

13   **“§ 2921. Definitions**

14           “For purposes of this chapter—

15                   “(1) the term ‘a racially discriminatory pattern’  
 16           means a situation in which sentences of death are  
 17           imposed more frequently—

18                           “(A) upon persons of one race than upon  
 19                           persons of another race; or

20                           “(B) as punishment for crimes against  
 21                           persons of one race than as punishment for  
 22                           crimes against persons of another race,

1 and the greater frequency is not explained by perti-  
2 nent nonracial circumstances;

3 “(2) the term ‘death-eligible crime’ means a  
4 crime for which death is a punishment that is au-  
5 thorized by law to be imposed under any cir-  
6 cumstances upon a conviction of that crime;

7 “(3) the term ‘case of death-eligible crime’  
8 means a case in which the complaint, indictment, in-  
9 formation, or any other initial or subsequent charg-  
10 ing paper charges any person with a death-eligible  
11 crime; and

12 “(4) the term ‘Federal or State entity’ means  
13 any State, the District of Columbia, the United  
14 States, any territory thereof, and any subdivision or  
15 authority of any of these entities that is empowered  
16 to provide by law that death be imposed as punish-  
17 ment for crime.

18 **“§ 2922. Prohibition on the imposition or execution of**  
19 **the death penalty in a racially discrimi-**  
20 **natory pattern**

21 “(a) PROHIBITION.—It is unlawful to impose or exe-  
22 cute sentences of death under color of State or Federal  
23 law in a racially discriminatory pattern. No person shall  
24 be put to death in the execution of a sentence imposed

1 pursuant to any law if that person's death sentence fur-  
2 thers a racially discriminatory pattern.

3       “(b) ESTABLISHMENT OF A PATTERN.—To establish  
4 that a racially discriminatory pattern exists for purposes  
5 of this chapter—

6             “(1) ordinary methods of statistical proof shall  
7 suffice; and

8             “(2) it shall not be necessary to show discrimi-  
9 natory motive, intent, or purpose on the part of any  
10 individual or institution.

11       “(c) PRIMA FACIE SHOWING.—(1) To establish a  
12 prima facie showing of a racially discriminatory pattern  
13 for purposes of this chapter, it shall suffice that death sen-  
14 tences are being imposed or executed—

15             “(A) upon persons of one race with a frequency  
16 that is disproportionate to their representation  
17 among the numbers of persons arrested for, charged  
18 with, or convicted of, death-eligible crimes; or

19             “(B) as punishment for crimes against persons  
20 of one race with a frequency that is disproportionate  
21 to their representation among persons against whom  
22 death-eligible crimes have been committed.

23       “(2) To rebut a prima facie showing of a racially dis-  
24 criminatory pattern, a State or Federal entity must estab-  
25 lish by clear and convincing evidence that identifiable and

1 pertinent nonracial factors persuasively explain the observ-  
2 able racial disparities comprising the pattern.

3 **“§ 2923. Data on death penalty cases**

4 “(a) DESIGNATION OF AGENCY.—Any State or Fed-  
5 eral entity that provides by law for death to be imposed  
6 as a punishment for any crime shall designate a central  
7 agency to collect and maintain pertinent data on the  
8 charging, disposition, and sentencing patterns for all cases  
9 of death-eligible crimes.

10 “(b) RESPONSIBILITIES OF CENTRAL AGENCY.—  
11 Each central agency designated pursuant to subsection (a)  
12 shall—

13 “(1) affirmatively monitor compliance with this  
14 chapter by local officials and agencies;

15 “(2) devise and distribute to every local official  
16 or agency responsible for the investigation or pros-  
17 ecution of death-eligible crimes a standard form to  
18 collect pertinent data;

19 “(3) maintain all standard forms, compile and  
20 index all information contained in the forms, and  
21 make both the forms and the compiled information  
22 publicly available;

23 “(4) maintain a centralized, alphabetically in-  
24 dexed file of all police and investigative reports

1 transmitted to it by local officials or agencies in  
2 every case of death-eligible crime; and

3 “(5) allow access to its file of police and inves-  
4 tigative reports to the counsel of record for any per-  
5 son charged with any death-eligible crime or sen-  
6 tenced to death who has made or intends to make  
7 a claim under section 2922 and it may also allow ac-  
8 cess to this file to other persons.

9 “(c) RESPONSIBILITY OF LOCAL OFFICIAL.—(1)  
10 Each local official responsible for the investigation or pros-  
11 ecution of death-eligible crimes shall—

12 “(A) complete the standard form developed pur-  
13 suant to subsection (b)(2) on every case of death-eli-  
14 gible crime; and

15 “(B) transmit the standard form to the central  
16 agency no later than 3 months after the disposition  
17 of each such case whether that disposition is by dis-  
18 missal of charges, reduction of charges, acceptance  
19 of a plea of guilty to the death-eligible crime or to  
20 another crime, acquittal, conviction, or any decision  
21 not to proceed with prosecution.

22 “(2) In addition to the standard form, the local offi-  
23 cial or agency shall transmit to the central agency one  
24 copy of all police and investigative reports made in connec-  
25 tion with each case of death-eligible crime.

1       “(d) PERTINENT DATA.—The pertinent data re-  
2       quired in the standard form shall be designated by the  
3       central agency but shall include, at a minimum, the follow-  
4       ing information:

5               “(1) Pertinent demographic information on all  
6       persons charged with the crime and all victims (in-  
7       cluding race, sex, age, and national origin).

8               “(2) Information on the principal features of  
9       the crime.

10              “(3) Information on the aggravating and miti-  
11       gating factors of the crime, including the back-  
12       ground and character of every person charged with  
13       the crime.

14              “(4) A narrative summary of the crime.

15       **“§ 2924. Enforcement of the chapter**

16              “(a) ACTION UNDER SECTIONS 2241, 2254, OR 2255  
17       OF THIS TITLE.—In any action brought in a court of the  
18       United States within the jurisdiction conferred by sections  
19       2241, 2254, or 2255, in which any person raises a claim  
20       under section 2922—

21              “(1) the court shall appoint counsel for any  
22       such person who is financially unable to retain coun-  
23       sel; and

24              “(2) the court shall furnish investigative, expert  
25       or other services necessary for the adequate develop-

1       ment of the claim to any such person who is finan-  
2       cially unable to obtain such services.

3       “(b) DETERMINATION BY A STATE COURT.—Not-  
4       withstanding section 2254, no determination on the merits  
5       of a factual issue made by a State court pertinent to any  
6       claim under section 2922 shall be presumed to be correct  
7       unless—

8               “(1) the State is in compliance with section  
9       2923;

10              “(2) the determination was made in a proceed-  
11       ing in a State court in which the person asserting  
12       the claim was afforded rights to the appointment of  
13       counsel and to the furnishing of investigative, expert  
14       and other services necessary for the adequate devel-  
15       opment of the claim which were substantially equiva-  
16       lent to those provided by subsection (a); and

17              “(3) the determination is one which is otherwise  
18       entitled to be presumed to be correct under the cri-  
19       teria specified in section 2254.

20       **“§ 2925. Construction of this chapter**

21        “Nothing contained in this chapter shall be construed  
22       to affect in one way or the other the lawfulness of any  
23       sentence of death that does not violate section 2922.”.

24       (b) AMENDMENT TO TABLE OF CHAPTERS.—The  
25       table of chapters of part VI of title 28, United States

1 Code, is amended by adding at the end thereof the follow-  
2 ing new item:

“177. **Racially Discriminatory Capital Sentencing** ..... 2921.”.

3 **SEC. 604. ACTIONS PRIOR TO THE DATE OF ENACTMENT.**

4 No person shall be barred from raising any claim  
5 under section 2922 of title 28, United States Code, as  
6 added by this subtitle, on the ground of having failed to  
7 raise or to prosecute the same or a similar claim before  
8 the enactment of the Act, nor by reason of any adjudica-  
9 tion rendered before that enactment.

10 **Subtitle B—Racial Bias**

11 **SEC. 611. SPECIAL RULE FOR CERTAIN HABEAS CORPUS**

12 **PETITIONS RELATING TO DEATH SENTENCES.**

13 (a) **IN GENERAL.**—Any existing race bias claim,  
14 whether or not previously raised or determined, unless de-  
15 termined on the merits in a Federal habeas corpus pro-  
16 ceeding, may be raised in a proceeding commenced under  
17 chapter 153 of title 28, United States Code, not later than  
18 1 year after the date of the enactment of this Act and  
19 shall be determined on the merits. In determining the mer-  
20 its of that claim, the law in effect at the time of the deter-  
21 mination shall apply.

22 (b) **DEFINITION.**—As used in this subsection, the  
23 term “existing race bias claim” means a claim of race dis-  
24 crimination, or bias on the basis of race—

1 (1) made by a person seeking relief with respect  
2 to a sentence of death imposed before the date of  
3 the enactment of this Act; and

4 (2) based on a Supreme court decision an-  
5 nounced before such date of enactment.

## 6 **Subtitle C—Minimum Sentencing**

### 7 **SEC. 621. MINIMUM SENTENCING.**

8 Section 3553(e) of title 18, United States Code, is  
9 amended to read as follows:

10 “(e) AUTHORITY TO IMPOSE A SENTENCE BELOW A  
11 STATUTORY MINIMUM.—Notwithstanding any statutory  
12 minimum term of imprisonment, the court shall impose  
13 a sentence in accordance with this section.

## 14 **Subtitle D—Crack-Cocaine** 15 **Equitable Sentencing**

### 16 **SEC. 631. SHORT TITLE.**

17 This subtitle may be cited as the “Crack-Cocaine Eq-  
18 uitable Sentencing Act of 1993”.

### 19 **SEC. 632. TRAFFICKING AMENDMENTS.**

20 (a) 50 GRAM PENALTY.—Section 401(b)(1)(A) of the  
21 Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) is  
22 amended by striking clause (iii).

23 (b) 5 GRAM PENALTY.—Section 401(b)(1)(B) of the  
24 Controlled Substances Act (21 U.S.C. 841(b)(1)(B)) is  
25 amended by striking clause (iii).

1 **SEC. 633. POSSESSION AMENDMENT.**

2 Section 404(a) of the Controlled Substances Act (21  
3 U.S.C. 844(a)) is amended by striking the sentence that  
4 begins “Notwithstanding the preceding sentence”.

5 **SEC. 634. IMPORTATION AMENDMENTS.**

6 (a) 50 GRAM PENALTY.—Section 1010(b)(1) of the  
7 Controlled Substances Import and Export Act (21 U.S.C.  
8 960(b)(1)) is amended by striking out subparagraph (C).

9 (b) 5 GRAM PENALTY.—Section 1010(b)(2) of the  
10 Controlled Substances Import and Export Act (21 U.S.C.  
11 960(b)(2)) is amended by striking out subparagraph (C).

12 **SEC. 635. SENTENCING COMMISSION TO AMEND GUIDE-**  
13 **LINES.**

14 Not later than 30 days after the date of the enact-  
15 ment of this Act, the United States Sentencing Commis-  
16 sion shall promulgate such amendments to the Sentencing  
17 Guidelines as are necessary to conform those Guidelines  
18 to the amendments made by this subtitle.

19 **Subtitle E—Sentencing Uniformity**

20 **SEC. 641. SHORT TITLE.**

21 This subtitle may be cited as the “Sentencing Uni-  
22 formity Act of 1993”.

23 **SEC. 642. AMENDMENTS TO ACHIEVE SENTENCING UNI-**  
24 **FORMITY.**

25 (a) LAWS CODIFIED IN TITLE 2 OF THE UNITED  
26 STATES CODE.—

1           (1) Section 102 of the Revised Statutes of the  
2 United States (2 U.S.C. 192) is amended by striking  
3 “deemed guilty” and all that follows through the end  
4 of such section and inserting “fined under title 18,  
5 United States Code, or imprisoned not more than  
6 one year, or both.”.

7           (2) Section 11 of the Federal Contested Elec-  
8 tions Act (2 U.S.C. 390) is amended by striking  
9 “deemed guilty” and all that follows through the end  
10 of such section and inserting “fined under title 18,  
11 United States Code, or imprisoned not more than  
12 one year, or both.”.

13           (b) LAWS CODIFIED IN TITLE 7 OF THE UNITED  
14 STATES CODE.—

15           (1) Section 6b of the Commodity Exchange Act  
16 (7 U.S.C. 13a) is amended by striking “shall be  
17 fined not more than \$100,000, or imprisoned for not  
18 less than six months nor” and inserting “shall be  
19 fined under title 18, United States Code, or impris-  
20 oned not”.

21           (2) Section 6(c) of the Commodity Exchange  
22 Act (7 U.S.C. 13b) is amended by striking “shall be  
23 fined” and all that follows through “not less than  
24 six months nor” and inserting “shall be fined under  
25 title 18, United States Code, or imprisoned not”.

1           (3) Section 205(3) of the Packers and Stock-  
2 yards Act, 1921 (7 U.S.C. 195) is amended by strik-  
3 ing “on conviction” and all that follows through  
4 “five years” and inserting “be fined under title 18,  
5 United States Code, or imprisoned not more than 5  
6 years”.

7           (4) Section 15(b)(1) of the Food Stamp Act of  
8 1977 (7 U.S.C. 2024(b)(1)) is amended by striking  
9 “less than six months nor”.

10           (5) Section 15(c) of the Food Stamp Act of  
11 1977 (7 U.S.C. 2024(c)) is amended by striking  
12 “less than one year nor”.

13           (c) LAWS CODIFIED IN TITLE 12 OF THE UNITED  
14 STATES CODE.—Section 25A of the Federal Reserve Act  
15 (12 U.S.C. 617 and 630) is amended—

16           (1) by striking “liable to a fine” and all that  
17 follows through “five years, or both, in the discretion  
18 of the court” and inserting “fined under title 18,  
19 United States Code, or imprisoned not more than 5  
20 years, or both”; and

21           (2) by striking “upon conviction thereof” and  
22 all that follows through “\$5,000, in the discretion of  
23 the court” and inserting “be fined under title 18,  
24 United States Code, or imprisoned not more than 10  
25 years, or both”.

1 (d) LAWS CODIFIED IN TITLE 15 OF THE UNITED  
2 STATES CODE.—

3 (1) Section 73 of the Wilson Tariff Act (15  
4 U.S.C. 8) is amended by striking “is guilty of a mis-  
5 demeanor” and all that follows through “twelve  
6 months” and inserting “shall be fined under title 18,  
7 United States Code, or imprisoned not more than  
8 one year, or both”.

9 (2) Section 7(b) of the Act of August 12, 1958  
10 (15 U.S.C. 1245(b)) is amended by striking “not  
11 less than five years and”.

12 (e) LAWS CODIFIED IN TITLE 16 OF THE UNITED  
13 STATES CODE.—Section 2 of the Act of March 3, 1897  
14 (16 U.S.C. 414) is amended by striking “guilty of a mis-  
15 demeanor” and all that follows through the end of such  
16 section and inserting “fined under title 18, United States  
17 Code, or imprisoned not more than 30 days, or both.”.

18 (f) AMENDMENTS TO TITLE 18 OF THE UNITED  
19 STATES CODE.—

20 (1) Section 3561(a) of title 18, United States  
21 Code, is amended to read as follows:

22 “(a) IN GENERAL.—A defendant who has been found  
23 guilty of an offense may be sentenced to a term of proba-  
24 tion unless the defendant is sentenced at the same time

1 to a term of imprisonment for the same or different of-  
2 fense.”.

3 (2) Section 225(a) of title 18, United States  
4 Code, is amended by striking “for a term” and all  
5 that follows through “life” and inserting “for any  
6 term or years or for life, or both”.

7 (3) Section 844(h) of title 18, United States  
8 Code, is amended—

9 (A) by inserting “not more than” before  
10 “five years”;

11 (B) by inserting “not more than” before  
12 “ten years”; and

13 (C) by striking “the court shall not place”  
14 and all that follows through “imposed under  
15 this subsection” and inserting “a term imposed  
16 under this subsection shall not”.

17 (4) Section 924(c)(1) of title 18, United States  
18 Code, is amended—

19 (A) by inserting “not more than” before  
20 “five years”;

21 (B) by inserting “not more than” before  
22 “ten years”;

23 (C) by inserting “not more than” before  
24 “thirty years”;

1 (D) by inserting “not more than” before  
2 “twenty years”;

3 (E) by striking “without release” and in-  
4 serting “or to imprisonment for any term of  
5 years”;

6 (F) by striking “the court shall not place”  
7 and all that follows through “imposed under  
8 this subsection” and inserting “a term imposed  
9 under this subsection shall not”; and

10 (G) by striking the last sentence.

11 (5) Section 924(e)(1) of title 18, United States  
12 Code, is amended by striking “not less than fifteen  
13 years” and all that follows through the end of para-  
14 graph (1) and inserting “any term of years.”

15 (6) Section 929 of title 18, United States Code,  
16 is amended—

17 (A) in subsection (a)(1), by striking “not  
18 less than five years” and inserting “any term of  
19 years”;

20 (B) in subsection (b), by striking “the  
21 court shall not” and all that follows through  
22 “the terms of imprisonment” and inserting “a  
23 term of imprisonment under this section shall  
24 not”; and

1 (C) by striking the last sentence of sub-  
2 section (b).

3 (7) Section 1091(b)(1) of title 18, United  
4 States Code, is amended by inserting “any term of  
5 years or for” before “life”.

6 (8) Section 1111(b) of title 18, United States  
7 Code, is amended by inserting “any term of years or  
8 for” before “life” the first place it appears.

9 (9) Section 1116(a) of title 18, United States  
10 Code, is amended by inserting “any term of years or  
11 for” before “life”.

12 (10) Section 1651 of title 18, United States  
13 Code, is amended by inserting “any term of years or  
14 for” before “life”.

15 (11) Section 1652 of title 18, United States  
16 Code, is amended by inserting “any term of years or  
17 for” before “life”.

18 (12) Section 1653 of title 18, United States  
19 Code, is amended by inserting “any term of years or  
20 for” before “life”.

21 (13) Section 1655 of title 18, United States  
22 Code, is amended by inserting “any term of years or  
23 for” before “life”.

24 (14) Section 1658 of title 18, United States  
25 Code, is amended by striking “not less than ten

1 years and may be imprisoned” and inserting “for  
2 any term or years or”.

3 (15) Section 1661 of title 18, United States  
4 Code, is amended by striking “, for each offense”  
5 and all that follows through “days nor” and insert-  
6 ing “be fined under this title, or imprisoned not”.

7 (16) Section 2113(e) of title 18, United States  
8 Code, is amended by striking “not less than ten  
9 years” and inserting “for any term or years or for  
10 life”.

11 (17) Section 2251(d) of title 18, United States  
12 Code, is amended by striking “less than five years  
13 nor”.

14 (18) Section 2251A of title 18, United States  
15 Code, is amended by striking “not less than 20  
16 years” each place it appears and inserting “any  
17 term of years”.

18 (19) Section 2252(b)(1) of title 18, United  
19 States Code, is amended by striking “less than five  
20 years nor”.

21 (20) Section 2257(i) of title 18, United States  
22 Code, is amended by striking “imprisoned for any  
23 period” and all that follows through the end of sub-  
24 section (i) and inserting “fined under this title or  
25 imprisoned for not more than 5 years, or both.”.

1           (21) Section 2381 of title 18, United States  
2 Code, is amended—

3           (A) by striking “not less than \$10,000”  
4 and inserting “under this title”; and

5           (B) by striking “not less than five years”  
6 and inserting “for life or for any term of  
7 years”.

8           (g) AMENDMENT TO LAW CODIFIED IN TITLE 19 OF  
9 THE UNITED STATES CODE.—Section 3113 of the Re-  
10 vised Statutes of the United States (19 U.S.C. 283) is  
11 amended by striking “not less than three months, and”.

12           (h) AMENDMENTS TO LAWS CODIFIED IN TITLE 21  
13 OF THE UNITED STATES CODE.—

14           (1) Section 11 of the Act of March 3, 1915 (21  
15 U.S.C. 212) is amended by striking “deemed guilty  
16 of a misdemeanor” and all that follows through  
17 “discretion of the court” and inserting “fined under  
18 title 18, United States Code, or imprisoned not more  
19 than 60 days, or both”.

20           (2) Section 22 of the Federal Meat Inspection  
21 Act (21 U.S.C. 622) is amended—

22           (A) by striking “deemed guilty of a felony”  
23 the first place it appears and all that follows  
24 through “three years” and inserting “fined

1 under title 18, United States Code, or impris-  
2 oned not more than 3 years, or both”; and

3 (B) by striking “deemed guilty of a felony”  
4 the second place it appears and all that follows  
5 through the end of the section, and inserting  
6 “summarily discharged from office and shall be  
7 fined under title 18, United States Code, or im-  
8 prisoned not more than 3 years, or both.”.

9 (3) Section 401(b)(1) of the Controlled Sub-  
10 stances Act (21 U.S.C. 841(b)(1) is amended—

11 (A) in subparagraph (A)—

12 (i) by striking “which may not be less  
13 than 10 years or” and all that follows  
14 through “20 years or more than” and in-  
15 sserting “of any term of years or for”;

16 (ii) by striking “which may not be less  
17 than 20 years and not more than life im-  
18 prisonment” and inserting “of any term of  
19 years or for life”;

20 (iii) by striking “and if death” the  
21 second place it appears and all that follows  
22 through “life imprisonment,” and inserting  
23 a comma;

24 (iv) by striking “without release” and  
25 inserting “or for any term of years”; and

1 (v) by striking the last two sentences;

2 (B) in subparagraph (B)—

3 (i) by striking “less than 5 years and  
4 not”;

5 (ii) by striking “not less than 20  
6 years or more than life” and inserting “for  
7 life or any term of years”;

8 (iii) by striking “less than 10 years  
9 and not”;

10 (iv) by striking “life imprisonment, a  
11 fine” and inserting “imprisonment for life  
12 or any term of years, a fine”; and

13 (v) by striking the last two sentences;  
14 and

15 (C) in subparagraph (C), by striking “less  
16 than twenty years or”.

17 (4) Section 404 of the Controlled Substances  
18 Act (21 U.S.C. 844) is amended—

19 (A) by striking “not less than 15 days  
20 but”;

21 (B) by striking “a minimum of \$2,500”  
22 and inserting “under this title”;

23 (C) by striking “not less than 90 days  
24 but”;

1 (D) by striking “a minimum of \$5,000”  
2 and inserting “under this title”;

3 (E) by striking “not less than 5 years  
4 and”;

5 (F) by striking “a minimum of \$1,000”  
6 each place it appears and inserting “under this  
7 title”; and

8 (G) by striking the sentence beginning  
9 “The imposition”;

10 (5) Section 408 of the Controlled Substances  
11 Act (21 U.S.C. 848) is amended—

12 (A) in subsection (a), by striking “which  
13 may not be less” and all that follows through  
14 “up to” each place they appear and inserting  
15 “for any term of years or to”;

16 (B) in subsection (b), by inserting “any  
17 term of years or for” before “life” and

18 (C) by striking subsection (d).

19 (6) Section 408(e) of the Controlled Substances  
20 Act (21 U.S.C. 848(e)) is amended—

21 (A) by striking out “any term of imprison-  
22 ment” each place it appears and inserting “a  
23 term of imprisonment”; and

24 (B) by striking “which shall not be less”  
25 and all that follows through “up to life impris-

1           onment” each place they appear and inserting  
2           “for life or any term of years”.

3           (7) Section 418 of the Controlled Substances  
4           Act (21 U.S.C. 859) is amended—

5                   (A) by striking each sentence beginning  
6                   with “Except to the extent”; and

7                   (B) by striking the sentence at the end of  
8                   subsection (a) that begins with “The mandatory  
9                   minimum”.

10           (8) Section 419 of the Controlled Substances  
11           Act (21 U.S.C. 860) is amended—

12                   (A) in each of subsections (a) and (b), by  
13                   striking the sentence beginning with “Except to  
14                   the extent”; and

15                   (B) by striking the sentence at the end of  
16                   subsection (a) that begins with “The mandatory  
17                   minimum”;

18                   (C) in subsection (b), by striking “of not  
19                   less than three years and not more than life im-  
20                   prisonment” and inserting “for life or any term  
21                   or years”; and

22                   (D) by striking subsection (c).

23           (9) Section 420 of the Controlled Substances  
24           Act (21 U.S.C. 861) is amended—

1 (A) in subsection (b), by striking the last  
2 sentence;

3 (B) in subsection (c), by striking the pe-  
4 nultimate sentence; and

5 (C) by striking subsection (e).

6 (10) Section 1010(b) of the Controlled Sub-  
7 stances Act (21 U.S.C. 960(b) is amended—

8 (A) in paragraph (1)—

9 (i) by striking “of not less than 10  
10 years and” and all that follows through  
11 “20 years and not more than life,” the  
12 first place it appears and inserting “for life  
13 or any term of years,”;

14 (ii) by striking “of not less than 20  
15 years and not more than life imprison-  
16 ment” and inserting “for life or any term  
17 of years”;

18 (iii) by striking “and if death” and all  
19 that follows through “life imprisonment,”  
20 and inserting a comma; and

21 (iv) by striking the last two sentences;

22 (B) in paragraph (2)—

23 (i) by striking “not less than 5 years  
24 and”;

1 (ii) by striking “not less than twenty  
2 years and”;

3 (iii) by striking “not less than 10  
4 years and”; and

5 (iv) by striking the last sentence; and

6 (C) in paragraph (3), by striking “not less  
7 than twenty years and”.

8 (i) AMENDMENT TO LAW CODIFIED IN TITLE 22 OF  
9 THE UNITED STATES CODE.—Section 1750 of the Re-  
10 vised Statutes of the United States (22 U.S.C. 4221) is  
11 amended by striking “nor less than one year”.

12 (j) AMENDMENTS TO LAWS CODIFIED IN TITLE 33  
13 OF THE UNITED STATES CODE.—

14 (1) Section 2 of the Act of May 9, 1900 (33  
15 U.S.C. 410) is amended by striking “any violation  
16 thereof” and all that follows through “committed  
17 against the United States” and inserting “whoever  
18 violates any such rule or regulation shall be fined  
19 under title 18, United States Code, or imprisoned  
20 not more than one year, or both”.

21 (2) Section 16 of the Act of March 3, 1899 (33  
22 U.S.C. 411) is amended by striking “shall be guilty”  
23 and all that follows through “discretion of the  
24 court” and inserting “shall be fined under title 18,

1 United States Code, or imprisoned not more than  
2 one year, or both”.

3 (3) Section 1 of the Act of June 29, 1888 (33  
4 U.S.C. 441) is amended—

5 (A) by striking “and every such act is  
6 made a misdemeanor,”; and

7 (B) by striking “, upon conviction” and all  
8 that follows through “obtained shall decide”  
9 and inserting “be fined under title 18, United  
10 States Code, or imprisoned not more than one  
11 year, or both”.

12 (4) Section 3 of the Act of June 29, 1888 (33  
13 U.S.C. 447) is amended by striking “, on convic-  
14 tion” and all that follows through “one year” and  
15 inserting “be fined under title 18, United States  
16 Code, or imprisoned not more than one year, or  
17 both”.

18 (k) AMENDMENT TO LAW CODIFIED IN TITLE 45 OF  
19 THE UNITED STATES CODE.—Section 15 of the Act of  
20 July 2, 1864 (45 U.S.C. 83) is amended by striking  
21 “deemed guilty” and all that follows through “six months”  
22 and inserting “fined under title 18, United States Code,  
23 or imprisoned not more than 6 months, or both”.

24 (l) AMENDMENT TO LAW IN TITLE 46 OF THE UNIT-  
25 ED STATES CODE AND ITS APPENDIX.—Section 806(b)

1 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1228)  
2 is amended by striking “less than one year or”.

3 (m) AMENDMENTS TO LAWS CODIFIED IN TITLE 47  
4 OF THE UNITED STATES CODE.—

5 (1) Section 5 of the Act of August 7, 1888 (47  
6 U.S.C. 13) is amended by striking “guilty of a mis-  
7 demeanor” and all that follows through “less than  
8 six months” and inserting “fined under title 18,  
9 United States Code, or imprisoned not more than 6  
10 months, or both”.

11 (2) Section 220(e) of the Communications Act  
12 of 1934 (47 U.S.C. 220(e)) is amended by striking  
13 “deemed guilty” and all that follows through “That  
14 the” and inserting “fined under title 18, United  
15 States Code, or imprisoned not more than 3 years,  
16 or both. However, the”.

17 (n) AMENDMENTS TO LAWS IN TITLE 49 OF THE  
18 UNITED STATES CODE AND ITS APPENDIX.—

19 (1) Section 11911 of title 49, United States  
20 Code, is amended—

21 (A) in subsection (a)—

22 (i) by striking “at least \$1,000 but”;

23 and

24 (ii) by striking “at least one year

25 but”; and

- 1 (B) in subsection (b)—  
2 (i) by striking “at least \$1,000 but”;  
3 and  
4 (ii) by striking “at least one year  
5 but”.

6 (2) Section 902(i)(1) of the Federal Aviation  
7 Act of 1958 (49 U.S.C. App. 1472(i)(1)) is amend-  
8 ed—

9 (A) by striking “not less than 20 years”  
10 and inserting “any term of years”; and

11 (B) by inserting “or for any term of years”  
12 after “imprisonment for life”.

13 **Subtitle F—Coerced Confessions**  
14 **and Harmless Error**

15 **SEC. 651. COERCED CONFESSIONS AND HARMLESS ERROR.**

16 If, on direct or collateral review of a Federal or State  
17 criminal judgment, including an action pursuant to chap-  
18 ter 153, title 28, United States Code, any court of the  
19 United States determines that a Federal or State criminal  
20 conviction or sentence was obtained in violation of the  
21 United States Constitution, the court shall award relief  
22 unless, in the case of a violation that can be harmless,  
23 the Federal Government or the State concerned proves,  
24 beyond a reasonable doubt, that the error did not contrib-  
25 ute to the conviction or sentence. The admission into evi-

1 dence of a coerced confession shall not be considered  
2 harmless error. For purposes of this section, a confession  
3 is coerced if it is elicited involuntarily in violation of the  
4 fifth or fourteenth articles of amendment to the Constitu-  
5 tion of the United States.

6 **TITLE VII—FISCAL IMPACT OF**  
7 **CRIMINAL JUSTICE SENTENC-**  
8 **ING**

9 **SEC. 701. CRIMINAL JUSTICE IMPACT STATEMENT.**

10 (a) IN GENERAL.—The Congressional Budget Office  
11 shall prepare a criminal justice impact assessment for any  
12 bill, joint resolution, amendment, motion, or conference re-  
13 port that could increase or decrease the number of persons  
14 incarcerated in State or Federal penal institutions.

15 (b) CONTENTS.—A criminal justice impact assess-  
16 ment shall include—

17 (1) an estimate of the costs which would be in-  
18 curred in carrying out the bill, joint resolution,  
19 amendment, motion, or conference report in the cur-  
20 rent fiscal year and in each of the five succeeding  
21 fiscal years, including the costs associated with—

22 (A) prison, probation, and post-prison su-  
23 pervision services;

24 (B) the Department of Justice;

1 (C) the judiciary, including the expense of  
2 additional panel attorneys and jurors; and

3 (D) any other significant factor affecting  
4 the cost of the measure and its impact on the  
5 operations of components of the criminal justice  
6 system; and

7 (2) a description of the methodologies, sources,  
8 and assumptions utilized in estimating each of these  
9 categories.

10 (c) PREPARATION.—The Congressional Budget Of-  
11 fice shall prepare a statement—

12 (1) not more than 7 days after a bill or con-  
13 ference report is reported out of committee; or

14 (2) not more than 7 days after a bill, amend-  
15 ment, or motion is submitted to the Congressional  
16 Budget Office for evaluation by the sponsor.

17 In preparing a statement, the Congressional Budget Office  
18 shall draw upon all relevant sources of information, includ-  
19 ing the Administrative Office of the Courts, the Bureau  
20 of Prisons, the United States Sentencing Commission, Of-  
21 fice of Justice Programs, and, where appropriate, non-gov-  
22 ernmental agencies.

23 **SEC. 702. POINT OF ORDER.**

24 It shall not be in order in either the House of Rep-  
25 resentatives or the Senate to consider any bill, joint resolu-

1 tion, amendment, motion, or conference report that would  
2 increase or decrease the number of persons incarcerated  
3 in State or Federal penal institutions unless such bill,  
4 joint resolution, amendment, motion, or conference report  
5 is accompanied by a criminal justice impact statement pre-  
6 pared by the Congressional Budget Office.

7 **SEC. 703. REPORT.**

8 The Congressional Budget Office shall prepare and  
9 transmit to the Congress, by March 1 of each year, a sum-  
10 mary report reflecting the cumulative fiscal effect of all  
11 relevant changes in the law that will increase or decrease  
12 the number of persons incarcerated in State or Federal  
13 penal institutions taking effect during the preceding cal-  
14 endar year.

15 **TITLE VIII—HABEAS CORPUS**  
16 **REFORM**

17 **SEC. 801. SHORT TITLE.**

18 This title may be cited as the “Habeas Corpus Re-  
19 form Act of 1993”.

20 **SEC. 802. STATUTE OF LIMITATIONS.**

21 Section 2254 of title 28, United States Code, is  
22 amended by adding at the end the following:

23 “(g)(1) In the case of an applicant under sentence  
24 of death, any application for habeas corpus relief under

1 this section must be filed in the appropriate district court  
2 not later than 1 year after—

3           “(A) the date of denial of a writ of certiorari,  
4 if a petition for a writ of certiorari to the highest  
5 court of the State on direct appeal or unitary review  
6 of the conviction and sentence is filed, within the  
7 time limits established by law, in the Supreme  
8 Court;

9           “(B) the date of issuance of the mandate of the  
10 highest court of the State on direct appeal or uni-  
11 tary review of the conviction and sentence, if a peti-  
12 tion for a writ of certiorari is not filed, within the  
13 time limits established by law, in the Supreme  
14 Court; or

15           “(C) the date of issuance of the mandate of the  
16 Supreme Court, if on a petition for a writ of certio-  
17 rari the Supreme Court grants the writ and disposes  
18 of the case in a manner that leaves the capital sen-  
19 tence undisturbed.

20           “(2) The time requirements established by this sec-  
21 tion shall be tolled—

22           “(A) during any period in which the State has  
23 failed to provide counsel as required in section 2257  
24 of this chapter;

1           “(B) during the period from the date the appli-  
2           cant files an application for State postconviction re-  
3           lief until final disposition of the application by the  
4           State appellate courts, if all filing deadlines are met;  
5           and

6           “(C) during an additional period not to exceed  
7           90 days, if counsel moves for an extension in the  
8           district court that would have jurisdiction of a ha-  
9           beas corpus application and makes a showing of  
10          good cause.”.

11 **SEC. 803. STAYS OF EXECUTION IN CAPITAL CASES.**

12          Section 2251 of title 28, United States Code, is  
13 amended—

14           (1) by inserting “(a)(1)” before the first para-  
15          graph;

16           (2) by inserting “(2)” before the second para-  
17          graph; and

18           (3) by adding at the end the following:

19          “(b) In the case of an individual under sentence of  
20 death, a warrant or order setting an execution shall be  
21 stayed upon application to any court that would have ju-  
22 risdiction over an application for habeas corpus under this  
23 chapter. The stay shall be contingent upon reasonable dili-  
24 gence by the individual in pursuing relief with respect to  
25 such sentence and shall expire if—

1           “(1) the individual fails to apply for relief  
2 under this chapter within the time requirements es-  
3 tablished by section 2254(g) of this chapter;

4           “(2) upon completion of district court and court  
5 of appeals review under section 2254 of this chapter,  
6 the application is denied and—

7           “(A) the time for filing a petition for a  
8 writ of certiorari expires before a petition is  
9 filed;

10           “(B) a timely petition for a writ of certio-  
11 rari is filed and the Supreme Court denies the  
12 petition; or

13           “(C) a timely petition for certiorari is filed  
14 and, upon consideration of the case, the Su-  
15 preme Court disposes of it in a manner that  
16 leaves the capital sentence undisturbed; or

17           “(3) before a court of competent jurisdiction, in  
18 the presence of counsel qualified under section 2257  
19 of this chapter and after being advised of the con-  
20 sequences of the decision, an individual waives the  
21 right to pursue relief under this chapter.”.

22 **SEC. 804. LAW APPLICABLE.**

23           (a) IN GENERAL.—Chapter 153 of title 28, United  
24 States Code, is amended by adding at the end the follow-  
25 ing:

1 **“§ 2256. Law applicable**

2 “(a) Except as provided in subsection (b), in an ac-  
3 tion under this chapter, the court shall not apply a new  
4 rule.

5 “(b) A court shall apply a new rule, if the new rule—

6 “(1) places the claimant’s conduct beyond the  
7 power of the criminal law-making authority to pro-  
8 scribe or punish with the sanction imposed; or

9 “(2) requires the observance of procedures  
10 without which the likelihood of an accurate convic-  
11 tion or valid capital sentence is seriously diminished.

12 “(c) As used in this section, the term ‘new rule’  
13 means a clear break from precedent, announced by the  
14 Supreme Court of the United States, that could not rea-  
15 sonably have been anticipated at the time the claimant’s  
16 sentence became final in State court. A rule is not ‘new’  
17 merely because it was not dictated or compelled by the  
18 precedents existing at that time or because, at that time,  
19 it was susceptible to debate among reasonable minds.”.

20 (b) CLERICAL AMENDMENT.—The table of sections  
21 at the beginning of chapter 153 of title 28, United States  
22 Code, is amended by adding at the end the following:

“2256. Law applicable.”.

1 **SEC. 805. COUNSEL IN CAPITAL CASES; STATE COURT.**

2 (a) IN GENERAL.—Chapter 153 of title 28, United  
3 States Code, is amended by adding after the provision  
4 added by section 804 of this subtitle the following:

5 **“§ 2257. Counsel in capital cases; State court**

6 “(a) Notwithstanding section 2254(d) of this chapter,  
7 the court in an action under this chapter shall neither pre-  
8 sume a finding of fact made in a State court proceeding  
9 specified in subsection (b)(1) of this section to be correct  
10 nor decline to consider a claim on the ground that it was  
11 not raised in such a proceeding at the time or in the man-  
12 ner prescribed by State law, unless—

13 “(1) the relevant State maintains a mechanism  
14 for providing legal services to indigents in capital  
15 cases that meets the specifications in subsection (b)  
16 of this section;

17 “(2) if the applicant in the instant case was eli-  
18 gible for the appointment of counsel and did not  
19 waive such an appointment, the State actually ap-  
20 pointed an attorney or attorneys to represent the ap-  
21 plicant in the State proceeding in which the finding  
22 of fact was made or the default occurred; and

23 “(3) the attorney or attorneys so appointed  
24 substantially met both the qualification standards  
25 specified in subsection (b)(3)(A) or (b)(4) of this

1 section and the performance standards established  
2 by the appointing authority.

3 “(b) A mechanism for providing legal services to  
4 indigents within the meaning of subsection (a)(1) of this  
5 section shall include the following elements:

6 “(1) The State shall provide legal services to—

7 “(A) indigents charged with offenses for  
8 which capital punishment is sought;

9 “(B) indigents who have been sentenced to  
10 death and who seek appellate, collateral, or uni-  
11 tary review in State court; and

12 “(C) indigents who have been sentenced to  
13 death and who seek certiorari review of State  
14 court judgments in the United States Supreme  
15 Court.

16 “(2) The State shall establish a counsel author-  
17 ity, which shall be—

18 “(A) a statewide defender organization;

19 “(B) a resource center; or

20 “(C) a counsel authority appointed by the  
21 highest State court having jurisdiction over  
22 criminal matters, consisting of members of the  
23 bar with substantial experience in, or commit-  
24 ment to, the representation of criminal defend-  
25 ants in capital cases, and comprised of a bal-

1           anced representation from each segment of the  
2           State’s criminal defense bar.

3           “(3) The counsel authority shall—

4                   “(A) publish a roster of attorneys qualified  
5                   to be appointed in capital cases, procedures by  
6                   which attorneys are appointed, and standards  
7                   governing qualifications and performance of  
8                   counsel, which shall include—

9                           “(i) knowledge and understanding of  
10                           pertinent legal authorities regarding issues  
11                           in capital cases; and

12                           “(ii) skills in the conduct of negotia-  
13                           tions and litigation in capital cases, the in-  
14                           vestigation of capital cases and the psy-  
15                           chiatric history and current condition of  
16                           capital clients, and the preparation and  
17                           writing of legal papers in capital cases;

18                           “(B) monitor the performance of attorneys  
19                           appointed and delete from the roster any attor-  
20                           ney who fails to meet qualification and perform-  
21                           ance standards; and

22                           “(C) appoint a defense team, which shall  
23                           include at least 2 attorneys, to represent a cli-  
24                           ent at the relevant stage of proceedings, within

1           30 days after receiving notice of the need for  
2           the appointment from the relevant State court.

3           “(4) An attorney who is not listed on the roster  
4           shall be appointed only on the request of the client  
5           concerned and in circumstances in which the attor-  
6           ney requested is able to provide the client with qual-  
7           ity legal representation.

8           “(5) No counsel appointed pursuant to this sec-  
9           tion to represent a prisoner in State postconviction  
10          proceedings shall have previously represented the  
11          prisoner at trial or on direct appeal in the case for  
12          which the appointment is made, unless the prisoner  
13          and counsel expressly request continued representa-  
14          tion.

15          “(6) The ineffectiveness or incompetence of  
16          counsel appointed pursuant to this section during  
17          State or Federal postconviction proceedings shall not  
18          be a ground for relief in a proceeding arising under  
19          section 2254 of this title. This limitation shall not  
20          preclude the appointment of different counsel at any  
21          phase of State or Federal postconviction proceed-  
22          ings.

23          “(7) Upon receipt of notice from the counsel  
24          authority that an individual entitled to the appoint-  
25          ment of counsel under this section has declined to

1 accept such an appointment, the court requesting  
2 the appointment shall conduct, or cause to be con-  
3 ducted, a hearing, at which the individual and coun-  
4 sel proposed to be appointed under this section shall  
5 be present, to determine the individual's competency  
6 to decline the appointment, and whether the individ-  
7 ual has knowingly and intelligently declined it.

8 “(8) Attorneys appointed pursuant to this sec-  
9 tion shall be compensated on an hourly basis pursu-  
10 ant to a schedule of hourly rates as periodically es-  
11 tablished by the counsel authority after consultation  
12 with the highest State court with jurisdiction over  
13 criminal matters. Appointed counsel shall be reim-  
14 bursed for expenses reasonably incurred in rep-  
15 resenting the client, including the costs of law clerks,  
16 paralegals, investigators, experts, or other support  
17 services.

18 “(9) Support services for staff attorneys of a  
19 defender organization or resource center shall be  
20 equal to the services listed in paragraph (8).”.

21 (b) CLERICAL AMENDMENT.—The table of sections  
22 at the beginning of chapter 153 of title 28, United States  
23 Code, is amended by adding after the provision added by  
24 section 804 the following:

“2257. Counsel in capital cases; State court.”.

1 **SEC. 806. SUCCESSIVE FEDERAL PETITIONS.**

2 Section 2244(b) of title 28, United States Code, is  
3 amended—

4 (1) by inserting “(1)” after “(b)”;

5 (2) by inserting “, in the case of an applicant  
6 not under sentence of death,” after “When”; and

7 (3) by adding at the end the following:

8 “(2) In the case of an applicant under sentence  
9 of death, a claim presented in a second or successive  
10 application, that was not presented in a prior appli-  
11 cation under this chapter, shall be dismissed un-  
12 less—

13 “(A) the applicant shows that—

14 “(i) the basis of the claim could not  
15 have been discovered by the exercise of  
16 reasonable diligence before the applicant  
17 filed the prior application; or

18 “(ii) the failure to raise the claim in  
19 the prior application was due to action by  
20 State officials in violation of the Constitu-  
21 tion of the United States; and

22 “(B) the facts underlying the claim would  
23 be sufficient, if proven, to undermine the  
24 court’s confidence in the applicant’s guilt of the  
25 offense or offenses for which the capital sen-

1           tence was imposed, or in the validity of that  
2           sentence under Federal law.”.

3 **SEC. 807. CERTIFICATES OF PROBABLE CAUSE.**

4           The third paragraph of section 2253, of title 28,  
5 United States Code, is amended to read as follows:

6           “An appeal may not be taken to the court of  
7           appeals from the final order in a habeas corpus pro-  
8           ceeding where the detention complained of arises out  
9           of process issued by a State court, unless the justice  
10          or judge who rendered the order or a circuit justice  
11          or judge issues a certificate of probable cause. How-  
12          ever, an applicant under sentence of death shall have  
13          a right of appeal without a certification of probable  
14          cause, except after denial of a second or successive  
15          application.”.

16 **SEC. 808. DUTIES OF THE DISTRICT COURT.**

17          Section 2254(a) of title 28, United States Code, is  
18 amended by adding at the end the following:

19           “In adjudicating the merits of any such ground,  
20           the court shall exercise independent judgment in  
21           ascertaining the pertinent Federal legal standards  
22           and in applying those standards to the facts and  
23           shall not defer to a previous State court judgment  
24           regarding a Federal legal standard or its application.  
25           Upon request, the court shall permit the parties to

1 present evidence regarding material facts that were  
2 not adequately developed in State court. The court  
3 shall award relief with respect to any meritorious  
4 constitutional ground, unless, in the case of a viola-  
5 tion that can be harmless, the respondent shows that  
6 the error was harmless beyond a reasonable doubt.”.

7 **SEC. 809. CLAIMS OF INNOCENCE.**

8 (a) IN GENERAL.—Chapter 153 of title 28, United  
9 States Code, is amended by adding after the provision  
10 added by section 805 of this subtitle the following:

11 **“§ 2258. Claims of innocence**

12 “(a) At any time, and notwithstanding any other pro-  
13 vision of law, a district court shall issue habeas corpus  
14 relief on behalf of an applicant under sentence of death,  
15 imposed either in Federal or in State court, who offers  
16 credible newly discovered evidence which, had it been pre-  
17 sented to the trier of fact or sentencing authority at trial,  
18 would probably have resulted in—

19 “(1) an acquittal of the offense for which the  
20 death sentence was imposed; or

21 “(2) a sentence other than death.

22 “(b) An application filed pursuant to subsection (a)  
23 shall offer substantial evidence which, if credible, would  
24 establish one of the standards in subsection (a)(1) or (2).  
25 An application that fails to do so may be dismissed.

1       “(c) If the court concludes that an application meets  
2 the requirements in subsection (b), the court shall—

3               “(1) order the respondent to file an answer;

4               “(2) permit the parties to conduct reasonable  
5 discovery;

6               “(3) conduct a hearing to resolve disputed is-  
7 sues of fact; and

8               “(4) upon request, issue a stay of execution  
9 pending further proceedings in the district court and  
10 on direct review of the district court’s judgment.

11       “(d) If the court concludes that the applicant meets  
12 the standards established by subsection (a)(1) or (2), the  
13 court shall order his or her release, unless a new trial or,  
14 in an appropriate case, a new sentencing proceeding, is  
15 conducted within a reasonable time.

16       “(e) If the court determines that the applicant is cur-  
17 rently entitled to pursue other available and effective rem-  
18 edies in either State or Federal court, the court may, at  
19 the request of either party, suspend its consideration of  
20 the application under this section until the applicant has  
21 exhausted those remedies. A stay issued pursuant to sub-  
22 section (c) shall remain in effect during such a suspension.

23       “(f) An application under this section may be consoli-  
24 dated with any other pending application under this chap-  
25 ter, filed by the same applicant.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
2 at the beginning of chapter 153 of title 28, United States  
3 Code, is amended by adding after the provision added by  
4 section 805 of this subtitle the following:

“2258. Claims of innocence.”.

5 **SEC. 810. PROCEDURAL DEFAULT IN STATE COURT.**

6 Section 2254 of title 28, United States Code, is  
7 amended by adding the following:

8 “(h)(1) A district court shall decline to consider a  
9 claim under this section if—

10 “(A) the applicant previously failed to raise the  
11 claim in State court at the time and in the manner  
12 prescribed by State law; the State courts, for that  
13 reason, refused or would refuse to entertain the  
14 claim; such refusal would constitute an adequate and  
15 independent State law ground that would foreclose  
16 direct review of the State court judgment in the Su-  
17 preme Court of the United States; and

18 “(B) the applicant fails to show cause for the  
19 failure to raise the claim in State court and preju-  
20 dice to the applicant’s right to fair proceedings or to  
21 an accurate outcome resulting from the alleged viola-  
22 tion of the Federal right asserted, or that failure to  
23 consider the claim would result in a miscarriage of  
24 justice.

1       “(2) The court shall not find cause in any case in  
2 which it appears that the applicant or counsel deliberately  
3 withheld a claim from the State courts for strategic pur-  
4 poses. An applicant may establish cause by showing that—

5           “(A) the factual basis of the claim could not  
6 have been discovered by the exercise of reasonable  
7 diligence before the applicant could have raised the  
8 claim in State court;

9           “(B) the claim relies on a decision of the Su-  
10 preme Court of the United States, announced after  
11 the applicant might have raised the claim in State  
12 court; or

13           “(C) the failure to raise the claim in State  
14 court was due to interference by State officials,  
15 counsel’s ignorance or neglect, or counsel’s ineffec-  
16 tive assistance in violation of the Constitution.”.

## 17           **TITLE IX—GUN CONTROL**

### 18                   **Subtitle A—Firearms**

19   **SEC. 901. FEDERAL FIREARMS LICENSEE REQUIRED TO**  
20                   **CONDUCT CRIMINAL BACKGROUND CHECK**  
21                   **BEFORE TRANSFER OF FIREARM TO**  
22                   **NONLICENSEE.**

23           (a) INTERIM PROVISION.—

1           (1) IN GENERAL.—Section 922 of title 18,  
2           United States Code, is amended by adding at the  
3           end the following:

4           “(s)(1) Beginning on the date that is 90 days after  
5           the date of enactment of this subsection and ending on  
6           the day before the date that the Attorney General certifies  
7           under section 902(d)(1) of the Crime Prevention and  
8           Criminal Justice Reform Act that the national instant  
9           criminal background check system is established (except  
10          as provided in paragraphs (2) and (3) of such section),  
11          it shall be unlawful for any licensed importer, licensed  
12          manufacturer, or licensed dealer to sell, deliver, or transfer  
13          a handgun to an individual who is not licensed under sec-  
14          tion 923, unless—

15                 “(A) after the most recent proposal of such  
16                 transfer by the transferee—

17                         “(i) the transferor has—

18                                 “(I) received from the transferee a  
19                                 statement of the transferee containing the  
20                                 information described in paragraph (3);

21                                 “(II) verified the identity of the trans-  
22                                 feree by examining the identification docu-  
23                                 ment presented;

24                                 “(III) within 1 day after the trans-  
25                                 feree furnishes the statement, provided no-

1           tice of the contents of the statement to the  
2           chief law enforcement officer of the place  
3           of residence of the transferee; and

4           “(IV) within 1 day after the trans-  
5           feree furnishes the statement, transmitted  
6           a copy of the statement to the chief law  
7           enforcement officer of the place of resi-  
8           dence of the transferee; and

9           “(ii)(I) 7 business days (as defined by days  
10          in which State offices are open) have elapsed  
11          from the date the transferor furnished notice of  
12          the contents of the statement to the chief law  
13          enforcement officer, during which period the  
14          transferor has not received information from  
15          the chief law enforcement officer that receipt or  
16          possession of the handgun by the transferee  
17          would be in violation of Federal, State, or local  
18          law; or

19          “(II) the transferor has received notice  
20          from the chief law enforcement officer that the  
21          officer has no information indicating that re-  
22          ceipt or possession of the handgun by the trans-  
23          feree would violate Federal, State, or local law;

24          “(B) the transferee has presented to the trans-  
25          feror a written statement, issued by the chief law en-

1       forcement officer of the place of residence of the  
2       transferee during the 10-day period ending on the  
3       date of the most recent proposal of such transfer by  
4       the transferee, stating that the transferee requires  
5       access to a handgun because of a threat to the life  
6       of the transferee or of any member of the household  
7       of the transferee;

8               “(C)(i) the transferee has presented to the  
9       transferor a permit that—

10               “(I) allows the transferee to possess a  
11       handgun; and

12               “(II) was issued not more than 5 years  
13       earlier by the State in which the transfer is to  
14       take place; and

15               “(ii) the law of the State provides that such a  
16       permit is to be issued only after an authorized gov-  
17       ernment official has verified that the information  
18       available to such official does not indicate that pos-  
19       session of a handgun by the transferee would be in  
20       violation of the law;

21               “(D) the law of the State requires that, before  
22       any licensed importer, licensed manufacturer, or li-  
23       censed dealer completes the transfer of a handgun to  
24       an individual who is not licensed under section 923,  
25       an authorized government official verify that the in-

1 formation available to such official does not indicate  
2 that possession of a handgun by the transferee  
3 would be in violation of law, except that this sub-  
4 paragraph shall not apply to a State that, on the  
5 date of certification pursuant to section 902(d) of  
6 the Crime Prevention and Criminal Justice Reform  
7 Act, is not in compliance with the timetable estab-  
8 lished pursuant to section 902(c) of such Act;

9 “(E) the Secretary has approved the transfer  
10 under section 5812 of the Internal Revenue Code of  
11 1986; or

12 “(F) on application of the transferor, the Sec-  
13 retary has certified that compliance with subpara-  
14 graph (A)(i)(III) is impracticable because—

15 “(i) the ratio of the number of law enforce-  
16 ment officers of the State in which the transfer  
17 is to occur to the number of square miles of  
18 land area of the State does not exceed 0.0025;

19 “(ii) the business premises of the trans-  
20 feror at which the transfer is to occur are ex-  
21 tremely remote in relation to the chief law en-  
22 forcement officer; and

23 “(iii) there is an absence of telecommuni-  
24 cations facilities in the geographical area in  
25 which the business premises are located.

1       “(2) A chief law enforcement officer to whom a trans-  
2 feror has provided notice pursuant to paragraph  
3 (1)(A)(i)(III) shall make a reasonable effort to ascertain  
4 within 5 business days whether the transferee has a crimi-  
5 nal record or whether there is any other legal impediment  
6 to the transferee’s receiving a handgun, including research  
7 in whatever State and local recordkeeping systems are  
8 available and in a national system designated by the Attor-  
9 ney General.

10       “(3) The statement referred to in paragraph  
11 (1)(A)(i)(I) shall contain only—

12               “(A) the name, address, and date of birth ap-  
13 pearing on a valid identification document (as de-  
14 fined in section 1028(d)(1)) of the transferee con-  
15 taining a photograph of the transferee and a de-  
16 scription of the identification used;

17               “(B) a statement that transferee—

18                       “(i) is not under indictment for, and has  
19 not been convicted in any court of, a crime pun-  
20 ishable by imprisonment for a term exceeding 1  
21 year;

22                       “(ii) is not a fugitive from justice;

23                       “(iii) is not an unlawful user of or addicted  
24 to any controlled substance (as defined in sec-  
25 tion 102 of the Controlled Substances Act);

1           “(iv) has not been adjudicated as a mental  
2           defective or been committed to a mental institu-  
3           tion;

4           “(v) is not an alien who is illegally or un-  
5           lawfully in the United States;

6           “(vi) has not been discharged from the  
7           Armed Forces under dishonorable conditions;  
8           and

9           “(vii) is not a person who, having been a  
10          citizen of the United States, has renounced  
11          such citizenship;

12          “(C) the date the statement is made; and

13          “(D) notice that the transferee intends to ob-  
14          tain a handgun from the transferor.

15          “(4) Any transferor of a handgun who, after such  
16          transfer, receives a report from a chief law enforcement  
17          officer containing information that receipt or possession  
18          of the handgun by the transferee violates Federal, State,  
19          or local law shall immediately communicate all information  
20          the transferor has about the transfer and the transferee  
21          to—

22                  “(A) the chief law enforcement officer of the  
23                  place of business of the transferor; and

24                  “(B) the chief law enforcement officer of the  
25                  place of residence of the transferee.

1       “(5) Any transferor who receives information, not  
2 otherwise available to the public, in a report under this  
3 subsection shall not disclose such information except to  
4 the transferee, to law enforcement authorities, or pursuant  
5 to the direction of a court of law.

6       “(6)(A) Any transferor who sells, delivers, or other-  
7 wise transfers a handgun to a transferee shall retain the  
8 copy of the statement of the transferee with respect to  
9 the handgun transaction, and shall retain evidence that  
10 the transferor has complied with subclauses (III) and (IV)  
11 of paragraph (1)(A)(i) with respect to the statement.

12       “(B) Unless the chief law enforcement officer to  
13 whom a statement is transmitted under paragraph  
14 (1)(A)(i)(IV) determines that a transaction would violate  
15 Federal, State, or local law—

16               “(i) the officer shall, within 20 business days  
17 after the date the transferee made the statement on  
18 the basis of which the notice was provided, destroy  
19 the statement and any record containing information  
20 derived from the statement;

21               “(ii) the information contained in the statement  
22 shall not be conveyed to any person except a person  
23 who has a need to know in order to carry out this  
24 subsection; and

1           “(iii) the information contained in the state-  
2           ment shall not be used for any purpose other than  
3           to carry out this subsection.

4           “(7) A chief law enforcement officer or other person  
5           responsible for providing criminal history background in-  
6           formation pursuant to this subsection shall not be liable  
7           in an action at law for damages—

8           “(A) for failure to prevent the sale or transfer  
9           of a handgun to a person whose receipt or posses-  
10          sion of the handgun is unlawful under this section;  
11          or

12          “(B) for preventing such a sale or transfer to  
13          a person who may lawfully receive or possess a  
14          handgun.

15          “(8) For purposes of this subsection, the term ‘chief  
16          law enforcement officer’ means the chief of police, the  
17          sheriff, or an equivalent officer or the designee of any such  
18          individual.

19          “(9) The Secretary shall take necessary actions to en-  
20          sure that the provisions of this subsection are published  
21          and disseminated to licensed dealers, law enforcement offi-  
22          cials, and the public.”.

23                 (2) HANDGUN DEFINED.—Section 921(a) of  
24                 such title is amended by adding at the end the fol-  
25                 lowing:

1 “(29) The term ‘handgun’ means—

2 “(A) a firearm which has a short stock and is  
3 designed to be held and fired by the use of a single  
4 hand; and

5 “(B) any combination of parts from which a  
6 firearm described in subparagraph (A) can be as-  
7 sembled.”.

8 (b) PERMANENT PROVISION.—Section 922 of title  
9 18, United States Code, as amended by subsection (a)(1)  
10 of this section, is amended by adding at the end the follow-  
11 ing:

12 “(t)(1) Beginning on the date that the Attorney Gen-  
13 eral certifies under section 902(d)(1) of the Crime Preven-  
14 tion and Criminal Justice Reform Act that the national  
15 instant criminal background check system is established  
16 (except as provided in paragraphs (2) and (3) of such sec-  
17 tion), a licensed importer, licensed manufacturer, or li-  
18 censed dealer shall not transfer a firearm to any other  
19 person who is not such a licensee, unless—

20 “(A) before the completion of the transfer, the  
21 licensee contacts the national instant criminal back-  
22 ground check system established under section 903  
23 of such Act;

24 “(B) the system notifies the licensee that the  
25 system has not located any record that demonstrates

1 that the receipt of a firearm by such other person  
2 would violate subsection (g) or (n) of this section or  
3 any State or local law; and

4 “(C) the transferor has verified the identity of  
5 the transferee by examining a valid identification  
6 document (as defined in section 1028(d)(1) of this  
7 title) of the transferee containing a photograph of  
8 the transferee.

9 “(2) Paragraph (1) shall not apply to a firearm  
10 transfer between a licensee and another person if—

11 “(A)(i) such other person has presented to the  
12 licensee a permit that—

13 “(I) allows such other person to possess a  
14 firearm; and

15 “(II) was issued not more than 5 years  
16 earlier by the State in which the transfer is to  
17 take place; and

18 “(ii) the law of the State provides that such a  
19 permit is to be issued only after an authorized gov-  
20 ernment official has verified that the information  
21 available to such official does not indicate that pos-  
22 session of a firearm by such other person would be  
23 in violation of law;

1           “(B) the Secretary has approved the transfer  
2           under section 5812 of the Internal Revenue Code of  
3           1986; or

4           “(C) on application of the transferor, the Sec-  
5           retary has certified that compliance with paragraph  
6           (1)(A) is impracticable because—

7                   “(i) the ratio of the number of law enforce-  
8                   ment officers of the State in which the transfer  
9                   is to occur to the number of square miles of  
10                  land area of the State does not exceed 0.0025;

11                  “(ii) the business premises of the licensee  
12                  at which the transfer is to occur are extremely  
13                  remote in relation to the chief law enforcement  
14                  officer (as defined in subsection (s)(8)); and

15                  “(iii) there is an absence of telecommuni-  
16                  cations facilities in the geographical area in  
17                  which the business premises are located.

18           “(3) If the national instant criminal background  
19           check system notifies the licensee that the information  
20           available to the system does not demonstrate that the re-  
21           ceipt of a firearm by such other person would violate sub-  
22           section (g) or (n), and the licensee transfers a firearm to  
23           such other person, the licensee shall include in the record  
24           of the transfer the unique identification number provided  
25           by the system with respect to the transfer.

1       “(4) In addition to the authority provided under sec-  
2 tion 923(e), if the licensee knowingly transfers a firearm  
3 to such other person and knowingly fails to comply with  
4 paragraph (1) of this subsection with respect to the trans-  
5 fer and, at the time such other person most recently pro-  
6 posed the transfer, the national instant criminal back-  
7 ground check system was operating and information was  
8 available to the system demonstrating that receipt of a  
9 firearm by such other person would violate subsection (g)  
10 or (n) of this section, the Secretary may, after notice and  
11 opportunity for a hearing, suspend for not more than 6  
12 months or revoke any license issued to the licensee under  
13 section 923, and may impose on the licensee a civil fine  
14 of not more than \$5,000.

15       “(5) Neither a local government nor an employee of  
16 the Federal Government or of any State or local govern-  
17 ment, responsible for providing information to the national  
18 instant criminal background check system shall be liable  
19 in an action at law for damages—

20               “(A) for failure to prevent the sale or transfer  
21 of a handgun to a person whose receipt or posses-  
22 sion of the handgun is unlawful under this section;  
23 or

1           “(B) for preventing such a sale or transfer to  
2           a person who may lawfully receive or possess a  
3           handgun.”.

4           (c) PENALTY.—Section 924(a) of title 18, United  
5 States Code, is amended—

6           (1) in paragraph (1), by striking “paragraph  
7           (2) or (3) of”; and

8           (2) by adding at the end the following:

9           “(5) Whoever knowingly violates subsection (s) or (t)  
10 of section 922 shall be fined not more than \$1,000, impris-  
11 oned for not more than 1 year, or both.”.

12 **SEC. 902. NATIONAL INSTANT CRIMINAL BACKGROUND**  
13 **CHECK SYSTEM.**

14           (a) ESTABLISHMENT OF SYSTEM.—The Attorney  
15 General of the United States shall establish a national in-  
16 stant criminal background check system that any licensee  
17 may contact for information on whether receipt of a fire-  
18 arm by a prospective transferee thereof would violate sub-  
19 section (g) or (n) of section 922 of title 18, United States  
20 Code, or any State or local law.

21           (b) EXPEDITED ACTION BY THE ATTORNEY GEN-  
22 ERAL.—The Attorney General shall expedite—

23           (1) the upgrading and indexing of State crimi-  
24           nal history records in the Federal criminal records

1 system maintained by the Federal Bureau of Inves-  
2 tigation;

3 (2) the development of hardware and software  
4 systems to link State criminal history check systems  
5 into the national instant criminal background check  
6 system established by the Attorney General pursuant  
7 to this section; and

8 (3) the current revitalization initiatives by the  
9 Federal Bureau of Investigation for technologically  
10 advanced fingerprint and criminal records identifica-  
11 tion.

12 (c) PROVISION OF STATE CRIMINAL RECORDS TO  
13 THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK  
14 SYSTEM.—(1) Not later than 6 months after the date of  
15 enactment of this Act, the Attorney General shall—

16 (A) determine the type of computer hardware  
17 and software that will be used to operate the na-  
18 tional instant criminal background check system and  
19 the means by which State criminal records systems  
20 will communicate with the national system;

21 (B) investigate the criminal records system of  
22 each State and determine for each State a timetable  
23 by which the State should be able to provide crimi-  
24 nal records on an on line capacity basis to the na-  
25 tional system;

1 (C) notify each State of the determinations  
2 made pursuant to subparagraphs (A) and (B).

3 (2) The Attorney General shall require as a part of  
4 the State timetable that the State achieve, by the end of  
5 5 years after the date of enactment of this Act, at least  
6 80 percent currency of case dispositions in computerized  
7 criminal history files for all cases in which there has been  
8 an event of activity within the last 5 years and continue  
9 to maintain such a system.

10 (d) NATIONAL SYSTEM CERTIFICATION.—(1) On the  
11 date that is 30 months after the date of enactment of this  
12 Act, and at any time thereafter, the Attorney General shall  
13 determine whether—

14 (A) the national system has achieved at least  
15 80 percent currency of case dispositions in comput-  
16 erized criminal history files for all cases in which  
17 there has been an event of activity within the last  
18 5 years on a national average basis; and

19 (B) the States are in compliance with the time-  
20 table established pursuant to subsection (c),  
21 and, if so, shall certify that the national system is estab-  
22 lished.

23 (2) If, on the date of certification in paragraph (1)  
24 of this subsection, a State is not in compliance with the  
25 timetable established pursuant to subsection (c) of this

1 section, section 922(s) of title 18, United States Code,  
2 shall remain in effect in such State and section 922(t) of  
3 such title shall not apply to the State. The Attorney Gen-  
4 eral shall certify if a State subject to the provisions of  
5 section 922(s) under the preceding sentence achieves com-  
6 pliance with its timetable after the date of certification  
7 in paragraph (1) of this subsection, and section 922(t) of  
8 such title shall apply to the State.

9       (3) Six years after the date of enactment of this Act,  
10 the Attorney General shall certify whether or not a State  
11 is in compliance with subsection (c)(2) of this section and  
12 if the State is not in compliance, section 922(s) of title  
13 18, United States Code, shall apply to the State and sec-  
14 tion 922(t) of such title shall not apply to the State. The  
15 Attorney General shall certify if a State subject to the pro-  
16 visions of section 922(s) under the preceding sentence  
17 achieves compliance with the standards in subsection  
18 (c)(2) of this section, and section 922(s) of title 18, United  
19 States Code, shall not apply to the State and section  
20 922(t) of such title shall apply to the State.

21       (e) NOTIFICATION OF LICENSEES.—On establish-  
22 ment of the system under this section, the Attorney Gen-  
23 eral shall notify each licensee and the chief law enforce-  
24 ment officer of each State of the existence and purpose

1 of the system and the means to be used to contact the  
2 system.

3 (f) ADMINISTRATIVE PROVISIONS.—

4 (1) AUTHORITY TO OBTAIN OFFICIAL INFORMA-  
5 TION.—Notwithstanding any other law, the Attorney  
6 General may secure directly from any department or  
7 agency of the United States such information on  
8 persons for whom receipt of a firearm would violate  
9 subsection (g) or (n) of section 922 of title 18, Unit-  
10 ed States Code, or any State or local law, as is nec-  
11 essary to enable the system to operate in accordance  
12 with this section. On request of the Attorney Gen-  
13 eral, the head of such department or agency shall  
14 furnish such information to the system.

15 (2) OTHER AUTHORITY.—The Attorney General  
16 shall develop such computer software, design and ob-  
17 tain such telecommunications and computer hard-  
18 ware, and employ such personnel, as are necessary  
19 to establish and operate the system in accordance  
20 with this section.

21 (g) CORRECTION OF ERRONEOUS SYSTEM INFORMA-  
22 TION.—If the system established under this section in-  
23 forms an individual contacting the system that receipt of  
24 a firearm by a prospective transferee would violate sub-  
25 section (g) or (n) of section 922 of title 18, United States

1 Code, or any State or local law, the prospective transferee  
2 may request the Attorney General to provide the prospec-  
3 tive transferee with the reasons therefore. Upon receipt  
4 of such a request, the Attorney General shall immediately  
5 comply with the request. The prospective transferee may  
6 submit to the Attorney General information that to cor-  
7 rect, clarify, or supplement records of the system with re-  
8 spect to the prospective transferee. After receipt of such  
9 information, the Attorney General shall immediately con-  
10 sider the information, investigate the matter further, and  
11 correct all erroneous Federal records relating to the pro-  
12 spective transferee and give notice of the error to any Fed-  
13 eral department or agency or any State that was the  
14 source of such erroneous records.

15 (h) REGULATIONS.—After 90 days notice to the pub-  
16 lic and an opportunity for hearing by interested parties,  
17 the Attorney General shall prescribe regulations to ensure  
18 the privacy and security of the information of the system  
19 established under this section.

20 (i) PROHIBITIONS RELATING TO ESTABLISHMENT OF  
21 REGISTRATION SYSTEMS WITH RESPECT TO FIREARMS.—  
22 No department, agency, officer, or employee of the United  
23 States may—

24 (1) require that any record or portion thereof  
25 maintained by the system established under this sec-

1 tion be recorded at or transferred to a facility  
2 owned, managed, or controlled by the United States  
3 or any State or political subdivision thereof; or

4 (2) use the system established under this sec-  
5 tion to establish any system for the registration of  
6 firearms, firearm owners, or firearm transactions or  
7 dispositions, except with respect to persons prohib-  
8 ited by section 922(g) or (n) of title 18, United  
9 States Code, from receiving a firearm.

10 (j) DEFINITIONS.—As used in this section:

11 (1) LICENSEE.—The term “licensee” means a  
12 licensed importer, licensed manufacturer, or licensed  
13 dealer under section 923 of title 18, United States  
14 Code.

15 (2) OTHER TERMS.—The terms “firearm”, “li-  
16 censed importer”, “licensed manufacturer”, and “li-  
17 censed dealer” have the meanings stated in section  
18 921(a) (3), (9), (10), and (11), respectively, of title  
19 18, United States Code.

20 **SEC. 903. FUNDING FOR IMPROVEMENT OF CRIMINAL**  
21 **RECORDS.**

22 (a) IMPROVEMENTS IN STATE RECORDS.—

23 (1) USE OF FORMULA GRANTS.—Section 509(b)  
24 of title I of the Omnibus Crime Control and Safe

1 Streets Act of 1968 (42 U.S.C. 3759(b)) is amend-  
2 ed—

3 (A) in paragraph (2) by striking “and”  
4 after the semicolon;

5 (B) in paragraph (3) by striking the period  
6 and inserting “; and”; and

7 (C) by adding at the end the following new  
8 paragraph:

9 “(4) the improvement of State record systems  
10 and the sharing with the Attorney General of all of  
11 the records described in paragraphs (1), (2), and (3)  
12 of this subsection and the records required by the  
13 Attorney General under section 902 of the Crime  
14 Prevention and Criminal Justice Reform Act, for the  
15 purpose of implementing such Act.”.

16 (2) ADDITIONAL FUNDING.—

17 (A) GRANTS FOR THE IMPROVEMENT OF  
18 CRIMINAL RECORDS.—The Attorney General,  
19 through the Bureau of Justice Statistics, shall,  
20 subject to appropriations and with preference to  
21 States that as of the date of enactment of this  
22 Act have the lowest percent currency of case  
23 dispositions in computerized criminal history  
24 files, make a grant to each State to be used—

1 (i) for the creation of a computerized  
2 criminal history record system or improve-  
3 ment of an existing system;

4 (ii) to improve accessibility to the na-  
5 tional instant criminal background system;  
6 and

7 (iii) upon establishment of the na-  
8 tional system, to assist the State in the  
9 transmittal of criminal records to the na-  
10 tional system.

11 (B) AUTHORIZATION OF APPROPRIA-  
12 TIONS.—There are authorized to be appro-  
13 priated for grants under subparagraph (A) a  
14 total of \$100,000,000 for fiscal year 1995 and  
15 all fiscal years thereafter.

16 (b) WITHHOLDING STATE FUNDS.—Effective on the  
17 date of enactment of this Act the Attorney General may  
18 reduce by up to 50 percent the allocation to a State for  
19 a fiscal year under title I of the Omnibus Crime Control  
20 and Safe Streets Act of 1968 of a State that is not in  
21 compliance with the timetable established for such State  
22 under section 902(c) of this Act.

23 (c) WITHHOLDING OF DEPARTMENT OF JUSTICE  
24 FUNDS.—If the Attorney General does not certify the na-

1 tional instant criminal background check system pursuant  
2 to section 902(d)(1) by—

3 (1) 30 months after the date of enactment of  
4 this Act the general administrative funds appro-  
5 priated to the Department of Justice for the fiscal  
6 year beginning in the calendar year in which the  
7 date that is 30 months after the date of enactment  
8 of this Act falls shall be reduced by 5 percent on a  
9 monthly basis; and

10 (2) 42 months after the date of enactment of  
11 this Act the general administrative funds appro-  
12 priated to the Department of Justice for the fiscal  
13 year beginning in the calendar year in which the  
14 date that is 42 months after the date of enactment  
15 of this Act falls shall be reduced by 10 percent on  
16 a monthly basis.

17 **Subtitle B—Semiautomatic Assault**  
18 **Weapons**

19 **SEC. 911. SHORT TITLE.**

20 This subtitle may be cited as the “Semiautomatic As-  
21 sault Weapon Violence Prevention Act of 1993”.

22 **SEC. 912. PROHIBITION OF SEMIAUTOMATIC ASSAULT**  
23 **WEAPONS.**

24 (a) DEFINITIONS.—Section 921(a) of title 18, United  
25 States Code, is amended—

1 (1) in paragraph (28) by striking “‘semiauto-  
2 matic rifle’ means any repeating rifle” and inserting  
3 “‘semiautomatic firearm’ means a repeating fire-  
4 arm”; and

5 (2) by adding at the end the following new  
6 paragraph:

7 “(29) The term ‘semiautomatic assault weapon’—

8 “(A) means—

9 “(i) any of the semiautomatic firearms  
10 known as—

11 “(I) A.A. Arms AP-9;

12 “(II) Auto-Ordnance Thompson;

13 “(III) Barrett Light-Fifty;

14 “(IV) Beretta AR-70;

15 “(V) Bushmaster Auto Rifle;

16 “(VI) Calico M-900 and M-950;

17 “(VII) Cobray, Ingram and RPB  
18 MAC-10 and MAC-11;

19 “(VIII) Colt AR-15 and Sporter;

20 “(IX) Encom MP-9 and MP-45;

21 “(X) Fabrique Nationale FN/FAL,  
22 FN/LAR, and FNC;

23 “(XI) Feather AT-9;

24 “(XII) Federal XP900 and XP450;

25 “(XIII) Franchi SPAS-12;

1 “(XIV) Intratec TEC-9 and TEC-22;

2 “(XV) Israeli Military Industries UZI

3 and Galil;

4 “(XVI) Iver Johnson Enforcer 3000;

5 “(XVII) Norinco, Mitchell and Poly

6 Technologies Avtomat Kalashnikovs;

7 “(XVIII) Steyr AUG; or

8 “(XIX) USAS-12;

9 “(ii) a revolving-cylinder shotgun such as  
10 or similar to the Street Sweeper or Striker 12;

11 and

12 “(iii) a semiautomatic firearm designated  
13 by the Secretary as a semiautomatic assault  
14 weapon under section 931; and

15 “(B) does not include (among other firearms)—

16 “(i) any of the firearms known as—

17 “(I) Remington Model 1100 shotgun;

18 “(II) Remington Model 7400 rifle;

19 “(III) Mossberg Model 5500 shotgun;

20 “(IV) HK Model 300 rifle;

21 “(V) Marlin Model 9 camp carbine;

22 “(VI) Browning High-Power rifle; or

23 “(VII) Remington Nylon 66 auto  
24 loading rifle;

1           “(ii) a firearm that is a manually operated  
2 bolt action firearm;

3           “(iii) a lever action firearm;

4           “(iv) a slide action firearm; or

5           “(v) a firearm that has been rendered per-  
6 manently inoperable.”.

7           (b) PROHIBITION.—Section 922 of title 18, United  
8 States Code, is amended by adding at the end the follow-  
9 ing new subsection:

10          “(s)(1) Except as provided in paragraph (2), it shall  
11 be unlawful for a person to transfer or possess a semiauto-  
12 matic assault weapon.

13          “(2) This subsection does not apply with respect to—

14           “(A) a transfer to or by, or possession by or  
15 under the authority of the United States or a de-  
16 partment or agency of the United States or a State  
17 or a department, agency, or political subdivision of  
18 a State;

19           “(B) a lawful transfer or lawful possession of a  
20 semiautomatic assault weapon that was lawfully pos-  
21 sessed before the effective date of this subsection or,  
22 in the case of a semiautomatic firearm that the Sec-  
23 retary designates as a semiautomatic assault weapon  
24 pursuant to section 931, before the date on which  
25 the designation is made; or

1           “(C) the transfer or possession of a semiauto-  
2           matic assault weapon by a licensed manufacturer or  
3           licensed importer for the purposes of testing or ex-  
4           perimentation authorized by the Secretary.”.

5           (c) DESIGNATION OF SEMIAUTOMATIC ASSAULT  
6 WEAPONS.—

7           (1) IN GENERAL.—Chapter 44 of title 18, Unit-  
8           ed States Code, is amended by adding at the end the  
9           following new section:

10        **“§ 931. Designation of semiautomatic assault weapons**

11        “(a) IN GENERAL.—Not later than 180 days after  
12 the date of enactment of this section, and annually there-  
13 after, the Secretary, in consultation with the Attorney  
14 General, shall determine whether any other semiautomatic  
15 firearm (other than a firearm described in section  
16 921(a)(29)(B)) should be designated as a semiautomatic  
17 assault weapon in addition to those previously designated  
18 by section 921(a)(29)(A) or by the Secretary under this  
19 section.

20        “(b) CRITERIA.—(1) The Secretary shall by regula-  
21 tion designate as a semiautomatic assault weapon a rifle,  
22 pistol, or shotgun that is a semiautomatic firearm and  
23 that is described in paragraph (2), (3), (4), or (5).

1       “(2) A replica or duplicate in any caliber of a semi-  
2 automatic firearm described in section 921(a)(29)(A)(i) is  
3 a semiautomatic assault weapon.

4       “(3) A rifle that is a semiautomatic firearm is a semi-  
5 automatic assault weapon if it—

6           “(A) is not generally recognized as being par-  
7 ticularly suitable for or readily adaptable to sporting  
8 purposes;

9           “(B) has an ability to accept a detachable mag-  
10 azine; and

11          “(C) has at least 2 of the following characteris-  
12 tics:

13           “(i) A folding or telescoping stock.

14           “(ii) A pistol grip that protrudes conspicu-  
15 ously beneath the action of the weapon.

16           “(iii) A bayonet mount.

17           “(iv) A flash suppressor or threaded barrel  
18 designed to accommodate a flash suppressor.

19           “(v) A grenade launcher.

20       “(4) A pistol that is a semiautomatic firearm is a  
21 semiautomatic assault weapon if it—

22           “(A) is not generally recognized as being par-  
23 ticularly suitable for or adaptable to sporting pur-  
24 poses; and

1           “(B) has an ability to accept a detachable mag-  
2       azine; and

3           “(C) has at least 2 of the following characteris-  
4       tics:

5                   “(i) An ammunition magazine that at-  
6       taches to the pistol outside of the pistol grip.

7                   “(ii) A threaded barrel capable of accept-  
8       ing a barrel extender, flash suppressor, forward  
9       hand grip, or silencer.

10                  “(iii) A shroud that is attached to or par-  
11       tially or completely encircles the barrel and that  
12       permits the shooter to hold the firearm with the  
13       second hand without being burned.

14                  “(iv) A manufactured weight of 50 ounces  
15       or more when the pistol is unloaded.

16                  “(v) A semiautomatic version of an auto-  
17       matic firearm.

18       “(5) A shotgun that is a semiautomatic firearm is  
19       a semiautomatic assault weapon if it—

20                   “(A) is not generally recognized as being par-  
21       ticularly suitable for or adaptable to sporting pur-  
22       poses; and

23                   “(B) has at least 2 of the following characteris-  
24       tics:

25                           “(i) A folding or telescoping stock.



1 amended by adding at the end the following new sub-  
2 section:

3 “(t)(1) Except as provided in paragraph (2), it shall  
4 be unlawful for a person to transfer or possess a large  
5 capacity ammunition feeding device.

6 “(2) This subsection does not apply with respect to—

7 “(A) a transfer to or by, or possession by or  
8 under the authority of, the United States or any de-  
9 partment or agency of the United States or a State,  
10 or a department, agency, or political subdivision of  
11 a State;

12 “(B) a lawful transfer or lawful possession of a  
13 large capacity ammunition feeding device that was  
14 lawfully possessed before the effective date of this  
15 subsection other than a transfer by a licensed dealer;  
16 or

17 “(C) the transfer or possession of a large ca-  
18 pacity ammunition feeding device by a licensed man-  
19 ufacturer or licensed importer for the purposes of  
20 testing or experimentation authorized by the Sec-  
21 retary.”.

22 (b) LARGE CAPACITY AMMUNITION FEEDING DE-  
23 VICE DEFINED.—Section 921(a) of title 18, United States  
24 Code, as amended by section 902 of this Act, is amended  
25 by adding at the end the following new paragraph:

1       “(30) The term ‘large capacity ammunition feeding  
2 device’—

3           “(A) means—

4               “(i) a magazine, belt, drum, feed strip, or  
5 similar device that has a capacity of, or that  
6 can be readily restored or converted to accept,  
7 more than 10 rounds of ammunition; and

8               “(ii) any combination of parts from which  
9 a device described in clause (i) can be assem-  
10 bled, but

11           “(B) does not include an attached tubular de-  
12 vice designed to accept and capable of operating only  
13 with .22 caliber rimfire ammunition.”.

14       (c) LARGE CAPACITY AMMUNITION FEEDING DE-  
15 VICES DEFINED AND TREATED AS FIREARMS.—Section  
16 921(a)(3) of title 18, United States Code, is amended in  
17 the first sentence—

18           (1) by striking “or”; and

19           (2) by striking “device.” and inserting “, or (E)  
20 any large capacity ammunition feeding device.”.

21       (d) PENALTY.—Section 924(a)(1)(B) of title 18,  
22 United States Code, as amended by section 912(d) of this  
23 Act, is amended by striking “or (s)” and inserting “(s),  
24 or (t)”.

1 (e) IDENTIFICATION MARKINGS FOR LARGE CAPAC-  
2 ITY AMMUNITION FEEDING DEVICES.—Section 923(i) of  
3 title 18, United States Code, is amended by adding at the  
4 end the following new sentence: “A large capacity ammu-  
5 nition feeding device shall be identified by a serial number  
6 that clearly shows the device was manufactured or im-  
7 ported after the effective date of this subsection, and such  
8 other identification as the Secretary may by regulations  
9 prescribe.”.

## 10 **Subtitle C—Gun Violence Liability**

### 11 **SEC. 921. SHORT TITLE.**

12 This subtitle may be cited as the “Gun Violence Eco-  
13 nomic Equity Act of 1993”.

### 14 **SEC. 922. CAUSE OF ACTION; FEDERAL JURISDICTION.**

15 (a) IN GENERAL.—Any person suffering bodily injury  
16 or death as a result of the discharge of a handgun or an  
17 assault weapon may bring an action in any United States  
18 district court against any permissible defendant for dam-  
19 ages and such other relief as the court deems appropriate.

20 (b) PERMISSIBLE DEFENDANTS.—The following per-  
21 sons are permissible defendants in an action brought  
22 under subsection (a) with respect to a handgun or an as-  
23 sault weapon:

24 (1) Any manufacturer of the handgun or as-  
25 sault weapon.

1           (2) Any importer of the handgun or assault  
2           weapon.

3           (3) Any dealer who transferred the handgun or  
4           assault weapon.

5 **SEC. 923. STRICT LIABILITY.**

6           (a) IN GENERAL.—Each defendant in an action  
7 brought under section 922(a) shall be held strictly liable  
8 in tort, without regard to fault or proof of defect, for all  
9 direct and consequential damages that arise from bodily  
10 injury or death proximately resulting from the discharge  
11 of the handgun or assault weapon with respect to which  
12 the defendant is a permissible defendant, except as pro-  
13 vided in subsection (b) of this section.

14           (b) DEFENSES.—

15           (1) INJURY WHILE COMMITTING A FELONY.—  
16           There shall be no liability under subsection (a) if it  
17           is established by a preponderance of the evidence  
18           that the plaintiff suffered the injury while commit-  
19           ting a crime punishable by imprisonment for a term  
20           exceeding 1 year.

21           (2) SELF-INFLICTED INJURY.—There shall be  
22           no liability under subsection (a) if it is established  
23           by a preponderance of the evidence that the plain-  
24           tiff's injury was self-inflicted.

1 (3) INJURY BY LAW ENFORCEMENT OFFICER.—

2 There shall be no liability under subsection (a) if it  
3 is established by a preponderance of the evidence  
4 that the injury was suffered as a result of the dis-  
5 charge, by a law enforcement officer in the perform-  
6 ance of official duties, of a handgun or assault weap-  
7 on issued by the United States or any department  
8 or agency thereof, or any State or any department,  
9 agency, or political subdivision thereof.

10 (4) INJURY BY MEMBER OF THE UNITED

11 STATES ARMED FORCES.—There shall be no liability  
12 under subsection (a) if it is established by a prepon-  
13 derance of the evidence that the injury was suffered  
14 as a result of the discharge, by a member of the  
15 Armed Forces of the United States in the perform-  
16 ance of military duties, of a handgun or assault  
17 weapon issued by the United States or any depart-  
18 ment or agency thereof.

19 (c) AUTHORITY TO AWARD A REASONABLE ATTOR-

20 NEY'S FEE.—In an action brought under section 2(a), the  
21 court may, in its discretion, allow the prevailing party a  
22 reasonable attorney's fee as part of the costs.

1 **SEC. 924. STATUTE OF LIMITATIONS.**

2 An action may not be brought under section 922(a)  
3 after the 2-year period that begins with the date the injury  
4 described therein is discovered.

5 **SEC. 925. APPLICABILITY.**

6 This Act shall apply only to handguns and assault  
7 weapons manufactured in, imported into, or transferred  
8 in the United States, after the effective date of this Act.

9 **SEC. 926. NO EFFECT ON OTHER CAUSES OF ACTION.**

10 This Act shall not be construed to limit the scope of  
11 any other cause of action available to a person injured as  
12 a result of the discharge of a handgun or an assault weap-  
13 on.

14 **SEC. 927. DEFINITIONS.**

15 As used in this subtitle:

16 (1) **HANDGUN.**—The term “handgun” means a  
17 firearm which, at the time of manufacture, had a  
18 barrel of less than 12 inches in length.

19 (2) **ASSAULT WEAPON.**—The term “assault  
20 weapon” means—

21 (A) a firearm—

22 (i) which—

23 (I) has a barrel of 12 or more  
24 inches in length; and

1 (II) is capable of receiving am-  
2 munition directly from a large capac-  
3 ity ammunition magazine; or

4 (ii) which is—

5 (I) a semiautomatic firearm; and

6 (II) not generally recognized as  
7 particularly suitable for, or readily  
8 adaptable to, sporting purposes; or

9 (B) a firearm which is substantially func-  
10 tionally equivalent to a firearm described by  
11 clause (i) or (ii) of subparagraph (A).

12 (3) LARGE CAPACITY AMMUNITION MAGA-  
13 ZINE.—The term “large capacity ammunition maga-  
14 zine” means a detachable magazine, belt, drum, feed  
15 strip, or similar device which has, or which can be  
16 readily restored or converted to have, a capacity of  
17 15 or more rounds of ammunition.

18 (4) SEMIAUTOMATIC FIREARM.—The term  
19 “semiautomatic firearm” means any repeating fire-  
20 arm which utilizes a portion of the energy of a firing  
21 cartridge to extract the fired cartridge case and  
22 chamber the next round, and which requires a sepa-  
23 rate pull of the trigger to fire each cartridge.

24 (5) LAW ENFORCEMENT OFFICER.—The term  
25 “law enforcement officer” means any officer, agent,

1 or employee of the United States, or of a State or  
2 political subdivision thereof, who is authorized by  
3 law to engage in or supervise the prevention, detec-  
4 tion, investigation, or prosecution of any violation of  
5 law.

6 (6) OTHER TERMS.—The terms “firearm”,  
7 “importer”, “manufacturer”, and “dealer” shall  
8 have the meanings given such terms, respectively, in  
9 paragraphs (3), (9), (10), and (11) of section 921(a)  
10 of title 18, United States Code.

11 **SEC. 928. EFFECTIVE DATE.**

12 This subtitle shall apply to conduct occurring after  
13 the end of the 20-day period that begins with the date  
14 of the enactment of this Act.

15 **Subtitle D—Ammunition**

16 **SEC. 931. RECORDS OF DISPOSITION OF AMMUNITION.**

17 (a) AMENDMENT OF TITLE 18, UNITED STATES  
18 CODE.—Section 923(g) of title 18, United States Code,  
19 is amended—

20 (1) in paragraph (1)(A) by inserting after the  
21 second sentence “Each licensed importer and manu-  
22 facturer of ammunition shall maintain such records  
23 of importation, production, shipment, sale, or other  
24 disposition of ammunition at his place of business  
25 for such period and in such form as the Secretary

1 may by regulations prescribe. Such records shall in-  
2 clude the amount, caliber, and type of ammuni-  
3 tion.”; and

4 (2) by adding at the end thereof the following  
5 new paragraph:

6 “(6) Each licensed importer or manufacturer of am-  
7 munition shall annually prepare a summary report of im-  
8 ports, production, shipments, sales, and other dispositions  
9 during the preceding year. The report shall be prepared  
10 on a form specified by the Secretary, shall include the  
11 amounts, calibers, and types of ammunition that were dis-  
12 posed of, and shall be forwarded to the office specified  
13 thereon not later than the close of business on the date  
14 specified by the Secretary.”.

15 (b) STUDY OF CRIMINAL USE AND REGULATION OF  
16 AMMUNITION.—The Secretary of the Treasury shall re-  
17 quest the National Academy of Sciences to—

18 (1) prepare, in consultation with the Secretary,  
19 a study of the criminal use and regulation of ammu-  
20 nition; and

21 (2) to submit to Congress, not later than July  
22 31, 1996, a report with recommendations on the po-  
23 tential for preventing crime by regulating or restrict-  
24 ing the availability of ammunition.

1 **SEC. 932. INCREASE IN TAX ON CERTAIN BULLETS.**

2 (a) IN GENERAL.—Section 4181 of the Internal Rev-  
3 enue Code of 1986 (relating to the imposition of tax on  
4 firearms, etc.) is amended by adding at the end the follow-  
5 ing new flush sentence:

6 “In the case of 9 millimeter, .25 caliber, or .32 caliber  
7 ammunition, the rate of tax under this section shall be  
8 89 percent.”.

9 (b) EXEMPTION FOR LAW ENFORCEMENT PUR-  
10 POSES.—Section 4182 of the Internal Revenue Code of  
11 1986 (relating to exemptions) is amended by adding at  
12 the end the following new subsection:

13 “(d) LAW ENFORCEMENT.—The last sentence of sec-  
14 tion 4181 shall not apply to any sale (not otherwise ex-  
15 empted) to, or for the use of, the United States (or any  
16 department, agency, or instrumentality thereof) or a State  
17 or political subdivision thereof (or any department, agen-  
18 cy, or instrumentality thereof).”.

19 (c) EFFECTIVE DATE.—The amendments made by  
20 this section shall apply to sales after October 1, 1994.

21 **SEC. 933. TRANSFER OF ADDITIONAL REVENUES TO TRAU-**  
22 **MA CENTER TRUST FUND.**

23 (a) IN GENERAL.—Subchapter A of chapter 98 of the  
24 Internal Revenue Code of 1986 (relating to Trust Fund  
25 Code) is amended by adding at the end thereof the follow-  
26 ing new section:

1 **“SEC. 9512. TRAUMA CENTER TRUST FUND.**

2       “(a) CREATION OF TRUST FUND.—There is estab-  
3 lished in the Treasury of the United States a trust fund  
4 to be known as the ‘Trauma Center Trust Fund’ (herein-  
5 after in this section referred to as the ‘Trust Fund’), con-  
6 sisting of such amounts as may be appropriated or cred-  
7 ited to the Trust Fund as provided in this section or sec-  
8 tion 9602(b).

9       “(b) TRANSFERS TO TRUST FUND.—

10           “(1) IN GENERAL.—There are hereby appro-  
11 priated to the Trust Fund amounts equivalent to the  
12 amounts received in the Treasury from the taxes im-  
13 posed by section 4181 on bullets referred to in the  
14 last sentence thereof.

15           “(2) COORDINATION WITH WILDLIFE RESTORA-  
16 TION FUND.—The taxes referred to in paragraph (1)  
17 shall not be covered into the Federal aid to wildlife  
18 restoration fund in the Treasury.

19       “(c) EXPENDITURES FROM TRUST FUND.—Amounts  
20 in the Trust Fund shall be available, as provided in appro-  
21 priation Acts, for purposes of making grants for the oper-  
22 ating expenses of trauma centers that have incurred sub-  
23 stantial uncompensated costs in providing trauma care in  
24 geographic areas with significant incidence of violence due  
25 to crime.”

1 (b) CLERICAL AMENDMENT.—The table of sections  
2 for such subchapter A is amended by adding at the end  
3 thereof the following new item:

“Sec. 9512. Trauma Center Trust Fund.”

4 **Subtitle E—Multiple Handgun**  
5 **Transfers**

6 **SEC. 941. SHORT TITLE.**

7 This subtitle may be cited as the “Multiple Handgun  
8 Transfer Prohibition Act of 1993”.

9 **SEC. 942. MULTIPLE HANDGUN TRANSFER PROHIBITION.**

10 (a) IN GENERAL.—Section 922 of title 18, United  
11 States Code, is amended by adding at the end the follow-  
12 ing:

13 “(s)(1)(A)(i) It shall be unlawful for any licensed im-  
14 porter, licensed manufacturer, or licensed dealer—

15 “(I) during any 30-day period, to transfer 2 or  
16 more handguns to an individual who is not licensed  
17 under section 923; or

18 “(II) to transfer a handgun to an individual  
19 who is not licensed under section 923 and who re-  
20 ceived a handgun during the 30-day period ending  
21 on the date of the transfer.

22 “(ii) It shall be unlawful for any individual who is  
23 not licensed under section 923 to receive 2 or more hand-  
24 guns during any 30-day period.

1       “(iii) It shall be unlawful for any licensed importer,  
2 licensed manufacturer, or licensed dealer to transfer a  
3 handgun to an individual who is not licensed under section  
4 923, unless, after the most recent proposal of the transfer  
5 by the individual, the transferor has—

6               “(I) received from the individual a statement of  
7 the individual containing the information described  
8 in paragraph (3);

9               “(II) verified the identification of the individual  
10 by examining the identification document presented;  
11 and

12               “(III) within 1 day after the individual fur-  
13 nishes the statement, provided a copy of the state-  
14 ment to the chief law enforcement officer of the  
15 place of residence of the individual.

16       “(B) Subparagraph (A) shall not apply to the trans-  
17 fer of a handgun to, or the receipt of a handgun by, an  
18 individual who has presented to the transferor a written  
19 statement, issued by the chief law enforcement officer of  
20 the place of residence of the individual during the 10-day  
21 period ending on the date of the transfer or receipt, which  
22 states that the individual requires access to a handgun be-  
23 cause of a threat to the life of the individual or of any  
24 member of the household of the individual.

1       “(2) Paragraph (1) shall not be interpreted to require  
2 any action by a chief law enforcement officer which is not  
3 otherwise required.

4       “(3) The statement referred to in paragraph  
5 (1)(A)(iii)(I) shall contain only—

6           “(A) the name, address, and date of birth ap-  
7 pearing on a valid identification document (as de-  
8 fined in section 1028(d)(1)) of the individual con-  
9 taining a photograph of the individual and a descrip-  
10 tion of the identification used;

11          “(B) a statement that the individual—

12           “(i) is not under indictment for, and has  
13 not been convicted in any court of, a crime pun-  
14 ishable by imprisonment for a term exceeding  
15 one year;

16           “(ii) is not a fugitive from justice;

17           “(iii) is not an unlawful user of or addicted  
18 to any controlled substance (as defined in sec-  
19 tion 102 of the Controlled Substances Act);

20           “(iv) has not been adjudicated as a mental  
21 defective or been committed to a mental institu-  
22 tion;

23           “(v) is not an alien who is illegally or un-  
24 lawfully in the United States;

1           “(vi) has not been discharged from the  
2           Armed Forces under dishonorable conditions;

3           “(vii) is not a person who, having been a  
4           citizen of the United States, has renounced  
5           such citizenship; and

6           “(viii) has not received a handgun during  
7           the 30-day period ending on the date of the  
8           statement;

9           “(C) the date the statement is made; and

10          “(D) notice that the individual intends to ob-  
11          tain a handgun from the transferor.

12          “(4) Any transferor of a handgun who, after the  
13          transfer, receives a report from a chief law enforcement  
14          officer containing information that receipt or possession  
15          of the handgun by the transferee violates Federal, State,  
16          or local law shall immediately communicate all information  
17          the transferor has about the transfer and the transferee  
18          to—

19                 “(A) the chief law enforcement officer of the  
20                 place of business of the transferor; and

21                 “(B) the chief law enforcement officer of the  
22                 place of residence of the transferee.

23          “(5) Any transferor who receives information, not  
24          otherwise available to the public, with respect to an indi-  
25          vidual in a report under this subsection shall not disclose

1 such information except to the individual, to law enforce-  
2 ment authorities, or pursuant to the direction of a court  
3 of law.

4 “(6) In the case of a handgun transfer to which para-  
5 graph (1)(A) applies—

6 “(A) the transferor shall retain—

7 “(i) the copy of the statement of the trans-  
8 feree with respect to the transfer; and

9 “(ii) evidence that the transferor has com-  
10 plied with paragraph (1)(A)(iii)(III) with re-  
11 spect to the statement; and

12 “(B) the chief law enforcement officer to whom  
13 a copy of a statement is sent pursuant to paragraph  
14 (1)(A)(iii)(III) shall retain the copy for at least 30  
15 calendar days after the date the statement was  
16 made.

17 “(7) For purposes of this subsection, the term ‘chief  
18 law enforcement officer’ means the chief of police, the  
19 sheriff, or an equivalent officer, or the designee of any  
20 such individual.

21 “(8) This subsection shall not apply to the sale of  
22 a firearm in the circumstances described in subsection (c).

23 “(9) The Secretary shall take necessary actions to as-  
24 sure that the provisions of this subsection are published  
25 and disseminated to dealers and to the public.”.

1 (b) HANDGUN DEFINED.—Section 921(a) of such  
2 title is amended by adding at the end the following:

3 “(29) The term ‘handgun’ means—

4 “(A) a firearm which has a short stock and is  
5 designed to be held and fired by the use of a single  
6 hand; and

7 “(B) any combination of parts from which a  
8 firearm described in subparagraph (A) can be as-  
9 sembled.”.

10 (c) PENALTY.—Section 924(a) of such title is amend-  
11 ed—

12 (1) in paragraph (1), by striking “paragraph  
13 (2) or (3) of”; and

14 (2) by adding at the end the following:

15 “(5) Whoever knowingly violates section 922(s) shall  
16 be fined not more than \$1,000, imprisoned for not more  
17 than one year, or both.”.

18 (d) EFFECTIVE DATE.—The amendments made by  
19 this subtitle shall apply to conduct engaged in 90 or more  
20 days after the date of the enactment of this Act.

## 21 **Subtitle F—Licensing**

### 22 **SEC. 951. IDENTIFICATION OF RECIPIENT OF FIREARM.**

23 Section 922(e) of title 18, United States Code, is  
24 amended—

25 (1) by inserting “(1)” after “(e)”; and

1           (2) in paragraph (1), as designated by para-  
2           graph (1), by striking “, to persons other than li-  
3           censed importers, licensed manufacturers, licensed  
4           dealers, or licensed collectors,”; and

5           (3) by adding at the end the following new  
6           paragraph:

7           “(2) It shall be unlawful for a common or contract  
8           carrier knowingly to deliver in interstate or foreign com-  
9           merce a firearm to a licensed importer, licensed manufac-  
10          turer, licensed dealer, or licensed collector unless the car-  
11          rier or other person identifies the person to whom the fire-  
12          arm is delivered and makes and maintains a record of the  
13          identity of the person in such a manner as the Secretary  
14          may prescribe by regulation.”.

15   **SEC. 952. SALE OF FIREARMS OR AMMUNITION HAVING REA-**  
16                           **SONABLE CAUSE TO BELIEVE THAT IT WILL**  
17                           **BE USED TO KILL A PERSON.**

18          Section 922 of title 18, United States Code, is  
19          amended by adding at the end the following new sub-  
20          section:

21          “(s) It shall be unlawful for a person to sell or other-  
22          wise dispose of a firearm or ammunition to another person  
23          if the person who sells or otherwise disposes of it has rea-  
24          sonable cause to believe that the person is acquiring the  
25          firearm or ammunition with the intent that it will be used

1 by that person or any other person to commit a crime of  
2 violence (as defined in section 924(c)(3)).”.

3 **SEC. 953. LICENSE APPLICATION FEES FOR DEALERS IN**  
4 **FIREARMS.**

5 Section 923(a)(3) of title 18, United States Code, is  
6 amended—

7 (1) in subparagraph (B) by striking “\$25” and  
8 inserting “\$750”; and

9 (2) in subparagraph (C) by striking “\$10” and  
10 inserting “\$750”.

11 **SEC. 954. ACTION ON APPLICATION FOR LICENSE.**

12 Section 923(d) of title 18, United States Code, is  
13 amended—

14 (1) by striking “(1)” after “(d)”;

15 (2) by redesignating subparagraphs (A), (B),  
16 (C), (D), and (E) as paragraphs (1), (2), (3), (4),  
17 and (5), respectively; and

18 (3) by striking paragraph (2).

19 **SEC. 955. COMPLIANCE WITH STATE AND LOCAL LAW AS**  
20 **CONDITION TO LICENSE.**

21 Section 923(d) of title 18, United States Code, as  
22 amended by section 4, is amended—

23 (1) by striking “and” at the end of paragraph  
24 (4);

1           (2) by striking the period at the end of para-  
2           graph (5) and inserting “; and”; and

3           (3) by adding at the end the following new  
4           paragraph:

5           “(6)(A) the business to be conducted under the li-  
6           cense is not prohibited by State or local law in the place  
7           where the licensed premises is located; and  
8           “(B) the applicant has complied with all requirements  
9           of State and local law applicable to the conduct of such  
10          a business.”.

11   **SEC. 956. INSPECTIONS OF FIREARMS LICENSEES.**

12          Section 923(g)(1) of title 18, United States Code, is  
13          amended—

14               (1) in subparagraph (B)(ii) by striking “not  
15               more than once during any twelve-month period”;

16               (2) in subparagraph (C)(i) by striking “not  
17               more than once during any twelve-month period”;  
18               and

19               (3) in subparagraph (D) by striking “the an-  
20               nual inspection of records and inventory permitted  
21               under this paragraph” and inserting “an inspection  
22               under subparagraph (C)(i)”.

1 **SEC. 957. REPORTS OF THEFT OR LOSS OF FIREARMS.**

2 Section 923(g) of title 18, United States Code, is  
3 amended by adding at the end the following new para-  
4 graph:

5 “(6) Each licensee shall report the theft or loss of  
6 a firearm from the licensee’s inventory or collection, within  
7 24 hours after the theft or loss is discovered, to the Sec-  
8 retary and to appropriate local authorities.”.

9 **SEC. 958. RESPONSES TO REQUESTS FOR INFORMATION.**

10 Section 923(g) of title 18, United States Code, as  
11 amended by section 7, is amended by adding at the end  
12 the following new paragraph:

13 “(7) Each licensee shall respond immediately to, and  
14 in no event later than 24 hours after receipt of, a request  
15 by the Secretary for information contained in the records  
16 required to be kept by this chapter as may be required  
17 for determining the disposition of one or more firearms.  
18 The requested information shall be provided orally or in  
19 writing, as the Secretary may require.”.

20 **SEC. 959. REGISTRATION TO REQUIRE A PHOTOGRAPH AND**  
21 **FINGERPRINTS.**

22 Section 5802 of the Internal Revenue Code of 1986  
23 is amended by inserting after the first sentence the follow-  
24 ing: “An individual required to register under this section  
25 shall include a photograph and fingerprints of the individ-  
26 ual with the initial application.”.

1           **Subtitle G—Saturday Night**  
2                           **Specials**

3   **SEC. 961. PROHIBITION AGAINST POSSESSION OR TRANS-**  
4                           **FER OF NON-SPORTING HANDGUNS.**

5           (a) IN GENERAL.—Section 922 of title 18, United  
6 States Code, is amended by adding at the end the  
7 following:

8           “(s)(1) It shall be unlawful for any person to possess  
9 or transfer a non-sporting handgun.

10          “(2) Paragraph (1) shall not apply to the continuous  
11 and otherwise lawful possession of a non-sporting handgun  
12 by a person during any period that began before the effec-  
13 tive date of this subsection.”.

14          (b) NON-SPORTING HANDGUN DEFINED.—Section  
15 921(a) of such title is amended by adding at the end the  
16 following:

17          “(29)(A) The term ‘non-sporting handgun’ means a  
18 firearm which—

19               “(i)(I) is designed to be fired by the use of a  
20 single hand; and

21               “(II) is not a sporting handgun; and

22               “(ii) any combination of parts from which a  
23 firearm described in clause (i) can be assembled.

24          “(B) The term ‘sporting handgun’ means a firearm  
25 which—

1           “(i) is designed to be fired by the use of a sin-  
2           gle hand; and

3           “(ii) the Secretary has determined, using the  
4           criteria applied in making determinations under sec-  
5           tion 925(d)(3), to be of a type generally recognized  
6           as particularly suitable for or readily adaptable to  
7           sporting purposes.”.

8           (c) PENALTY.—Section 924(a)(1)(B) of such title is  
9           amended by striking “or (q)” and inserting “(r), or (s)”.

## 10       **TITLE X—ASSET FORFEITURE**

### 11       **SEC. 1001. SHORT TITLE.**

12           This subtitle may be cited as the “Asset Forfeiture  
13           Reform Act of 1993”.

### 14       **SEC. 1002. REQUIRE CONVICTION FIRST.**

15           (a) TARIFF ACT OF 1930.—Section 604 of the Tariff  
16           Act of 1930 (19 U.S.C. 1604) is amended by adding at  
17           the end the following new sentence: “Proceedings for the  
18           forfeiture of property, other than of merchandise upon  
19           which the duties have not been paid or which has been  
20           otherwise brought into the United States unlawfully, shall  
21           be conducted only upon conviction of the owner of such  
22           property for the crime upon which the forfeiture is  
23           based.”.

1 (b) TITLE 18, UNITED STATES CODE.—Subsection  
2 (c) of section 1082 of title 18, United States Code, is  
3 amended to read as follows:

4 “(c) Whoever, being (1) the owner of an American  
5 vessel, or (2) the owner of any vessel under or within the  
6 jurisdiction of the United States, or (3) the owner of any  
7 vessel and being an American citizen, uses, or knowingly  
8 permits the use of, such vessel in violation of this section  
9 shall upon conviction, in addition to any other penalties  
10 provided by this chapter, forfeit such vessel, together with  
11 her tackle, apparel, and furniture, to the United States.”.

12 **SEC. 1003. NOTICE REQUIREMENT.**

13 Section 607(a) of the Tariff Act of 1930 (19 U.S.C.  
14 1607(a)) is amended by adding at the end the following  
15 new sentence: “Such notice shall be sent not later than  
16 60 days after the seizure to any possessor, owner, or other  
17 interested party (including any lienholder).”.

18 **SEC. 1004. RAISE STANDARD OF PROOF.**

19 Section 615 of the Tariff Act of 1930 (19 U.S.C.  
20 1615) is amended to read as follows:

21 **“SEC. 615. BURDEN OF PROOF IN FORFEITURE PROCEED-**  
22 **INGS.**

23 “In—

24 “(1) all suits or actions (other than those aris-  
25 ing under section 592) brought for forfeiture of any

1 vessel, vehicle, aircraft, merchandise, or baggage  
2 seized under the provisions of any law relating to the  
3 collection of duties on imports or tonnage; and

4 “(2) in all suits or actions brought for the re-  
5 covery of the value of any vessel, vehicle, aircraft,  
6 merchandise, or baggage, because of violation of any  
7 such law;

8 the burden of proof is on the United States Government  
9 to establish, by clear and convincing evidence, that the  
10 property was subject to forfeiture.”.

11 **SEC. 1005. REQUIRE A PRELIMINARY HEARING PRIOR TO**  
12 **SEIZURE.**

13 (a) CONTROLLED SUBSTANCES ACT.—Section  
14 511(b) of the Controlled Substances Act (21 U.S.C.  
15 881(b)) is amended to read as follows:

16 “(b)(1) Any property subject to civil forfeiture to the  
17 United States under this section may be seized by the At-  
18 torney General upon order of the District Court of the  
19 United States in which the property is located or the  
20 owner of such property is found.

21 “(2) The court may issue an order under subsection  
22 (a)(1) if it determines, after notice to persons appearing  
23 to have an interest in the property and opportunity for  
24 hearing, that—

1           “(A) there is a substantial probability that the  
2 United States will prevail on the issue of forfeiture  
3 and that failure to enter the order will result in the  
4 property being destroyed, removed from the jurisdic-  
5 tion of the court, or otherwise made unavailable for  
6 forfeiture; and

7           “(B) the need to preserve the availability of the  
8 property through the entry of the requested order  
9 outweighs the hardship to any party of interest.

10          “(3) A seizure without such order may be made  
11 when—

12           “(A) the seizure is incident to an arrest or a  
13 search under a search warrant or an inspection  
14 under an administrative inspection warrant;

15           “(B) the property subject to seizure has been  
16 the subject of a prior judgment in favor of the Unit-  
17 ed States in a criminal injunction or forfeiture pro-  
18 ceeding under this subchapter;

19           “(C) there is probable cause to believe that the  
20 property is directly or indirectly dangerous to health  
21 or safety; or

22           “(D) there is probable cause to believe that the  
23 delay occasioned by the need to secure an order will  
24 frustrate the seizure. Any officer having made a sei-  
25 zure under the authority of this subparagraph shall,

1 as practicable thereafter, apply for an order under  
2 subsection (b)(1); the property must be released to  
3 the owner of such property immediately if the order  
4 is denied.”.

5 (b) TITLE 18, UNITED STATES CODE.—Section 981  
6 of title 18, United States Code, is amended to read as  
7 follows:

8 “(b)(1) Any property subject to civil forfeiture to the  
9 United States under subsection (a)(2) may be seized by  
10 the Attorney General upon order of the District Court of  
11 the United States in which the property is located or the  
12 owner of such property is found.

13 “(2) The court may issue an order under subsection  
14 (b)(1) if it determines, after notice to persons appearing  
15 to have an interest in the property and opportunity for  
16 hearing, that—

17 “(A) there is a substantial probability that the  
18 United States will prevail on the issue of forfeiture  
19 and that failure to enter the order will result in the  
20 property being destroyed, removed from the jurisdic-  
21 tion of the court, or otherwise made unavailable for  
22 forfeiture; and

23 “(B) the need to preserve the availability of the  
24 property through the entry of the requested order  
25 outweighs the hardship to any party of interest.

1       “(3) A seizure without such order may be made  
2 when—

3           “(A) the seizure is incident to an arrest or a  
4 search under a search warrant or an inspection  
5 under an administrative inspection warrant;

6           “(B) the property subject to seizure has been  
7 the subject of a prior judgment in favor of the Unit-  
8 ed States in a criminal injunction or forfeiture pro-  
9 ceeding under this subchapter;

10          “(C) there is probable cause to believe that the  
11 property is directly or indirectly dangerous to health  
12 or safety; or

13          “(D) there is probable cause to believe that the  
14 delay occasioned by the need to secure an order will  
15 frustrate the seizure. Any officer having made a sei-  
16 zure under the authority of this subparagraph shall,  
17 as practicable thereafter, apply for an order under  
18 subsection (b)(1); the property must be released to  
19 the owner of such property immediately if the order  
20 is denied.”.

21       (c) TARIFF ACT OF 1930.—(1) Section 603(a) of the  
22 Tariff Act of 1930 (19 U.S.C. 1603(a)) is amended to  
23 read as follows:

24       “(a) PROCESS FOR SEIZURE.—

1           “(1) IN GENERAL.—Any property which is sub-  
2           ject to forfeiture to the United States for violations  
3           of the customs law and which is not subject to  
4           search and seizure in accordance with provisions of  
5           section 595, may be seized by the appropriate officer  
6           or person upon process issued under paragraph (2).

7           “(2) PROCEDURES.—

8           “(A) SEIZURE UNDER ORDER.—Any prop-  
9           erty subject to forfeiture under the customs  
10          laws of the United States may be seized by the  
11          Attorney General upon order of the District  
12          Court of the United States in which the prop-  
13          erty is located or the owner of such property is  
14          found.

15          “(B) DETERMINATIONS.—The court may  
16          issue an order under paragraph (1) if it deter-  
17          mines, after notice to persons appearing to have  
18          an interest in the property and opportunity for  
19          hearing, that—

20                  “(i) there is a substantial probability  
21                  that the United States will prevail on the  
22                  issue of forfeiture and that failure to enter  
23                  the order will result in the property being  
24                  destroyed, removed from the jurisdiction of

1 the court, or otherwise made unavailable  
2 for forfeiture; and

3 “(ii) the need to preserve the avail-  
4 ability of the property through the entry of  
5 the requested order outweighs the hardship  
6 to any party of interest.

7 “(C) SEIZURE WITHOUT ORDER.—A sei-  
8 zure without such order may be made when—

9 “(i) the seizure is incident to an ar-  
10 rest or a search under a search warrant or  
11 an inspection under an administrative in-  
12 spection warrant;

13 “(ii) the property subject to seizure  
14 has been the subject of a prior judgment  
15 in favor of the United States in a criminal  
16 injunction or forfeiture proceeding under  
17 this subchapter;

18 “(iii) there is probable cause to believe  
19 that the property is directly or indirectly  
20 dangerous to health or safety; or

21 “(iv) there is probable cause to believe  
22 that the delay occasioned by the need to  
23 secure an order will frustrate the seizure.

24 Any officer having made a seizure under the  
25 authority of this subparagraph shall, as prac-

1           ticable thereafter, apply for an order under  
2           paragraph (1). Any property so seized must be  
3           released to the owner of such property imme-  
4           diately if the order is denied.”.

5           (2) Section 595(a)(1) of the Tariff Act of 1930 (19  
6 U.S.C. 1595(a)(1)) is amended by adding at the end the  
7 following: “Any seizure of property described in paragraph  
8 (1)(B) of this section must be authorized under section  
9 603(a).

10 **SEC. 1006. ELIMINATE THE BOND REQUIREMENT.**

11           Section 608 of the Tariff Act of 1930 (19 U.S.C.  
12 1608) is amended to read as follows:

13 **“SEC. 608. SEIZURE; CLAIMS.**

14           “(a) Any person claiming such vessel, vehicle, air-  
15 craft, merchandise, or baggage may at any time within  
16 60 days from the date of the first publication of the notice  
17 of seizure, file with the appropriate customs officer a claim  
18 stating his interest therein. Upon the filing of such claim,  
19 the customs officer shall transmit such claim, with a dupli-  
20 cate list and description of the articles seized, to the Unit-  
21 ed States attorney for the district in which seizure was  
22 made, who shall proceed to a condemnation of the mer-  
23 chandise or other property in the manner prescribed by  
24 law.

1       “(b) If the person filing a claim under subsection (a),  
2 or a claim regarding seized property under any other pro-  
3 vision of law that incorporates by reference the seizure,  
4 forfeiture, and condemnation procedures of the customs  
5 laws, is financially unable to obtain representation of  
6 counsel, the court may appoint appropriate counsel to rep-  
7 resent that person with respect to the claim. The court  
8 shall set the compensation for that representation, which  
9 shall—

10               “(1) be equivalent to that provided for court-ap-  
11 pointed representation under section 3006A of title  
12 18, United State Code, and

13               “(2) be paid from the Justice Assets Forfeiture  
14 Fund established under section 524 of title 28, Unit-  
15 ed States Code.”.

16 **SEC. 1007. ALLOW ADMINISTRATIVE SEIZURES ONLY IN**  
17 **UNCONTESTED CASES.**

18       Section 610 of the Tariff Act of 1930 (19 U.S.C.  
19 1610(a)) is amended to read as follows:

20 **“SEC. 610. SEIZURE; JUDICIAL FORFEITURE PROCEEDINGS;**  
21 **TIMELINESS; RIGHT TO JURY TRIALS.**

22       “(a) If any vessel, vehicle, aircraft, merchandise, or  
23 baggage is not subject to section 607, or in any case upon  
24 the filing of a claim pursuant to section 608 of this Act,  
25 the appropriate customs officer shall transmit a report of

1 the case, with the names of available witnesses, to the  
2 United States Attorney for the district in which the sei-  
3 zure was made, or in which the property is located or the  
4 owner of such property is found, for the institution of the  
5 proper proceedings for the condemnation of such property.

6 “(b) No action to forfeit property shall be brought  
7 more than 1 year from the date of the offense that is the  
8 basis for the forfeiture, or when a stay has been granted  
9 during the pendency of criminal proceedings, from the  
10 date of the completion of such proceedings.

11 “(c) In the proceedings in such cases, either party  
12 may demand trial by jury of any issue of fact joined in  
13 the case.”.

14 **SEC. 1008. ALLOW FOR ADEQUATE REPRESENTATION.**

15 (a) TITLE 18, UNITED STATES CODE.—(1) Section  
16 981(a)(2) of title 18, United States Code, is amended to  
17 read as follows:

18 “(2) No property shall be forfeited under this section  
19 to the extent of the interest of an owner or lienholder by  
20 reason of any act or omission established by that owner  
21 or lienholder to have been committed without the knowl-  
22 edge of that owner or lienholder; nor shall any property  
23 which has been paid or pledged as bona fide attorneys’  
24 fees be forfeited under this section.”.

1       (2) Section 1963(c) of title 18, United States Code,  
2 is amended by—

3           (A) striking the period at the end and inserting  
4 a comma; and

5           (B) add at the end the following: “or that he  
6 received or has been pledged the property as bona  
7 fide attorneys’ fees.”

8 Section 1963(l)(6)(B) of title 18, United States Code, is  
9 amended by adding at the end the following: “or the peti-  
10 tioner received or has been pledged the property as bona  
11 fide attorneys’ fees;”.

12       (b) CONTROLLED SUBSTANCES ACT.—

13           (1) Section 413(c) of the Controlled Substances  
14 Act (21 U.S.C. 853(c)) is amended by—

15           (A) striking the period at the end and in-  
16 serting a comma; and

17           (B) adding at the end the following: “or  
18 that he received or has been pledged the prop-  
19 erty as bona fide attorneys’ fees.”

20           (2) Section 413(n)(6)(B) of the Controlled Sub-  
21 stances Act (21 U.S.C. 853(n)(6)(B)) is amended by  
22 adding at the end the following: “or the petitioner  
23 received or has been pledged the property as bona  
24 fide attorneys’ fees;”.

1           (3) Section 511(a) of the Controlled Substances  
2           Act (21 U.S.C. 881(a)) is amended by adding at the  
3           end the following: “No property received or pledged  
4           as bona fide attorneys’ fees shall be forfeited under  
5           this section.”.

6   **SEC. 1009. MAKE CIVIL FORFEITURE PROCEEDINGS IN PER-**  
7   **SONAM.**

8           Section 1082(c) of title 18, United States Code, is  
9           amended to read as follows:

10          “(c) Whoever, being (1) the owner of an American  
11          vessel, or (2) the owner of any vessel under or within the  
12          jurisdiction of the United States, or (3) the owner of any  
13          vessel and being an American citizen, shall use, or know-  
14          ingly permit the use of, such vessel in violation of any pro-  
15          vision of this section shall upon conviction, in addition to  
16          any other penalties provided by this chapter, forfeit such  
17          vessel, together with her tackle, apparel, and furniture, to  
18          the United States. The Attorney General may institute  
19          proceedings against the owner to recover such vessel and  
20          her tackle, apparel, and furniture in the United States  
21          District Court for the district in which the owner is or  
22          in which the vessel is located.”.

1 **SEC. 1010. LENGTHEN THE FILING DEADLINES FOR CLAIM-**  
2 **ANTS.**

3 Paragraph (6) of Rule C of the Supplemental Rules  
4 for Certain Admiralty and Maritime Claims to the Federal  
5 Rules of Civil Procedures (28 U.S.C. Appendix) is amend-  
6 ed by striking out “10 days” and inserting “60 days”.

7 **SEC. 1011. MAKE FORFEITURES PROPORTIONAL.**

8 (a) CIVIL FORFEITURES UNDER THE CONTROLLED  
9 SUBSTANCES ACT.—Section 511(a) of the Controlled Sub-  
10 stances Act (21 U.S.C. 881(a)) is amended by striking  
11 “The” and inserting: “Except that the value of the prop-  
12 erty forfeited under this section may not exceed the pecu-  
13 niary gain derived from the offense or the pecuniary loss  
14 caused by the offense, the”.

15 (b) CRIMINAL FORFEITURES UNDER THE CON-  
16 TROLLED SUBSTANCES ACT.—Section 413(a) of the Con-  
17 trolled Substance Act (21 U.S.C. 853(a)) is amended by  
18 striking the last sentence and inserting the following:  
19 “The value of the property forfeited under this section  
20 may not exceed the pecuniary gain derived from the of-  
21 fense or the pecuniary loss caused by the offense.”

22 **SEC. 1012. ELIMINATE THE RELATION-BACK DOCTRINE OR**  
23 **CREATE A STRICTER DEFINITION.**

24 (a) GENERAL TITLE 18, CIVIL FORFEITURE.—Sec-  
25 tion 981(f) of title 18, United States Code, is amended  
26 to read as follows:

1       “(f) All right, title, and interest in property described  
2 in subsection (a) of this section shall vest in the United  
3 States upon administrative or judicial declaration of for-  
4 feiture.”

5       (b) RICO FORFEITURES.—Section 1963(c) of title  
6 18, United States Code, is amended to read as follows:

7       “(c) All right, title, and interest in property described  
8 in subsection (a) of this section shall vest in the United  
9 States upon return of a special verdict of forfeiture.”.

10       (c) CONTROLLED SUBSTANCES ACT.—(1) Section  
11 413(c) of the Controlled Substances Act (21 U.S.C.  
12 853(c)) is amended to read as follows:

13       “(c) VESTING OF TITLE IN THE UNITED STATES.—  
14 All right, title, and interest in property described in sub-  
15 section (c) of this section vests in the United States upon  
16 return of a special verdict of forfeiture.”

17       (2) Section 511(h) of the Controlled Substances Act  
18 (21 U.S.C. 881(h)) is amended to read as follows:

19       “(h) VESTING OF TITLE IN THE UNITED STATES.—  
20 All right, title, and interest in property described in sub-  
21 section (a) of this section shall vest in the United States  
22 upon administrative or judicial declaration of forfeiture.”.

1 **SEC. 1013. LIMIT KINDS OF PROPERTY THAT ARE SUBJECT**  
2 **TO FORFEITURE.**

3 (a) CRIMINAL FORFEITURE UNDER CONTROLLED  
4 SUBSTANCES ACT.—Section 413(a)(2) of the Controlled  
5 Substances Act (21 U.S.C. 853(a)(2)) is amended to read  
6 as follows:

7 “(2) any of the person’s property primarily  
8 used to commit such violation;”.

9 (b) CIVIL FORFEITURE UNDER CONTROLLED SUB-  
10 STANCES ACT.—Section 511(a) of the Controlled Sub-  
11 stance Act (21 U.S.C. 881(a)) is amended to read as fol-  
12 lows:

13 “(a) PROPERTY SUBJECT.—The following shall be  
14 subject to forfeiture to the United States upon conviction  
15 of the owner of such property of a violation of this title  
16 and no property right shall exist in them:

17 “(1) All controlled substances which have been  
18 manufactured, distributed, dispensed, or acquired in  
19 violation of this title.

20 “(2) All raw materials, products, and equip-  
21 ment of any kind which are used, or intended for  
22 use, in manufacturing, compounding, processing, de-  
23 livering, importing, or exporting any controlled sub-  
24 stance in violation of this title.

1           “(3) All property which is used, or intended for  
2 use, as a container for property described in para-  
3 graph (1).

4           “(4) All conveyances, including aircraft, vehi-  
5 cles, or vessels, which are used primarily to trans-  
6 port or concealment of property described in para-  
7 graph (1), except that—

8                   “(A) no conveyance used by any person as  
9 a common carrier in the transaction of business  
10 as a common carrier shall be forfeited under  
11 the provisions of this section unless it shall ap-  
12 pear that the owner or other person in charge  
13 of such conveyance was a consenting party or  
14 privy to a violation of this title or title II.

15                   “(B) no conveyance shall be forfeited  
16 under the provisions of this section by reason of  
17 any act or omission established by the owner  
18 thereof to have been committed or omitted by  
19 any person other than such owner while such  
20 conveyance was unlawfully in the possession of  
21 a person other than the owner in violation of  
22 the criminal laws of the United States, or of  
23 any State; and

24                   “(C) no conveyance shall be forfeited under  
25 this paragraph to the extent of an interest of an

1 owner, by reason of any act or omission estab-  
2 lished by that owner to have been committed or  
3 omitted without the knowledge, consent, or will-  
4 ful blindness of the owner.

5 “(5) All books, records, and research, including  
6 formulas, microfilm, tapes, and data which are used,  
7 or intended for use, in violation of this title.

8 “(6) All moneys, negotiable instruments, securi-  
9 ties, or other things of value furnished or intended  
10 to be furnished by any person in exchange for a con-  
11 trolled substance in violation of this title, and all  
12 proceeds traceable to such exchange, except that no  
13 property shall be forfeited under this paragraph, to  
14 the extent of the interest of an owner, by reason of  
15 any act or omission established by that owner to  
16 have been committed or omitted without the knowl-  
17 edge or consent of that owner.

18 “(7) All parts of real property used primarily to  
19 commit a violation of this title punishable by more  
20 than 1 year’s imprisonment, except that no property  
21 shall be forfeited under this paragraph, to the extent  
22 of an interest of an owner, by reason of any act or  
23 omission established by that owner to have been  
24 committed or omitted without the knowledge or con-  
25 sent of that owner.

1           “(8) All controlled substances which have been  
2           possessed in violation of this title.

3           “(9) All listed chemicals, all drug manufactur-  
4           ing equipment, all tableting machines, all encap-  
5           sulating machines, and all gelatin capsules, which  
6           have been imported, exported, manufactured, pos-  
7           sessed, distributed, or intended to be distributed, im-  
8           ported, or exported, in violation of a felony provision  
9           of this title or title II.

10           “(10) Any drug paraphernalia (as defined in  
11           section 1822 of the Anti-Drug Abuse Act of 1986  
12           (21 U.S.C. 863)).

13           “(11) Any firearm (as defined in section 921 of  
14           title 18) used or intended to be used to facilitate the  
15           transportation, sale, receipt, possession, or conceal-  
16           ment of property described in paragraph (1) or (2)  
17           and any proceeds traceable to such property.”.

18 **SEC. 1014. FORFEITURE PROCEEDS SHOULD GO DIRECTLY**  
19 **TO STATE.**

20           (a) TARIFF ACT OF 1930.—Section 616a(c)(1)(B)(ii)  
21 of the Tariff Act of 1930 (19 U.S.C. 1616a(c)(1)(B)(ii)  
22 is amended to read as follows:

23                           “(ii) any State or local law enforce-  
24                           ment agency that participated directly or  
25                           indirectly in the seizure or forfeiture of the

1           property for disposition according to State  
2           law.”.

3           (b) TITLE 18, UNITED STATES CODE.—Section  
4 981(e)(2) of title 18, United States Code, is amended to  
5 read as follows:

6           “(2) to any State or local enforcement agency,  
7           which participated directly in any of the acts which  
8           lead to the seizure or forfeiture of the property, for  
9           disposition according to State law.”.

10          (c) CONTROLLED SUBSTANCES ACT.—Section  
11 511(e)(1)(A) of the Controlled Substances Act (21 U.S.C.  
12 881(e)(1)(A)) is amended to read as follows:

13           “(A) retain the property for official use or,  
14           in the manner provided with respect to trans-  
15           fers under section 616a of the Tariff Act of  
16           1930 (19 U.S.C. 1616a), transfer the property  
17           to any Federal agency, or to any State or local  
18           law enforcement agency which participated di-  
19           rectly in the seizure or forfeiture of the prop-  
20           erty for disposition according to State law.”.

21 **SEC. 1015. EXPAND USES OF FORFEITURE PROCEEDS.**

22          Section 524(c) of title 28, United States Code, is  
23 amended by adding at the end the following new para-  
24 graph:

1           “(12)(A) In addition to the purposes under  
2 paragraph (1), the fund shall be available to the At-  
3 torney General for community-based crime control  
4 programs (including private, nonprofit programs) for  
5 drug education, prevention, and treatment, with  
6 amounts for such programs to be distributed, in ac-  
7 cordance with criteria determined by the State, with  
8 priority given to the communities in which the assets  
9 involved are seized.

10           “(B) Not less than 50 percent of the total of  
11 the amounts disbursed for all purposes under this  
12 section in a fiscal year shall be for programs re-  
13 ferred to in subparagraph (A). Not more than 10  
14 percent of the total disbursed for such programs  
15 may be used for administrative costs.”.

16 **SEC. 1016. PAYMENT OF INFORMANTS.**

17           (a) TARIFF ACT OF 1930.—(1) Section 619(c) of the  
18 Tariff Act of 1930 (19 U.S.C. 1619(c)) is amended to  
19 read as follows:

20           “(c) DOLLAR LIMITATION.—No person may be  
21 awarded or paid more than \$250,000 in any year under  
22 this section.”.

23           (2) Section 413(i)(3) of the Tariff Act of 1930 (21  
24 U.S.C. 853(i)(3)), is amended by adding at the end the

1 following: “ except that, no person may be awarded or paid  
2 more than \$250,000 in any year under this section.”.

3 (b) TITLE 18, UNITED STATES CODE.—Section  
4 1963(g)(3) of title 18, United States Code, is amended  
5 by inserting after “section” the following: “, except that  
6 no person may be awarded or paid more than \$250,000  
7 in any year under this section, or any other law of the  
8 United States providing for moieties or awards of com-  
9 pensation to informers in cases involving forfeiture.”.

10 (c) TITLE 28, UNITED STATES CODE.—Section  
11 524(c)(2) of title 28, United States Code, is amended to  
12 read as follows: “Any award paid from the Fund for infor-  
13 mation, as provided in paragraph (1)(B) or (C), shall be  
14 paid at the discretion of the Attorney General or his dele-  
15 gate, under existing departmental delegation policies for  
16 the payment of awards, except that no person may be  
17 awarded or paid more than \$250,000 in any year under  
18 this section. The Attorney General shall publish data an-  
19 nually regarding amounts of awards paid by the United  
20 States.”.

21 (d) TITLE 31, UNITED STATES CODE.—Section  
22 9703(b) of title 31, United States Code, is amended by  
23 adding following new subsection:

24 “(6) No person may be awarded or paid more  
25 than \$250,000 in any year under subsection

1 (a)(1)(C) or (a)(2)(A), or any law of the United  
2 States providing for moieties or awards of com-  
3 pensation to informers in criminal cases.”.

4 **SEC. 1017. CHANGE ADOPTIVE SEIZURE REGULATIONS.**

5 (a) CONTROLLED SUBSTANCES ACT.—Section  
6 511(e)(3) of the Controlled Substances Act (21 U.S.C  
7 881(e)(3)) is amended—

8 (1) by striking “and” at the end of subpara-  
9 graph (A);

10 (2) by striking the period and inserting a semi-  
11 colon at the end of subparagraph (B);

12 (3) by inserting at the end of subparagraph (B)  
13 the following:

14 “(C) is not so transferred to circumvent  
15 any requirement of State law that prohibits for-  
16 feiture or limits use or disposal of property for-  
17 feited to State or local agencies.”.

18 (b) TITLE 31, UNITED STATES CODE.—Subsection  
19 9703(b)(4) of title 31, United States Code, is amended—

20 (1) by striking “and” at the end of  
21 subparagraph (A);

22 (2) by striking the period and inserting a semi-  
23 colon at the end of subparagraph (B);

24 (3) by inserting at the end of subparagraph (B)  
25 the following:

1           “(C) is not so transferred to circumvent  
2           any requirement of State law that prohibits for-  
3           feiture or limits use or disposal or property for-  
4           feited to State or local agencies.”.

5 **SEC. 1018. REPORTING REQUIREMENTS.**

6           Section 616a(c) of the Tariff Act of 1930 (19 U.S.C.  
7 1616a(c)) is amended by adding at the end of section  
8 616a(c) the following:

9           “(4) The Secretary shall maintain individual records  
10 concerning property transferred under paragraph  
11 (1)(B)(ii) demonstrating, with particularity—

12           “(A) the circumstances of the investigation and  
13 seizure of the forfeiture, including the race, national  
14 origin, gender, and age of those with an interest in  
15 the property prior to seizure; and

16           “(B) the disposition of the property after trans-  
17 fer by each State.”.

18 **SEC. 1019. PROVIDE FOR MAINTENANCE OF SEIZED PROP-**  
19 **ERTY.**

20           (a) IN GENERAL.—Section 2465 of title 28, United  
21 States Code, is amended to read as follows:

22 **“§ 2465. Return of property to claimant**

23           “Upon the entry of judgment for the claimant in any  
24 proceeding to condemn or forfeit property seized under  
25 this Act of Congress or one year after the seizure of such

1 property if no such proceeding has been initiated, such  
2 property shall be returned forthwith to the claimant or  
3 his agent. At such time, interest shall be paid on any  
4 seized coins, currency or negotiable obligations at a rate  
5 equal to the greater of 6 percent or the prevailing market  
6 rate. Compensation for any other injury to property,  
7 caused by or occurring subsequent to its seizure, shall also  
8 be paid.”.

9 (b) CLERICAL AMENDMENT.—The item relating to  
10 section 2465 in the table of sections at the beginning of  
11 chapter 163 of title 28, United States Code, is amended  
12 to read as follows:

“2465. Return of property to claimant.”.

13 **SEC. 1020. LIMITATION ON ADMINISTRATIVE AND CON-**  
14 **TRACTING EXPENSES.**

15 Section 524(c) of title 28, United States Code, as  
16 amended in section 1, is further amended by adding at  
17 the end the following:

18 “(13) The total of amounts paid from the Fund  
19 with respect to a fiscal year for administrative and  
20 contracting expenses under paragraph (1)(A) may  
21 not exceed 10 percent of the total of amounts paid  
22 from the Fund for all purposes with respect to such  
23 fiscal year.”.

1 **SEC. 1021. REPORT TO CONGRESS ON ADMINISTRATIVE**  
2 **AND CONTRACTING EXPENSES.**

3 Section 524(c)(6) of title 28, United States Code, is  
4 amended—

5 (1) by striking “and” at the end of subpara-  
6 graph (B);

7 (2) by striking the period at the end of sub-  
8 paragraph (C) and inserting “; and”; and

9 (3) by adding at the end the following:

10 “(D) a report for such fiscal year contain-  
11 ing a description of the administrative and con-  
12 tracting expenses paid from the Fund under  
13 paragraph (1)(A).”.

14 **SEC. 1022. NOMINAL CONSIDERATION SALES OF LOW**  
15 **VALUE REAL PROPERTY TO CERTAIN TAX-EX-**  
16 **EMPT ORGANIZATIONS.**

17 Section 511(e) of the Controlled Substances Act (21  
18 U.S.C. 881(e)) is amended—

19 (1) by striking “(4)” and inserting “(4) or  
20 (5)”; and

21 (2) by adding at the end the following:

22 “(5)(A) If any property referred to in para-  
23 graph (1)(B) is low value real property located in a  
24 metropolitan statistical area, the Attorney General  
25 shall offer such property for sale, for nominal con-  
26 sideration to tax-exempt organizations that provide

1 direct services furthering community-based crime  
2 control, housing, or education efforts in such area.

3 “(B) As used in this paragraph—

4 “(i) the term ‘low value real property’  
5 means, with respect to a metropolitan statistical  
6 area, real property that is appraised at less  
7 than 40 percent of the median value of com-  
8 parable real property in the metropolitan statis-  
9 tical area;

10 “(ii) the term ‘tax-exempt organization’  
11 means an organization described in section  
12 501(c)(3) of the Internal Revenue Code of  
13 1986, and exempt from tax under section  
14 501(a) of such Code; and

15 “(iii) the term ‘nominal consideration’  
16 means minimal recompense not to exceed 1.5  
17 percent of the value of the property, and shall  
18 not include, directly or indirectly, equitable  
19 sharing or any other cost, expense or payment  
20 associated with the seizure, forfeiture, care or  
21 maintenance of the property, or with the ad-  
22 ministration of any fund or program, other  
23 than the costs of the sale to the extent that  
24 such sales costs do not exceed 1.5 percent of  
25 the value of the property.”.

1 **SEC. 1023. LIMITATION ON CUSTOMS AND TAX EXEMPTION**  
2 **UNDER THE TORT CLAIMS.**

3 Section 2680(c) of title 28, United States Code, is  
4 amended by inserting before the period the following: “ex-  
5 cept that this chapter and section 1346(b) of this title  
6 shall apply to any claim based—

7 “(1) on the negligent destruction, injury, or loss  
8 of goods or merchandise (including real property)  
9 while in the possession of any officer of customs or  
10 excise or any other law enforcement officer, or

11 “(2) on the destruction, injury, or loss of goods  
12 or merchandise (including real property) caused by  
13 the misfeasance, malfeasance, or nonfeasance of any  
14 customs or excise or any other law enforcement offi-  
15 cer while in the possession of such officer.”.

16 **TITLE XI—MISCELLANEOUS**  
17 **PROVISIONS**

18 **Subtitle A—Amendments to Omni-**  
19 **bus Crime Control and Safe**  
20 **Streets Act**

21 **SEC. 1101. DISCRETIONARY GRANT AUTHORIZATION.**

22 Section 511 of title I of the Omnibus Crime Control  
23 and Safe Streets Act of 1968 is amended by striking  
24 “\$50,000,000,” and inserting “\$100,000,000,”.

1     **Subtitle B—Juvenile Justice and**  
2             **Delinquency Prevention**

3     **SEC. 1111. JUVENILE JUSTICE AND PREVENTION OF JUVENILE DELINQUENCY.**  
4

5             (a) AMENDMENTS TO THE JUVENILE JUSTICE AND  
6 DELINQUENCY PREVENTION ACT OF 1974.—Section  
7 299(a)(1) of the Juvenile Justice and Delinquency Preven-  
8 tion Act of 1974 (42 U.S.C. 5671(a)(1)) is amended by  
9 striking “\$15,000,000 for” and inserting “\$230,000,000  
10 for each of the”.

11            (b) DUTIES OF ATTORNEY GENERAL.—(1) The At-  
12 torney General of the United States shall—

13                 (A) evaluate the effectiveness, and improve the  
14 coordination, of the operation of all Federal pro-  
15 grams relating to juvenile justice and to juvenile de-  
16 linquency prevention, in order to maximize the effec-  
17 tiveness of such programs, to reduce duplication of  
18 effort, and to develop a unified strategy for address-  
19 ing juvenile delinquency, and

20                 (B) submit to the Speaker of the House of Rep-  
21 resentatives and the President pro tempore of the  
22 Senate, an annual report describing the results of  
23 carrying out subparagraph (A) and containing a 5-  
24 year plan for the coordinated operation of such pro-  
25 grams.

1       (2) For purposes of carrying out paragraph (1), the  
2 Attorney General shall consult with the Secretary of Edu-  
3 cation, the Secretary of Health and Human Services, the  
4 Secretary of Housing and Urban Development, and the  
5 heads of other Federal entities that carry out such pro-  
6 grams.

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