this bill, both Republican and Democrat, but it is the kind of bill that in any State we would all do the same thing, Republican or Democrat, to preserve this kind of a historic place.

Obviously, we are all very much aware that during his time in office President Clinton was a controversial figure. Any President is these days, but what we are talking about is preserving the childhood home, the birthplace home, of this President.

As a person who is the child of a single-parent household, I think it is important that we enrich those sites that have been preserved so this story can be told also, that no longer are our Presidents, like Abraham Lincoln, reading by firelight because there was no electricity in those days, but in this modern era that any child in America, regardless of background, can rise above that background, take those values that he learns and, regardless of party affiliation, go on to achieve great things in this country.

So I think this is very important. I am very much appreciative of Mr. HASTERT and Mr. POMBO for allowing this bill to come to the floor. Our Republican Governor, Governor Huckabee, is also supportive. And also, thanks today to the people of Hope who have kept this site in a state of suspended animation and preserved it while their Federal Government catches up with them in recognizing the significance of preserving and maintaining for all time this modest home.

Mr. GOHMERT. Madam Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. KELLER), my friend.

Mr. KELLER. Madam Speaker, I thank the gentleman for yielding me the time, and I just want to say I intend to vote for this. I think it is worthy of being designated as an historic site.

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, will the gentleman yield?

Mr. KELLER. I yield to the gentlewoman from Florida.

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I thank the gentleman for yielding.

As I said before, my decision to call for a recorded vote is based on the future of our country and the fact that we need to have the information out there about Mr. Clinton's involvement in the Dubai port, the whole issue.

It is about hope, certainly about Hope, Arkansas. I hope to vote for this bill. I had hoped to vote for the bill because I had hoped that Mr. Clinton would do the right thing and register as a foreign agent. That not happening is the reason why I am objecting to the bill at this time.

I also believe that we need to preserve birthplaces of our Presidents, and had we had enough time, I just would have asked the leadership to postpone this vote. I wanted to vote for this bill, but the more information that comes out about the millions of dollars that have been paid by the UAE to Mr. Clinton just gives many Americans the lack of hope for our security. That is exactly why I am going to call for the yeas and nays.

It is not against President Clinton. It is not against him, but rather, I wish we had more time so that the public would know exactly how involved he was in what that million dollars bought when it came to the Dubai port issue.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

This bill, H.R. 4192, would give the home most closely associated with the 42nd President of the United States the designation that other Presidents have had. It is about naming this boyhood home as a national historic site. It is not about policy, and in 2002, Members on both sides of the aisle, regardless of any disagreements they may have had over any of President Reagan's policies, came together and wholeheartedly supported the designation of the Ronald Reagan Boyhood Home as a national historic site.

In his Presidency, William Jefferson Clinton gave many Americans who were at that time left behind and left out and left on the fringes of American society reasons to hope. It is fitting that we recognize his 8 years of service to this country as our President and designate his home in Hope, Arkansas, as the Clinton Boyhood Home National Historic Site.

I would urge all of my colleagues on both sides of the aisle to support this bill, as we have supported so many others for Presidents in the past.

Madam Speaker, I yield back the balance of my time.

Mr. GOHMERT. Madam Speaker, I yield myself such time as I may consume.

I appreciate my colleagues across the aisle. You are right, this is not a partisan issue when we are talking about the birthplace of a President. Frankly, here I am making the motion, and I never voted for President Clinton. I was not a big fan of President Clinton, but you are right, also: he came from extraordinary circumstances and rose to the highest position in this country.

I mean, he and I apparently had very different lifestyles growing up. I never consumed a drop of alcohol, and when I was underage, I never not only did not inhale, I never smoked.

There are so many things different in our backgrounds, and he ought to be an inspiration to every child out there, whether leaning toward being Republican or Democrat. That President Bill Clinton, with the things that he had in his background, could reach the Nation's highest office. I mean, any of you should know that it is not out of your reach either. It is extraordinary what he accomplished.

But there is an old political adage that says, democracy ensures that a people govern no better than they deserve. In 1992 and 1996, whether any of us like it or not, America deserved Bill Clinton, and that is who we elected. It is now a fact he has been a President. It is now a fact that his birthplace should be a historical site, and I understand the concerns of the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), my friend. Maybe there will be a room dedicated to all the money made from the UAE, but that is someone else's determination.

The fact is it is a historical place. It deserves that designation, and, hopefully, people will be inspired for years to come that this is America. It does not matter what your background is; you can rise to the highest office in the land, and you should be inspired by that.

For that reason, I would urge the passage of this bill.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. CAPITO). The question is on the motion offered by the gentleman from Texas (Mr. GOHMERT) that the House suspend the rules and pass the bill, H.R. 4192.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. The yeas and nays are requested. All those in favor of taking this vote by the yeas and nays will rise and remain standing until counted. A sufficient number having arisen, the yeas and nays are ordered.

PARLIAMENTARY INQUIRY

Mr. ROSS. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ROSS. Madam Speaker, I do not see a sufficient number standing.

The SPEAKER pro tempore. Under the Constitution, one-fifth of those present is a sufficient number.

Mr. ROSS. Madam Speaker, I only see one Member standing on this motion.

The SPEAKER pro tempore. The Chair's count is not subject to question, and the Chair observed a sufficient number.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

CHILDREN'S SAFETY AND VIOLENT CRIME REDUCTION ACT OF 2006

Mr. SENSENBRENNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4472) to protect children, to secure the safety of judges,

prosecutors, law enforcement officers, and their family members, to reduce and prevent gang violence, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4472

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Children's Safety and Violent Crime Reduction Act of 2006''.

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

TITLE I—SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

SEC. 101. SHORT TITLE.

This title may be cited as the ''Sex Offender Registration and Notification Act''.

SEC. 102. DECLARATION OF PURPOSE.

In order to protect the public from sex offenders and offenders against children, and in response to the vicious attacks by violent sexual predators against the victims listed below, Congress in this Act establishes a comprehensive national system for the registration of those offenders:

(1) Jacob Wetterling, who was 11 years old, was abducted in 1989 in Minnesota, and remains missing.

(2) Megan Nicole Kanka, who was 7 years old, was abducted, sexually assaulted and murdered in 1994, in New Jersey.

(3) Pam Lychner, who was 31 years old, was attacked by a career offender in Houston, Texas.

(4) Jetseta Gage, who was 10 years old, was kidnapped, sexually assaulted, and murdered in 2005 in Cedar Rapids, Iowa.

(5) Dru Sjodin, who was 22 years old, was sexually assaulted and murdered in 2003, in North Dakota.

(6) Jessica Lunsford, who was 9 years, was abducted, sexually assaulted, buried alive, and murdered in 2005, in Homosassa, Florida.

(7) Sarah Lunde, who was 13 years old, was strangled and murdered in 2005, in Ruskin, Florida.

(8) Amie Zyla, who was 8 years old, was sexually assaulted in 1996 by a juvenile offender in Waukesha, Wisconsin, and has become an advocate for child victims and protection of children from juvenile sex offenders.

(9) Christy Ann Fornoff, who was 13 years old, was abducted, sexually assaulted and murdered in 1984, in Tempe, Arizona.

(10) Alexandra Nicole Zapp, who was 30 years old, was brutally attacked and murdered in a public restroom by a repeat sex offender in 2002, in Bridgewater, Massachusetts.

(11) Polly Klaas, who was 12 years old, was abducted, sexually assaulted and murdered in 1993 by a career offender in California.

(12) Jimmy Ryce, who was 9 years old, was kidnapped and murdered in Florida on September 11, 1995.

(13) Carlie Brucia, who was 11 years old, was abducted and murdered in Florida in February, 2004.

(14) Amanda Brown, who was 7 years old, was abducted and murdered in Florida in 1998.

Subtitle A—Jacob Wetterling Sex Offender Registration and Notification Program

SEC. 111. RELEVANT DEFINITIONS, INCLUDING AMIE ZYLA EXPANSION OF SEX OFFENDER DEFINITION AND EXPANDED INCLUSION OF CHILD PREDATORS.

In this title the following definitions apply:

(1) SEX OFFENDER REGISTRY.—The term ''sex offender registry'' means a registry of sex offenders, and a notification program, maintained by a jurisdiction.

(2) JURISDICTION.—The term jurisdiction means any of the following:

(A) A State.
(B) The District of Columbia.
(C) The Commonwealth of Puerto Rico.
(D) Guam.
(E) American Samoa.
(F) The Northern Mariana Islands.
(G) The United States Virgin Islands.
(H) To the extent provided and subject to the requirements of section 137, a federally recognized Indian tribe.

(3) SEX OFFENDER.—The term ''sex offender'' means an individual who, either before or after the enactment of this Act, was convicted of, or adjudicated as a juvenile delinquent for, a sex offense.

(4) EXPANSION OF DEFINITION OF OFFENSE TO INCLUDE ALL CHILD PREDATORS.—The term ''specified offense against a minor'' means an offense against a minor that involves any of the following:

(A) An offense (unless committed by a parent) involving kidnapping.
(B) An offense (unless committed by a parent) involving false imprisonment.
(C) Solicitation to engage in sexual conduct.
(D) Use in a sexual performance.
(E) Solicitation to practice prostitution.
(F) Possession, production, or distribution of child pornography.
(G) Criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct.
(H) Any conduct that by its nature is a sex offense against a minor.
(I) Video voyeurism, as described in section 1801 of title 18, United States Code.
(J) Any attempt or conspiracy to commit an offense described in this paragraph.

(5) TIER I SEX OFFENDER.—The term ''tier I sex offender'' means a sex offender whose offense is punishable by imprisonment for one year or less.

(6) TIER II SEX OFFENDER.—The term ''tier II sex offender'' means a sex offender who is not a Tier III sex offender whose offense—

(A) is punishable by imprisonment for more than one year; or
(B) occurs after the offender becomes a tier I sex offender.

(7) TIER III SEX OFFENDER.—The term ''tier III sex offender'' means a sex offender whose offense is punishable by imprisonment for more than one year and—

(A) involves a crime of violence as defined in section 16 of title 18, United States Code, against the person of another, except a crime of violence consisting of an abusive sexual contact, as defined in section 2246;
(B) is an offense where the victim had not attained the age of 13 years; or
(C) occurs after the offender becomes a tier II sex offender.

(8) AMY ZYLA EXPANSION OF SEX OFFENSE DEFINITION.—The term ''sex offense'' means—

(A) a State, local, tribal, foreign, or other criminal offense that has an element involving a sexual act or sexual contact with another or an attempt or conspiracy to commit such an offense, but does not include an offense involving consensual sexual conduct where the victim was an adult or was at least 13 years old and the offender was not more than 4 years older than the victim;
(B) a State, local, tribal, foreign, or other specified offense against a minor;
(C) a Federal offense (including an offense prosecuted under section 1152 or 1153 of title 18, United States Code) under section 1201, 1591, or 1801, or chapter 109A, 110, or 117, of title 18, United States Code, or any other Federal offense designated by the Attorney General for the purposes of this paragraph; or
(D) a military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105–119 (10 U.S.C. 951 note).

(9) STUDENT.—The term ''student'' means an individual who enrolls or attends an educational institution, including (whether public or private) a secondary school, trade or professional school, and institution of higher education.

(10) EMPLOYEE.—The term ''employee'' includes an individual who is self-employed or works for any other entity, whether compensated or not.

(11) RESIDES.—The term ''resides'' means, with respect to an individual, the location of the individual's home or other place where the individual lives.

(12) MINOR.—The term ''minor'' means an individual who has not attained the age of 18 years.

(13) CONVICTED.—The term ''convicted'' or a variant thereof, used with respect to a sex offense, includes adjudicated deliquent as a juvenile for that offense.

SEC. 112. REGISTRY REQUIREMENTS FOR JURISDICTIONS.

Each jurisdiction shall maintain a jurisdiction-wide sex offender registry conforming to the requirements of this title. The Attorney General shall issue guidelines and regulations to interpret and implement this title.

SEC. 113. REGISTRY REQUIREMENTS FOR SEX OFFENDERS.

(a) IN GENERAL.—A sex offender must register, and keep the registration current, in each jurisdiction where the offender was convicted, where the offender resides, where the offender is an employee, and where the offender is a student.

(b) INITIAL REGISTRATION.—The sex offender shall initially register—

(1) before completing a sentence of imprisonment with respect to the offense giving rise to the registration requirement; or

(2) not later than 5 days after being sentenced for that offense, if the sex offender is not sentenced to a term of imprisonment.

(c) KEEPING THE REGISTRATION CURRENT.—A sex offender must inform each jurisdiction involved, not later than 3 days after each change of residence, employment, or student status.

(d) INITIAL REGISTRATION OF SEX OFFENDERS UNABLE TO COMPLY WITH SUBSECTION (b).—The Attorney General shall prescribe rules for the registration of sex offenders convicted before the enactment of this Act or its implementation in a particular jurisdiction, and for other categories of sex offenders who are unable to comply with subsection (b).

(e) STATE PENALTY FOR FAILURE TO COMPLY.—Each jurisdiction, other than a Federally recognized Indian tribe, shall provide a criminal penalty, that includes a maximum term of imprisonment that is greater than one year, and a minimum term of imprisonment that is no less than 90 days, for the failure of a sex offender to comply with the requirements of this title.

SEC. 114. INFORMATION REQUIRED IN REGISTRATION.

(a) PROVIDED BY THE OFFENDER.—The sex offender must provide the following information to the appropriate official for inclusion in the sex offender registry:

(1) The name and physical description of the sex offender (including any alias used by the individual).

(2) The Social Security number of the sex offender.

(3) The address of the residence at which the sex offender resides or will reside.

(4) The name and address of the place where the sex offender is employed or will be employed.

(5) The name and address of the place where the sex offender is a student or will be a student.

(6) The license plate number and description of any vehicle owned or operated by the sex offender.

(7) A photograph of the sex offender.

(8) A set of fingerprints and palm prints of the sex offender, if the appropriate official determines that the jurisdiction does not already have available an accurate set.

(9) A DNA sample of the sex offender, if the appropriate official determines that the jurisdiction does not already have available an appropriate DNA sample.

(10) A photocopy of a valid driver's license or identification card issued to the sex offender by a jurisdiction.

(11) Any other information required by the Attorney General.

(b) PROVIDED BY THE JURISDICTION.—The jurisdiction in which the sex offender registers shall include the following information in the registry for that sex offender:

(1) A statement of the facts of the offense giving rise to the requirement to register under this title, including the date of the offense, and whether or not the sex offender was prosecuted as a juvenile at the time of the offense.

(2) The criminal history of the sex offender.

(3) Any other information required by the Attorney General.

SEC. 115. DURATION OF REGISTRATION REQUIREMENT.

A sex offender shall keep the registration current for a period (excluding any time the sex offender is in custody or civilly committed) of—

(1) 20 years, if the offender is a tier I sex offender;

(2) 30 years, if the offender is a tier II sex offender; and

(3) the life of the offender, if the offender is a tier III sex offender.

SEC. 116. IN PERSON VERIFICATION.

A sex offender shall appear in person, provide a current photograph, and verify the information in each registry in which that offender is required to be registered not less frequently than—

(1) every six months, if the offender is a tier I sex offender;

(2) every 3 months, if the offender is a tier II sex offender; and

(3) every month, if the offender is a tier III sex offender.

SEC. 117. DUTY TO NOTIFY SEX OFFENDERS OF REGISTRATION REQUIREMENTS AND TO REGISTER.

An appropriate official shall, shortly before release from custody of the sex offender, or, if the sex offender is not in custody, immediately after the sentencing of the sex offender, for the offense giving rise to the duty to register—

(1) inform the sex offender of the duty to register and explain that duty;

(2) require the sex offender to read and sign a form stating that the duty to register has been explained and that the sex offender understands the registration requirement; and

(3) ensure that the sex offender is registered.

SEC. 118. JESSICA LUNSFORD ADDRESS VERIFICATION PROGRAM.

(a) ESTABLISHMENT.—There is established the Jessica Lunsford Address Verification Program (hereinafter in this section referred to as the ''Program'').

(b) VERIFICATION.—In the Program, an appropriate official shall verify the residence of each registered sex offender not less than—

(1) semi-annually, if the offender is a tier I sex offender;

(2) quarterly, if the offender is a tier II sex offender; and

(3) monthly, if the offender is a tier III sex offender.

(c) USE OF MAILED FORM AUTHORIZED.—Such verification may be achieved by mailing a nonforwardable verification form to the last known address of the sex offender. The sex offender must return the form, including a notarized signature or a fingerprint verification, within a set period of time. A failure to return the form as required may be a failure to register for the purposes of this title.

SEC. 119. NATIONAL SEX OFFENDER REGISTRY.

(a) INTERNET.—The Attorney General shall maintain a national database at the Federal Bureau of Investigation for each sex offender and other person required to register in a jurisdiction's sex offender registry. The database shall be known as the National Sex Offender Registry.

(b) ELECTRONIC FORWARDING.—The Attorney General shall ensure (through the National Sex Offender Registry or otherwise) that updated information about a sex offender is immediately transmitted by electronic forwarding to all relevant jurisdictions.

SEC. 120. DRU SJODIN NATIONAL SEX OFFENDER PUBLIC WEBSITE.

(a) ESTABLISHMENT.—There is established the Dru Sjodin National Sex Offender Public Website (hereinafter referred to as the ''Website'').

(b) INFORMATION TO BE PROVIDED.—The Attorney General shall maintain the Website as a site on the Internet which allows the public to obtain relevant information for each sex offender by a single query in a form established by the Attorney General.

SEC. 121. PUBLIC ACCESS TO SEX OFFENDER INFORMATION THROUGH THE INTERNET.

(a) IN GENERAL.—Except as provided in subsection (b), each jurisdiction shall make available on the Internet all information about each sex offender in the registry, except for the offender's Social Security number, the identity of any victim, and any other information exempted from disclosure by the Attorney General. The jurisdiction shall provide this information in a manner that is readily accessible to the public.

(b) EXCEPTION.—To the extent authorized by the Attorney General, a jurisdiction need not make available on the Internet information about a tier I sex offender whose offense is a juvenile adjudication.

SEC. 122. MEGAN NICOLE KANKA AND ALEXANDRA NICOLE ZAPP COMMUNITY NOTIFICATION PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—There is established the Megan Nicole Kanka and Alexandra Nicole Zapp Community Program (hereinafter in this section referred to as the ''Program'').

(b) PROGRAM NOTIFICATION.—Except as provided in subsection (c), not later than 5 days after a sex offender registers or updates a registration, an appropriate official in the jurisdiction shall provide the information in the registry (other than information exempted from disclosure by the Attorney General) about that offender to the following:

(1) The Attorney General, who shall include that information in the National Sex Offender Registry or other appropriate data bases.

(2) Appropriate law enforcement agencies (including probation agencies, if appropriate), and each school and public housing agency, in each area in which the individual resides, is employed, or is a student.

(3) Each jurisdiction where the sex offender resides, works, or attends school, and each jurisdiction from or to which a change of residence, work, or student status occurs.

(4) Any agency responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a).

(5) Social service entities responsible for protecting minors in the child welfare system.

(6) Volunteer organizations in which contact with minors or other vulnerable individuals might occur.

(7) The community at large.

(c) EXCEPTION.—In the case of a tier I sex offender whose offense is a juvenile adjudication, the Attorney General may authorize limitation of the entities to which the Program notification is given when the Attorney General determines it is consistent with public safety to do so.

SEC. 123. ACTIONS TO BE TAKEN WHEN SEX OFFENDER FAILS TO COMPLY.

An appropriate official shall notify the Attorney General and appropriate State, local, and tribal law enforcement agencies of any failure by a sex offender to comply with the requirements of a registry. The appropriate official, the Attorney General, and each such law enforcement agency shall take any appropriate action to ensure compliance.

SEC. 124. IMMUNITY FOR GOOD FAITH CONDUCT.

The Federal Government, jurisdictions, political subdivisions of jurisdictions, and their agencies, officers, employees, and agents shall be immune from liability for good faith conduct under this title.

SEC. 125. DEVELOPMENT AND AVAILABILITY OF REGISTRY MANAGEMENT SOFTWARE.

The Attorney General shall develop and support software for use to establish, maintain, publish, and share sex offender registries.

SEC. 126. FEDERAL DUTY WHEN STATE PROGRAMS NOT MINIMALLY SUFFICIENT.

If the Attorney General determines that a jurisdiction does not have a minimally sufficient sex offender registration program, the Department of Justice shall, to the extent practicable, carry out the duties imposed on that jurisdiction by this title.

SEC. 127. PERIOD FOR IMPLEMENTATION BY JURISDICTIONS.

Each jurisdiction shall implement this title not later than 2 years after the date of the enactment of this Act. However, the Attorney General may authorize up to two one-year extensions of the deadline.

SEC. 128. FAILURE TO COMPLY.

(a) IN GENERAL.—For any fiscal year after the end of the period for implementation, a jurisdiction that fails, as determined by the Attorney General, substantially to implement this title shall not receive 10 percent of the funds that would otherwise be allocated for that fiscal year to the jurisdiction under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3570 et seq.).

(b) REALLOCATION.—Amounts not allocated under a program referred to in paragraph (1) to a jurisdiction for failure to fully implement this title shall be reallocated under that program to jurisdictions that have not failed to implement this title or may be reallocated to a jurisdiction from which they were withheld to be used solely for the purpose of implementing this title.

(c) RULE OF CONSTRUCTION.—The provisions of this title that are cast as directions to jurisdictions or their officials constitute, in relation to States, only conditions required to avoid the reduction of Federal funding under this section.

SEC. 129. SEX OFFENDER MANAGEMENT ASSISTANCE (SOMA) PROGRAM.

(a) IN GENERAL.—The Attorney General shall establish and implement a Sex Offender Management Assistance program (in this title referred to as the ''SOMA program'') under which the Attorney General may award a grant to a jurisdiction to offset the costs of implementing this title.

(b) APPLICATION.—The chief executive of a jurisdiction shall, on an annual basis, submit to the Attorney General an application in such form and containing such information as the Attorney General may require.

(c) BONUS PAYMENTS FOR PROMPT COMPLIANCE.—A jurisdiction that, as determined by the Attorney General, has substantially implemented this title not later than two years after the date of the enactment of this Act is eligible for a bonus payment. The Attorney General may make such a payment under the SOMA program for the first fiscal year beginning after that determination. The amount of the payment shall be—

(1) 10 percent of the total received by the jurisdiction under the SOMA program for the preceding fiscal year, if that implementation is not later than one year after the date of enactment of this Act; and

(2) 5 percent of such total, if not later than two years after that date.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts otherwise authorized to be appropriated, there are authorized to be appropriated such sums as may be necessary to the Attorney General, to be available only for the SOMA program, for fiscal years 2006 through 2008.

SEC. 130. DEMONSTRATION PROJECT FOR USE OF ELECTRONIC MONITORING DEVICES.

(a) PROJECT REQUIRED.—The Attorney General shall carry out a demonstration project under which the Attorney General makes grants to jurisdictions to demonstrate the extent to which electronic monitoring devices can be used effectively in a sex offender management program.

(b) USE OF FUNDS.—The jurisdiction may use grant amounts under this section directly, or through arrangements with public or private entities, to carry out programs under which the whereabouts of sex offenders are monitored by electronic monitoring devices.

(c) PARTICIPANTS.—Not more than 10 jurisdictions may participate in the demonstration project at any one time.

(d) FACTORS.—In selecting jurisdictions to participate in the demonstration project, the Attorney General shall consider the following factors:

(1) The total number of sex offenders in the jurisdiction.

(2) The percentage of those sex offenders who fail to comply with registration requirements.

(3) The threat to public safety posed by those sex offenders who fail to comply with registration requirements.

(4) Any other factor the Attorney General considers appropriate.

(e) DURATION.—The Attorney General shall carry out the demonstration project for fiscal years 2007, 2008, and 2009.

(f) INNOVATION.—In making grants under this section, the Attorney General shall ensure that different approaches to monitoring are funded to allow an assessment of effectiveness.

(g) ONE-TIME REPORT AND RECOMMENDATIONS.—Not later than April 1, 2008, the Attorney General shall submit to Congress a report—

(1) assessing the effectiveness and value of programs funded by this section;

(2) comparing the cost-effectiveness of the electronic monitoring to reduce sex offenses compared to other alternatives; and

(3) making recommendations for continuing funding and the appropriate levels for such funding.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

SEC. 131. BONUS PAYMENTS TO STATES THAT IMPLEMENT ELECTRONIC MONITORING.

(a) IN GENERAL.—A jurisdiction that, within 3 years after the date of the enactment of this Act, has in effect laws and policies described in subsection (b) shall be eligible for a bonus payment described in subsection (c), to be paid by the Attorney General from any amounts available to the Attorney General for such purpose.

(b) ELECTRONIC MONITORING LAWS AND POLICIES.—

(1) IN GENERAL.—Laws and policies referred to in subsection (a) are laws and policies that ensure that electronic monitoring is required of a person if that person is released after being convicted of a sex offense in which an individual who has not attained the age of 18 years is the victim.

(2) MONITORING REQUIRED.—The monitoring required under paragraph (1) is a system that actively monitors and identifies the person's location and timely reports or records the person's presence near or within a crime scene or in a prohibited area or the person's departure from specified geographic limitations.

(3) DURATION.—The electronic monitoring required by paragraph (1) shall be required of the person—

(A) for the life of the person, if—

(i) an individual who has not attained the age of 12 years is the victim; or

(ii) the person has a prior sex conviction (as defined in section 3559(e) of title 18, United States Code); and

(B) for the period during which the person is on probation, parole, or supervised release for the offense, in any other case.

(4) JURISDICTION REQUIRED TO MONITOR ALL SEX OFFENDERS RESIDING IN JURISDICTION.—In addition, laws and policies referred to in subsection (a) also include laws and policies that ensure that the jurisdiction frequently monitors each person residing in the jurisdiction for whom electronic monitoring is required, whether such monitoring is required under this section or under section 3563(a)(9) of title 18, United States Code.

(c) BONUS PAYMENTS.—The bonus payment referred to in subsection (a) is a payment equal to 10 percent of the funds that would otherwise be allocated for that fiscal year to the jurisdiction under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3570 et seq.).

SEC. 132. ACCESS TO NATIONAL CRIME INFORMATION DATABASES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Attorney General shall ensure access to the national crime information databases (as defined in section 534 of title 28, United States Code) by—

(1) the National Center for Missing and Exploited Children, to be used only within the scope of the Center's duties and responsibilities under Federal law to assist or support law enforcement agencies in administration of criminal justice functions; and

(2) governmental social service agencies with child protection responsibilities, to be used by such agencies only in investigating or responding to reports of child abuse, neglect, or exploitation.

(b) CONDITIONS OF ACCESS.—The access provided under this section, and associated rules of dissemination, shall be—

(1) defined by the Attorney General; and

(2) limited to personnel of the Center or such agencies that have met all requirements set by the Attorney General, including training, certification, and background screening.

SEC. 133. LIMITED IMMUNITY FOR NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN WITH RESPECT TO CYBERTIPLINE.

Section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) is amended by adding at the end the following new subsection:

''(g) LIMITATION ON LIABILITY.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the National Center for Missing and Exploited Children, including any of its directors, officers, employees, or agents, is not liable in any civil or criminal action arising from the performance of its CyberTipline responsibilities and functions as defined by this section.

''(2) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Paragraph (1) does not apply in an action in which a party proves that the National Center for Missing and Exploited Children, or its officer, employee, or agent as the case may be, engaged in intentional misconduct or acted, or failed to act, with actual malice, with reckless disregard to a substantial risk of causing injury without legal justification, or for a purpose unrelated to the performance of responsibilities or functions under this section.

''(3) ORDINARY BUSINESS ACTIVITIES.—Paragraph (1) does not apply to an act or omission related to an ordinary business activity, such as an activity involving general administration or operations, the use of motor vehicles, or personnel management.''.

SEC. 134. TREATMENT AND MANAGEMENT OF SEX OFFENDERS IN THE BUREAU OF PRISONS.

Section 3621 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(f) SEX OFFENDER MANAGEMENT.—

''(1) IN GENERAL.—The Bureau of Prisons shall make available appropriate treatment to sex offenders who are in need of and suitable for treatment, as follows:

''(A) SEX OFFENDER MANAGEMENT PROGRAMS.—The Bureau of Prisons shall establish non-residential sex offender management programs to provide appropriate treatment, monitoring, and supervision of sex offenders and to provide aftercare during prerelease custody.

''(B) RESIDENTIAL SEX OFFENDER TREATMENT PROGRAMS.—The Bureau of Prisons shall establish residential sex offender treatment programs to provide treatment to sex offenders who volunteer for such programs and are deemed by the Bureau of Prisons to be in need of and suitable for residential treatment.

''(2) REGIONS.—At least one sex offender management program under paragraph (1)(A), and at least one residential sex offender treatment program under paragraph (1)(B), shall be established in each region within the Bureau of Prisons.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Bureau of Prisons for each fiscal year such sums as may be necessary to carry out this subsection.''.

SEC. 135. GAO STUDIES ON FEASIBILITY OF USING DRIVER'S LICENSE REGISTRATION PROCESSES AS ADDITIONAL REGISTRATION REQUIREMENTS FOR SEX OFFENDERS.

For the purposes of determining the feasibility of using driver's license registration processes as additional registration requirements for sex offenders to improve the level of compliance with sex offender registration requirements for change of address upon relocation and other related updates of personal information, the Congress requires the following studies:

(1) Not later than 180 days after the date of the enactment of this Act, the Government Accountability Office shall complete a study for the Committee on the Judiciary of the House of Representatives to survey a majority of the States to assess the relative systems capabilities to comply with a Federal law that required all State driver's license systems to automatically access State and national databases of registered sex offenders in a form similar to the requirement of the Nevada law described in paragraph (2). The Government Accountability Office shall use the information drawn from this survey, along with other expert sources, to determine what the potential costs to the States would be if such a Federal law came into effect, and what level of Federal grants would be required to prevent an unfunded mandate. In addition, the Government Accountability Office shall seek the views of Federal and State law enforcement agencies, including in particular the Federal Bureau of Investigation, with regard to the anticipated effects of such a national requirement, including potential for undesired side effects in terms of actual compliance with this Act and related laws.

(2) Not later than October 2006, the Government Accountability Office shall complete a study to evaluate the provisions of Chapter 507 of Statutes of Nevada 2005 to determine—

(A) if those provisions are effective in increasing the registration compliance rates of sex offenders;

(B) the aggregate direct and indirect costs for the state of Nevada to bring those provisions into effect; and

(C) whether those provisions should be modified to improve compliance by registered sex offenders.

SEC. 136. ASSISTANCE IN IDENTIFICATION AND LOCATION OF SEX OFFENDERS RELOCATED AS A RESULT OF A MAJOR DISASTER.

The Attorney General shall provide technical assistance to jurisdictions to assist them in the identification and location of a sex offender relocated as a result of a major disaster.

SEC. 137. ELECTION BY INDIAN TRIBES.

(a) ELECTION.—

(1) IN GENERAL.—A federally recognized Indian tribe may, by resolution or other enactment of the tribal council or comparable governmental body—

(A) elect to carry out this subtitle as a jurisdiction subject to its provisions; or

(B) elect to delegate its functions under this subtitle to another jurisdiction or jurisdictions within which the territory of the tribe is located and to provide access to its territory and such other cooperation and assistance as may be needed to enable such other jurisdiction or jurisdictions to carry out and enforce the requirements of this subtitle.

(2) IMPUTED ELECTION IN CERTAIN CASES.—A tribe shall be treated as if it had made the election described in paragraph (1)(B) if—

(A) it is a tribe subject to the law enforcement jurisdiction of a State under section 1162 of title 18, United States Code;

(B) the tribe does not make an election under paragraph (1) within 1 year of the enactment of this Act or rescinds an election under paragraph (1)(A); or

(C) the Attorney General determines that the tribe has not implemented the requirements of this subtitle and is not likely to become capable of doing so within a reasonable amount of time.

(b) COOPERATION BETWEEN TRIBAL AUTHORITIES AND OTHER JURISDICTIONS.—

(1) NONDUPLICATION.—A tribe subject to this subtitle is not required to duplicate functions under this subtitle which are fully carried out by another jurisdiction or jurisdictions within which the territory of the tribe is located.

(2) COOPERATIVE AGREEMENTS.—A tribe may, through cooperative agreements with such a jurisdiction or jurisdictions—

(A) arrange for the tribe to carry out any function of such a jurisdiction under this subtitle with respect to sex offenders subject to the tribe's jurisdiction; and

(B) arrange for such a jurisdiction to carry out any function of the tribe under this subtitle with respect to sex offenders subject to the tribe's jurisdiction.

SEC. 138. REGISTRATION OF PRISONERS RELEASED FROM FOREIGN IMPRISONMENT.

The Attorney General, in consultation with the Secretary of State and the Secretary of Homeland Security, shall establish and maintain a system for informing the relevant jurisdictions about persons entering the United States who are required to register under this title.

SEC. 139. SEX OFFENDER RISK CLASSIFICATION STUDY.

(a) STUDY.—The Attorney General shall conduct a study of risk-based sex offender classification systems, which shall include an analysis of—

(1) various risk-based sex offender classification systems;

(2) the methods and assessment tools available to assess the risks posed by sex offenders;

(3) the efficiency and effectiveness of risk-based sex offender classification systems, in comparison to offense-based sex offender classification systems, in—

(A) reducing threats to public safety posed by sex offenders; and

(B) assisting law enforcement agencies and the public in identifying the most dangerous sex offenders;

(4) the resources necessary to implement, and the legal implications of implementing, risk-based sex offender classification systems for sex offender registries; and

(5) any other information the Attorney General determines necessary to evaluate risk-based sex offender classification systems.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Attorney General shall report to the Congress the results of the study under this section.

(c) STUDY CONDUCTED BY TASK FORCE.—The Attorney General may establish a task force to conduct the study and prepare the report required under this section. Any task force established under this section shall be composed of members, appointed by the Attorney General, who—

(1) represent national, State, and local interests; and

(2) are especially qualified to serve on the task force by virtue of their education, training, or experience, particularly in the fields of sex offender management, community education, risk assessment of sex offenders, and sex offender victim issues.

SEC. 140. STUDY OF THE EFFECTIVENESS OF RESTRICTING THE ACTIVITIES OF SEX OFFENDERS TO REDUCE THE OCCURRENCE OF REPEAT OFFENSES.

(a) STUDY.—The Attorney General shall conduct a study to evaluate the effectiveness of monitoring and restricting the activities of sex offenders to reduce the occurrence of repeat offenses by such sex offenders. The study shall evaluate—

(1) the effectiveness of methods of monitoring and restricting the activities of sex offenders, including restrictions—

(A) on the areas in which sex offenders can reside, work, and attend school;

(B) limiting access by sex offenders to the Internet or to specific Internet sites;

(C) preventing access by sex offenders to pornography and other obscene materials; and

(D) imposed as part of supervised release or probation conditions;

(2) the ability of law enforcement agencies and courts to enforce such restrictions; and

(3) the efficacy of any other restrictions that may reduce the occurrence of repeat offenses by sex offenders.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate the results of the study under this section.

Subtitle B—Criminal Law Enforcement of Registration Requirements

SEC. 151. AMENDMENTS TO TITLE 18, UNITED STATES CODE, RELATING TO SEX OFFENDER REGISTRATION.

(a) CRIMINAL PENALTIES FOR NONREGISTRATION.—Part I of title 18, United States Code, is amended by inserting after chapter 109A the following:

''CHAPTER 109B—SEX OFFENDER AND CRIMES AGAINST CHILDREN REGISTRY

''Sec

''2250. Failure to register

''§ 2250. Failure to register

''Whoever is required to register under the Sex Offender Registration and Notification Act and—

''(1) is a sex offender as defined for the purposes of that Act by reason of a conviction under Federal law; or

''(2) travels in interstate or foreign commerce, or enters or leaves, or resides in, Indian country;

and knowingly fails to register as required shall be fined under this title or imprisoned not more than 20 years, or both.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 109A the following new item:

''109B. Sex offender and crimes against children registry ..... 2250''.

(c) FALSE STATEMENT OFFENSE.—Section 1001(a) of title 18, United States Code, is amended by adding at the end the following: ''If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 10 years.''.

(d) PROBATION.—Paragraph (8) of section 3563(a) of title 18, United States Code, is amended to read as follows:

''(8) for a person required to register under the Sex Offender Registration and Notification Act, that the person comply with the requirements of that Act; and''.

(e) SUPERVISED RELEASE.—Section 3583 of title 18, United States Code, is amended—

(1) in subsection (d), in the sentence beginning with ''The court shall order, as an explicit condition of supervised release for a person described in section 4042(c)(4)'', by striking ''described in section 4042(c)(4)'' and all that follows through the end of the sentence and inserting ''required to register under the Sex Offender Registration and Notification Act that the person comply with the requirements of that Act.''.

(2) in subsection (k)—

(A) by striking ''2244(a)(1), 2244(a)(2)'' and inserting ''2243, 2244, 2245, 2250'';

(B) by inserting ''not less than 5,'' after ''any term of years''; and

(C) by adding at the end the following: ''If a defendant required to register under the Sex Offender Registration and Notification Act violates the requirements of that Act or commits any criminal offense for which imprisonment for a term longer than one year can be imposed, the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment under subsection (e)(3) without regard to the exception contained therein. Such term shall be not less than 5 years, and if the offense was an offense under chapter 109A, 109B, 110, or 117, or section 1591, not less than 10 years.''.

(f) DUTIES OF BUREAU OF PRISONS.—Paragraph (3) of section 4042(c) of title 18, United States Code, is amended to read as follows:

''(3) The Director of the Bureau of Prisons shall inform a person who is released from prison and required to register under the Sex Offender Registration and Notification Act of the requirements of that Act as they apply to that person and the same information shall be provided to a person sentenced to probation by the probation officer responsible for supervision of that person.''.

(g) CONFORMING AMENDMENTS TO CROSS REFERENCES.—Paragraphs (1) and (2) of section 4042(c) of title 18, United States Code, are each amended by striking ''(4)'' each place it appears and inserting ''(3)''.

(h) CONFORMING REPEAL OF DEADWOOD.—Paragraph (4) of section 4042(c) of title 18, United States Code, is repealed.

(i) MILITARY OFFENSES.—

(1) Section 115(a)(8)(C)(i) of Public Law 105–119 (111 Stat. 2466) is amended by striking ''which encompass'' and all that follows through ''and (B))'' and inserting ''which are sex offenses as that term is defined in the Sex Offender Registration and Notification Act''.

(2) Section 115(a)(8)(C)(iii) of Public Law 105–119 (111 Stat. 2466; 10 U.S.C. 951 note) is amended by striking ''the amendments made under subparagraphs (A) and (B)'' and inserting ''the Sex Offender Registration and Notification Act''.

(j) CONFORMING AMENDMENT RELATING TO PAROLE.—Section 4209(a) of title 18, United States Code, is amended in the second sentence by striking ''described'' and all that follows through the end of the sentence and inserting ''required to register under the Sex Offender Registration and Notification Act that the person comply with the requirements of that Act.''.

SEC. 152. FEDERAL INVESTIGATION OF SEX OFFENDER VIOLATIONS OF REGISTRATION REQUIREMENTS.

(a) IN GENERAL.—The Attorney General shall assist jurisdictions in locating and apprehending sex offenders who violate sex offender registration requirements.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2006 through 2008 to implement this section.

SEC. 153. SEX OFFENDER APPREHENSION GRANTS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following new part:

''PART JJ—SEX OFFENDER APPREHENSION GRANTS

''SEC. 3011. AUTHORITY TO MAKE SEX OFFENDER APPREHENSION GRANTS.

''(a) IN GENERAL.—From amounts made available to carry out this part, the Attorney General may make grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia thereof for activities specified in subsection (b).

''(b) COVERED ACTIVITIES.—An activity referred to in subsection (a) is any program, project, or other activity to assist a State in enforcing sex offender registration requirements.

''SEC. 3012. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as may be necessary for fiscal years 2006 through 2008 to carry out this part.''.

SEC. 154. USE OF ANY CONTROLLED SUBSTANCE TO FACILITATE SEX OFFENSE, AND PROHIBITION ON INTERNET SALES OF DATE RAPE DRUGS.

(a) INCREASED PUNISHMENT.—Chapter 109A of title 18, United States Code, is amended by adding at the end the following:

''§ 2249. Use of any controlled substance to facilitate sex offense

''(a) Whoever, knowingly uses a controlled substance to substantially impair the ability of a person to appraise or control conduct, in order to commit a sex offense, other than an offense where such use is an element of the offense, shall, in addition to the punishment provided for the sex offense, be imprisoned for any term of years not more than 10 years.

''(b) As used in this section, the term 'sex offense' means an offense under this chapter other than an offense under this section.

''§ 2250. Internet sales of date rape drugs

''(a) Whoever knowingly uses the Internet to distribute (as that term is defined for the purposes of the Controlled Substances Act) a date rape drug to any person shall be fined under this title or imprisoned not more than 20 years, or both.

''(b) As used in this section, the term 'date rape drug' means gamma hydroxybutyric acid, ketamine, or flunitrazepam, or any analogue of such a substance, including gamma butyrolactone or 1,4-butanediol.''.

(b) AMENDMENT TO TABLE OF SECTIONS.—The table of sections at the beginning of chapter 109A of title 18, United States Code, is amended by adding at the end the following new item:

''2249. Use of any controlled substance to facilitate sex offense

''2250. Internet sales of date rape drugs''.

SEC. 155. REPEAL OF PREDECESSOR SEX OFFENDER PROGRAM.

Sections 170101 (42 U.S.C. 14071) and 170102 (42 U.S.C. 14072) of the Violent Crime Control and Law Enforcement Act of 1994, and section 8 of the Pam Lychner Sexual Offender Tracking and Identification Act of 1996 (42 U.S.C. 14073), are repealed.

SEC. 156. ASSISTANCE FOR PROSECUTION OF CASES CLEARED THROUGH USE OF DNA BACKLOG CLEARANCE FUNDS.

(a) IN GENERAL.—The Attorney General may make grants to train and employ personnel to help prosecute cases cleared through use of funds provided for DNA backlog elimination.

(b) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2006 through 2010 to carry out this section.

SEC. 157. GRANTS TO COMBAT SEXUAL ABUSE OF CHILDREN.

(a) IN GENERAL.—The Bureau of Justice Assistance shall make grants to law enforcement agencies for purposes of this section. The Bureau shall make such a grant—

(1) to each law enforcement agency that serves a jurisdiction with 50,000 or more residents; and

(2) to each law enforcement agency that serves a jurisdiction with fewer than 50,000 residents, upon a showing of need.

(b) USE OF GRANT AMOUNTS.—Grants under this section may be used by the law enforcement agency to—

(1) hire additional law enforcement personnel, or train existing staff to combat the sexual abuse of children through community education and outreach, investigation of complaints, enforcement of laws relating to sex offender registries, and management of released sex offenders;

(2) investigate the use of the Internet to facilitate the sexual abuse of children; and

(3) purchase computer hardware and software necessary to investigate sexual abuse of children over the Internet, access local, State, and Federal databases needed to apprehend sex offenders, and facilitate the creation and enforcement of sex offender registries.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2006 through 2008 to carry out this section.

SEC. 158. EXPANSION OF TRAINING AND TECHNOLOGY EFFORTS.

(a) TRAINING.—The Attorney General, in consultation with the Office of Juvenile Justice and Delinquency Prevention, shall—

(1) expand training efforts with Federal, State, and local law enforcement officers and prosecutors to effectively respond to the threat to children and the public posed by sex offenders who use the Internet and technology to solicit or otherwise exploit children;

(2) facilitate meetings, between corporations that sell computer hardware and software or provide services to the general public related to use of the Internet, to identify problems associated with the use of technology for the purpose of exploiting children;

(3) host national conferences to train Federal, State, and local law enforcement officers, probation and parole officers, and prosecutors regarding pro-active approaches to monitoring sex offender activity on the Internet;

(4) develop and distribute, for personnel listed in paragraph (3), information regarding multi-disciplinary approaches to holding

offenders accountable to the terms of their probation, parole, and sex offender registration laws; and

(5) partner with other agencies to improve the coordination of joint investigations among agencies to effectively combat on-line solicitation of children by sex offenders.

(b) TECHNOLOGY.—The Attorney General, in consultation with the Office of Juvenile Justice and Delinquency Prevention, shall—

(1) deploy, to all Internet Crimes Against Children Task Forces and their partner agencies, technology modeled after the Canadian Child Exploitation Tracking System; and

(2) conduct training in the use of that technology.

(c) REPORT.—Not later than July 1, 2006, the Attorney General, in consultation with the Office of Juvenile Justice and Delinquency Prevention, shall submit to Congress a report on the activities carried out under this section. The report shall include any recommendations that the Attorney General, in consultation with the Office, considers appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General, for fiscal year 2006—

(1) $1,000,000 to carry out subsection (a); and

(2) $2,000,000 to carry out subsection (b).

SEC. 159. REVOCATION OF PROBATION OR SUPERVISED RELEASE.

(a) PROBATION.—Section 3565(b) of title 18, United States Code, is amended—

(1) in paragraph (3) by striking `or' at the end; and

(2) by inserting after paragraph (4) the following:

''(5) commits a felony crime of violence; or

''(6) commits a crime of violence against, or an offense that consists of or is intended to facilitate unlawful sexual contact (as defined in section 2246) with, a person who has not attained the age of 18 years;''.

(b) SUPERVISED RELEASE.—Section 3583(g) of title 18, United States Code, is amended—

(1) in paragraph (3) by striking `or' at the end; and

(2) by inserting after paragraph (4) the following:

''(5) commits a felony crime of violence; or

''(6) commits a crime of violence against, or an offense that consists of or is intended to facilitate unlawful sexual contact (as defined in section 2246) with, a person who has not attained the age of 18 years;''.

Subtitle C—Office on Sexual Violence and Crimes Against Children

SEC. 161. ESTABLISHMENT.

There is established within the Department of Justice, under the general authority of the Attorney General, an Office on Sexual Violence and Crimes against Children (hereinafter in this subtitle referred to as the ''Office'').

SEC. 162. DIRECTOR.

The Office shall be headed by a Director who shall be appointed by the President. The Director shall report to the Attorney General through the Assistant Attorney General for the Office of Justice Programs and shall have final authority for all grants, cooperative agreements, and contracts awarded by the Office. The Director shall not engage in any employment other than that of serving as the Director, nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Office makes any contract or other arrangement.

SEC. 163. DUTIES AND FUNCTIONS.

The Office is authorized to—

(1) administer the standards for sex offender registration and notification programs set forth in this title;

(2) administer grant programs relating to sex offender registration and notification authorized by this title and other grant programs authorized by this title as directed by the Attorney General;

(3) cooperate with and provide technical assistance to States, units of local government, tribal governments, and other public and private entities involved in activities related to sex offender registration or notification or to other measures for the protection of children or other members of the public from sexual abuse or exploitation; and

(4) perform such other functions as the Attorney General may delegate.

TITLE II—DNA FINGERPRINTING

SEC. 201. TECHNICAL AMENDMENT.

The first sentence of section 3(a)(1)(A) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(a)(1)(A)) is amended by striking ''or from'' and all that follows through ''detained'' and inserting '', detained, or convicted''.

SEC. 202. STOPPING VIOLENT PREDATORS AGAINST CHILDREN.

In carrying out Acts of Congress relating to DNA databases, the Attorney General shall give appropriate consideration to the need for the collection and testing of DNA to stop violent predators against children.

SEC. 203. MODEL CODE ON INVESTIGATING MISSING PERSONS AND DEATHS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that each State should, not later than 1 year after the date on which the Attorney General published the model code, enact laws implementing the model code.

(b) GAO STUDY.—Not later than 2 years after the date on which the Attorney General published the model code, the Comptroller General shall submit to Congress a report on the extent to which States have implemented the model code. The report shall, for each State—

(1) describe the extent to which the State has implemented the model code; and

(2) to the extent the State has not implemented the model code, describe the reasons why the State has not done so.

TITLE III—PREVENTION AND DETERRENCE OF CRIMES AGAINST CHILDREN

SEC. 301. ASSURED PUNISHMENT FOR VIOLENT CRIMES AGAINST CHILDREN.

(a) SPECIAL SENTENCING RULE.—Subsection (d) of section 3559 of title 18, United States Code, is amended to read as follows:

''(d) MANDATORY MINIMUM TERMS OF IMPRISONMENT FOR VIOLENT CRIMES AGAINST CHILDREN.—A person who is convicted of a felony crime of violence against the person of an individual who has not attained the age of 18 years shall, unless a greater mandatory minimum sentence of imprisonment is otherwise provided by law and regardless of any maximum term of imprisonment otherwise provided for the offense—

''(1) if the crime of violence results in the death of a person who has not attained the age of 18 years, be sentenced to death or life in prison;

''(2) if the crime of violence is kidnapping, aggravated sexual abuse, sexual abuse, or maiming, be imprisoned for life or any term of years not less than 30; and

''(3) if the crime of violence results in serious bodily injury (as defined in section 2119), be imprisoned for life or for any term of years not less than 20.''.

SEC. 302. KENNETH WREDE FAIR AND EXPEDITIOUS HABEAS REVIEW OF STATE CRIMINAL CONVICTIONS.

(a) SECTION 2264.—Section 2264 of title 28, United States Code, is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following:

''(b) The court shall not have jurisdiction to consider an application with respect to an error relating to the applicant's sentence or sentencing that has been found to be harmless or not prejudicial in State court proceedings, that was not presented in State court proceedings, or that was found by a State court to be procedurally barred, unless a determination that the error is not structural is contrary to clearly established Federal law, as determined by the Supreme Court of the United States.''.

(b) SECTION 2254.—Section 2254 of title 28, United States Code, is amended by adding at the end the following:

''(j) The court, Justice, or judge entertaining the application shall not have jurisdiction to consider an application with respect to an error relating to the applicant's sentence or sentencing that has been found to be harmless or not prejudicial in State court proceedings, that was not presented in State court proceedings, or that was found by a State court to be procedurally barred, unless a determination that the error is not structural is contrary to clearly established Federal law, as determined by the Supreme Court of the United States.''.

(c) APPLICATION.—The amendments made by this section apply to cases pending on or after the date of the enactment of this Act.

SEC. 303. RIGHTS ASSOCIATED WITH HABEAS CORPUS PROCEEDINGS.

Section 3771(b) of title 18, United States Code, is amended—

(1) by striking ''In any court proceeding'' and inserting the following:

''(1) IN GENERAL.—In any court proceeding''; and

(2) by adding at the end the following:

''(2) HABEAS CORPUS PROCEEDINGS.—

''(A) IN GENERAL.—In a Federal habeas corpus proceeding arising out of a State conviction, the court shall ensure that a crime victim is afforded the rights described in paragraphs (3), (4), (7), and (8) of subsection (a).

''(B) ENFORCEMENT.—

''(i) IN GENERAL.—These rights may be enforced by the crime victim or the crime victim's lawful representative in the manner described in paragraphs (1) and (3) of subsection (d).

''(ii) MULTIPLE VICTIMS.—In a case involving multiple victims, subsection (d)(2) shall also apply.

''(C) LIMITATION.—This paragraph relates to the duties of a court in relation to the rights of a crime victim in Federal habeas corpus proceedings arising out of a State conviction, and does not give rise to any obligation or requirement applicable to personnel of any agency of the Executive Branch of the Federal Government.

''(D) DEFINITION.—For purposes of this paragraph, the term 'crime victim' means the person against whom the State offense is committed or, if that person is killed or incapacitated, that person's family member or other lawful representative.''.

SEC. 304. STUDY OF INTERSTATE TRACKING OF PERSONS CONVICTED OF OR UNDER INVESTIGATION FOR CHILD ABUSE.

(a) STUDY.—The Attorney General shall study the establishment of a nationwide interstate tracking system of persons convicted of, or under investigation for, child abuse. The study shall include an analysis, along with the costs and benefits, of various mechanisms for establishing an interstate tracking system, and include the extent to which existing registries could be used.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall report to the Congress the results of the study under this section.

TITLE IV—PROTECTION AGAINST SEXUAL EXPLOITATION OF CHILDREN

SEC. 401. INCREASED PENALTIES FOR SEXUAL OFFENSES AGAINST CHILDREN.

(a) SEXUAL ABUSE AND CONTACT.—

(1) AGGRAVATED SEXUAL ABUSE OF CHILDREN.—Section 2241(c) of title 18, United States Code, is amended by striking '', imprisoned for any term of years or life, or both.'' and inserting ''and imprisoned for not less than 30 years or for life.''.

(2) ABUSIVE SEXUAL CONTACT WITH CHILDREN.—Section 2244 of chapter 109A of title 18, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1), by inserting ''subsection (a) or (b) of'' before ''section 2241'';

(ii) by striking ''or'' at the end of paragraph (3);

(iii) by striking the period at the end of paragraph (4) and inserting ''; or''; and

(iv) by inserting after paragraph (4) the following:

''(5) subsection (c) of section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title and imprisoned for any term of years or for life.''; and

(B) in subsection (c), by inserting ''(other than subsection (a)(5))'' after ''violates this section''.

(3) SEXUAL ABUSE OF CHILDREN RESULTING IN DEATH.—Section 2245 of title 18, United States Code, is amended—

(A) by inserting '', chapter 110, chapter 117, or section 1591'' after ''this chapter'';

(B) by striking ''A person'' and inserting ''(a) IN GENERAL.—A person''; and

(C) by adding at the end the following:

''(b) OFFENSES INVOLVING YOUNG CHILDREN.—A person who, in the course of an offense under this chapter, chapter 110, chapter 117, or section 1591 engages in conduct that results in the death of a person who has not attained the age of 12 years, shall be punished by death or imprisoned for not less than 30 years or for life.''.

(4) DEATH PENALTY AGGRAVATING FACTOR.—Section 3592(c)(1) of title 18, United States Code, is amended by inserting ''section 2245 (sexual abuse resulting in death),'' after ''(wrecking trains),''.

(b) SEXUAL EXPLOITATION AND OTHER ABUSE OF CHILDREN.—

(1) SEXUAL EXPLOITATION OF CHILDREN.—Section 2251(e) of title 18, United States Code, is amended—

(A) by inserting ''section 1591,'' after ''this chapter,'' the first place it appears;

(B) by striking ''the sexual exploitation of children'' the first place it appears and inserting ''aggravated sexual abuse, sexual abuse, abusive sexual contact involving a minor or ward, or sex trafficking of children, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography''; and

(C) by striking ''any term of years or for life'' and inserting ''not less than 30 years or for life''.

(2) ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF CHILDREN.—Section 2252(b) of title 18, United States Code, is amended in paragraph (1)—

(A) by striking ''paragraphs (1)'' and inserting ''paragraph (1)'';

(B) by inserting ''section 1591,'' after ''this chapter,''; and

(C) by inserting '', or sex trafficking of children'' after ''pornography''.

(3) ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(b) of title 18, United States Code, is amended in paragraph (1)—

(A) by inserting ''section 1591,'' after ''this chapter,''; and

(B) by inserting '', or sex trafficking of children'' after ''pornography''.

(4) USING MISLEADING DOMAIN NAMES TO DIRECT CHILDREN TO HARMFUL MATERIAL ON THE INTERNET.—Section 2252B(b) of title 18, United States Code, is amended by striking ''4'' and inserting ''20''.

(5) EXTRATERRITORIAL CHILD PORNOGRAPHY OFFENSES.—Section 2260(c) of title 18, United States Code, is amended to read as follows:

''(c) PENALTIES.—

''(1) A person who violates subsection (a), or attempts or conspires to do so, shall be subject to the penalties provided in subsection (e) of section 2251 for a violation of that section, including the penalties provided for such a violation by a person with a prior conviction or convictions as described in that subsection.

''(2) A person who violates subsection (b), or attempts or conspires to do so, shall be subject to the penalties provided in subsection (b)(1) of section 2252 for a violation of paragraph (1), (2), or (3) of subsection (a) of that section, including the penalties provided for such a violation by a person with a prior conviction or convictions as described in subsection (b)(1) of section 2252.''.

(c) MANDATORY LIFE IMPRISONMENT FOR CERTAIN REPEATED SEX OFFENSES AGAINST CHILDREN.—Section 3559(e)(2)(A) of title 18, United States Code, is amended—

(1) by striking ''or 2423(a)'' and inserting ''2423(a)''; and

(2) by inserting '', 2423(b) (relating to travel with intent to engage in illicit sexual conduct), 2423(c) (relating to illicit sexual conduct in foreign places), or 2425 (relating to use of interstate facilities to transmit information about a minor)'' after ''minors)''.

SEC. 402. SENSE OF CONGRESS WITH RESPECT TO PROSECUTIONS UNDER SECTION 2422(b) OF TITLE 18, UNITED STATES CODE.

(a) FINDINGS.—Congress finds that—

(1) a jury convicted Jan P. Helder, Jr., of using a computer to attempt to entice an individual who had not attained the age of 18 years to engage in unlawful sexual activity;

(2) during the trial, evidence showed that Jan Helder had engaged in an online chat with an individual posing as a minor, who unbeknownst to him, was an undercover law enforcement officer;

(3) notwithstanding, Dean Whipple, District Judge for the Western District of Missouri, acquitted Jan Helder, ruling that because he did not, in fact, communicate with a minor, he did not commit a crime;

(4) the 9th Circuit Court of Appeals, in United States v. Jeffrey Meek, specifically addressed the question facing Judge Whipple and concurred with the 5th and 11th Circuit Courts in finding that ''an actual minor victim is not required for an attempt conviction under 18 U.S.C. 2422(b).'';

(5) the Department of Justice has successfully used evidence obtained through undercover law enforcement to prosecute and convict perpetrators who attempted to solicit children on the Internet; and

(6) the Department of Justice states, ''Online child pornography/child sexual exploitation is the most significant cyber crime problem confronting the FBI that involves crimes against children''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is a crime under section 2422(b) of title 18, United States Code, to use a facility of interstate commerce to attempt to entice an individual who has not attained the age of 18 years into unlawful sexual activity, even if the perpetrator incorrectly believes that the individual has not attained the age of 18 years;

(2) well-established caselaw has established that section 2422(b) of title 18, United States Code, criminalizes any attempt to entice a minor into unlawful sexual activity, even if the perpetrator incorrectly believes that the individual has not attained the age of 18 years;

(3) the Department of Justice should appeal Judge Whipple's decision in United States v. Helder, Jr. and aggressively continue to track down and prosecute sex offenders on the Internet; and

(4) Judge Whipple's decision in United States v. Helder, Jr. should be overturned in light of the law as it is written, the intent of Congress, and well-established caselaw.

SEC. 403. GRANTS FOR CHILD SEXUAL ABUSE PREVENTION PROGRAMS.

(a) IN GENERAL.—The Attorney General shall make grants to States, units of local government, Indian tribes, and nonprofit organizations for purposes of establishing and maintaining programs with respect to the prevention of sexual offenses committed against minors.

(b) STATE DEFINED.—For purposes of this section, the term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2007 through 2011 to carry out this section.

TITLE V—FOSTER CHILD PROTECTION AND CHILD SEXUAL PREDATOR DETERRENCE

SEC. 501. REQUIREMENT TO COMPLETE BACKGROUND CHECKS BEFORE APPROVAL OF ANY FOSTER OR ADOPTIVE PLACEMENT AND TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES; SUSPENSION AND SUBSEQUENT ELIMINATION OF OPT-OUT.

(a) REQUIREMENT TO COMPLETE BACKGROUND CHECKS BEFORE APPROVAL OF ANY FOSTER OR ADOPTIVE PLACEMENT AND TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES; SUSPENSION OF OPT-OUT.—

(1) REQUIREMENT TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES.—Section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)) is amended—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i)—

(I) by inserting '', including fingerprint-based checks of national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code),'' after ''criminal records checks''; and

(II) by striking ''on whose behalf foster care maintenance payments or adoption assistance payments are to be made'' and inserting ''regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child''; and

(ii) in each of clauses (i) and (ii), by inserting ''involving a child on whose behalf such payments are to be so made'' after ''in any case''; and

(B) by adding at the end the following:

''(C) provides that the State shall—

''(i) check any child abuse and neglect registry maintained by the State for information on any prospective foster or adoptive parent and on any other adult living in the home of such a prospective parent, and request any other State in which any such prospective parent or other adult has resided in the preceding 5 years, to enable the State to check any child abuse and neglect registry maintained by such other State for such information, before the prospective foster or adoptive parent may be finally approved for placement of a child, regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child under the State plan under this part;

''(ii) comply with any request described in clause (i) that is received from another State; and

''(iii) have in place safeguards to prevent the unauthorized disclosure of information in any child abuse and neglect registry maintained by the State, and to prevent any such information obtained pursuant to this subparagraph from being used for a purpose other than the conducting of background checks in foster or adoptive placement cases;''.

(2) SUSPENSION OF OPT-OUT.—Section 471(a)(20)(B) of such Act (42 U.S.C. 671(a)(20)(B)) is amended—

(A) by inserting '', on or before September 30, 2005,'' after ''plan if''; and

(B) by inserting '', on or before such date,'' after ''or if''.

(b) ELIMINATION OF OPT-OUT.—Section 471(a)(20) of such Act (42 U.S.C. 671(a)(20)), as amended by subsection (a) of this section, is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by striking ''unless an election provided for in subparagraph (B) is made with respect to the State,''; and

(2) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B).

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on October 1, 2006, and shall apply with respect to payments under part E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(2) ELIMINATION OF OPT-OUT.—The amendments made by subsection (b) shall take effect on October 1, 2008, and shall apply with respect to payments under part E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(3) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under section 471 of the Social Security Act to meet the additional requirements imposed by the amendments made by a subsection of this section, the plan shall not be regarded as failing to meet any of the additional requirements before the first day of the first calendar quarter beginning after the first regular session of the State legislature that begins after the otherwise applicable effective date of the amendments. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

SEC. 502. ACCESS TO FEDERAL CRIME INFORMATION DATABASES FOR CERTAIN PURPOSES.

(a) IN GENERAL.—The Attorney General of the United States shall, upon request of the chief executive officer of a State, conduct fingerprint-based checks of the national crime information databases (as defined in section 534(f)(3)(A) of title 28, United States Code) submitted by—

(1) a child welfare agency for the purpose of—

(A) conducting a background check required under section 471(a)(20) of the Social Security Act on individuals under consideration as prospective foster or adoptive parents; or

(B) an investigation relating to an incident of abuse or neglect of a minor; or

(2) a private elementary or secondary school, a local educational agency, or State educational agency in that State, on individuals employed by, under consideration for employment by, or volunteering for the school or agency in a position in which the individual would work with or around children.

(b) FINGERPRINT-BASED CHECK.—Where possible, the check shall include a fingerprint-based check of State criminal history databases.

(c) FEES.—The Attorney General and the States may charge any applicable fees for the checks.

(d) PROTECTION OF INFORMATION.—An individual having information derived as a result of a check under subsection (a) may release that information only to appropriate officers of child welfare agencies, private elementary or secondary schools, or educational agencies or other persons authorized by law to receive that information.

(e) CRIMINAL PENALTIES.—An individual who knowingly exceeds the authority in subsection (a), or knowingly releases information in violation of subsection (d), shall be imprisoned not more than 10 years or fined under title 18, United States Code, or both.

(f) CHILD WELFARE AGENCY DEFINED.—In this section, the term ''child welfare agency'' means—

(1) the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act; and

(2) any other public agency, or any other private agency under contract with the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act, that is responsible for the licensing or approval of foster or adoptive parents.

(g) DEFINITION OF EDUCATION TERMS.—In this section, the terms ''elementary school'', ''local educational agency'', ''secondary school'', and ''State educational agency'' have the meanings given to those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(h) TECHNICAL CORRECTION.—Section 534 of title 28, United States Code, is amended by redesignating the second subsection (e) as subsection (f).

SEC. 503. PENALTIES FOR COERCION AND ENTICEMENT BY SEX OFFENDERS.

Section 2422 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''or imprisoned not more than 20 years, or both'' and inserting ''and imprisoned not less than 5 years nor more than 20 years''; and

(2) in subsection (b), by striking ''5'' and inserting ''10''.

SEC. 504. PENALTIES FOR CONDUCT RELATING TO CHILD PROSTITUTION.

Section 2423 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''5 years and not more than 30 years'' and inserting ''30 years or for life'';

(2) in subsection (b), by striking ''or imprisoned not more than 30 years, or both'' and inserting ''and imprisoned for not less than 10 years and not more than 30 years'';

(3) in subsection (c), by striking ''or imprisoned not more than 30 years, or both'' and inserting ''and imprisoned for not less than 10 years and not more than 30 years''; and

(4) in subsection (d), by striking ''imprisoned not more than 30 years, or both'' and inserting ''and imprisoned for not less than 10 nor more than 30 years''.

SEC. 505. PENALTIES FOR SEXUAL ABUSE.

(a) AGGRAVATED SEXUAL ABUSE.—Section 2241 of title 18, United States Code, is amended—

(1) in subsection (a), by striking '', imprisoned for any term of years or life, or both'' and inserting ''and imprisoned for any term of years not less than 30 or for life''; and

(2) in subsection (b), by striking '', imprisoned for any term of years or life, or both'' and inserting ''and imprisoned for any term of years not less than 30 or for life''.

(b) SEXUAL ABUSE.—Section 2242 of title 18, United States Code, is amended by striking '', imprisoned not more than 20 years, or both'' and inserting ''and imprisoned not less than 10 years nor more than 30 years''.

(c) ABUSIVE SEXUAL CONTACT.—Section 2244(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking ''ten years'' and inserting ''30 years'';

(2) in paragraph (2), by striking ''three years'' and inserting ''20 years'';

(3) in paragraph (3), by striking ''two years'' and inserting ''15 years''; and

(4) in paragraph (4), by striking ''two years'' and inserting ''10 years''.

SEC. 506. SEX OFFENDER SUBMISSION TO SEARCH AS CONDITION OF RELEASE.

(a) CONDITIONS OF PROBATION.—Section 3563(a) of title 18, United States Code, is amended—

(1) in paragraph (9), by striking the period and inserting ''; and''; and

(2) by inserting after paragraph (9) the following:

''(10) for a person who is a felon or required to register under the Sex Offender Registration and Notification Act, that the person submit his person, and any property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of probation or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer's supervision functions.''.

(b) SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended by adding at the end the following: ''The court may order, as an explicit condition of supervised release for a person who is a felon or required to register under the Sex Offender Registration and Notification Act, that the person submit his person, and any property, house, residence, vehicle, papers, computer, other electronic communications or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of supervised release or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer's supervision functions.''.

SEC. 507. KIDNAPPING JURISDICTION.

Section 1201 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking ''if the person was alive when the transportation began'' and inserting '', or the offender travels in interstate or foreign commerce or uses the mail or any means, facility, or instrumentality of interstate or foreign commerce in committing or in furtherance of the commission of the offense''; and

(2) in subsection (b), by striking ''to interstate'' and inserting ''in interstate''.

SEC. 508. MARITAL COMMUNICATION AND ADVERSE SPOUSAL PRIVILEGE.

(a) IN GENERAL.—Chapter 119 of title 28, United States Code, is amended by inserting after section 1826 the following:

''§ 1826A. Marital communications and adverse spousal privilege

''The confidential marital communication privilege and the adverse spousal privilege shall be inapplicable in any Federal proceeding in which a spouse is charged with a crime against—

''(1) a child of either spouse; or

''(2) a child under the custody or control of either spouse.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 119 of title 28, United States Code, is amended by inserting after the item relating to section 1826 the following:

''1826A. Marital communications and adverse spousal privilege''.

SEC. 509. ABUSE AND NEGLECT OF INDIAN CHILDREN.

Section 1153(a) of title 18, United States Code, is amended by inserting ''felony child abuse or neglect,'' after ''years,''.

SEC. 510. JIMMY RYCE CIVIL COMMITMENT PROGRAM.

Chapter 313 of title 18, United States Code, is amended—

(1) in the chapter analysis—

(A) in the item relating to section 4241, by inserting ''or to undergo postrelease proceedings'' after ''trial''; and

(B) by inserting at the end the following:

''4248. Civil commitment of a sexually dangerous person'';

(2) in section 4241—

(A) in the heading, by inserting ''**OR TO UNDERGO POSTRELEASE PROCEEDINGS**'' after ''**TRIAL**'';

(B) in the first sentence of subsection (a), by inserting ''or at any time after the commencement of probation or supervised release and prior to the completion of the sentence,'' after ''defendant,'';

(C) in subsection (d)—

(i) by striking ''trial to proceed'' each place it appears and inserting ''proceedings to go forward''; and

(ii) by striking ''section 4246'' and inserting ''sections 4246 and 4248''; and

(D) in subsection (e)—

(i) by inserting ''or other proceedings'' after ''trial''; and

(ii) by striking ''chapter 207'' and inserting ''chapters 207 and 227'';

(3) in section 4247—

(A) by striking '', or 4246'' each place it appears and inserting '', 4246, or 4248'';

(B) in subsections (g) and (i), by striking ''4243 or 4246'' each place it appears and inserting ''4243, 4246, or 4248'';

(C) in subsection (a)—

(i) by amending subparagraph (1)(C) to read as follows:

''(C) drug, alcohol, and sex offender treatment programs, and other treatment programs that will assist the individual in overcoming a psychological or physical dependence or any condition that makes the individual dangerous to others; and'';

(ii) in paragraph (2), by striking ''and'' at the end;

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

(iv) by inserting at the end the following:

''(4) 'bodily injury' includes sexual abuse;

''(5) 'sexually dangerous person' means a person who has engaged or attempted to engage in sexually violent conduct or child molestation and who is sexually dangerous to others; and

''(6) 'sexually dangerous to others' means that a person suffers from a serious mental illness, abnormality, or disorder as a result of which he would have serious difficulty in refraining from sexually violent conduct or child molestation if released.'';

(D) in subsection (b), by striking ''4245 or 4246'' and inserting ''4245, 4246, or 4248'';

(E) in subsection (c)(4)—

(i) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F) respectively; and

(ii) by inserting after subparagraph (C) the following:

''(D) if the examination is ordered under section 4248, whether the person is a sexually dangerous person;''; and

(F) in subsections (e) and (h)—

(i) by striking ''hospitalized'' each place it appears and inserting ''committed''; and

(ii) by striking ''hospitalization'' each place it appears and inserting ''commitment'' ; and

(4) by inserting at the end the following:

''§ 4248. Civil commitment of a sexually dangerous person

''(a) INSTITUTION OF PROCEEDINGS.—In relation to a person who is in the custody of the Bureau of Prisons, or who has been committed to the custody of the Attorney General pursuant to section 4241(d), or against whom all criminal charges have been dismissed solely for reasons relating to the mental condition of the person, the Attorney General or any individual authorized by the Attorney General or the Director of the Bureau of Prisons may certify that the person is a sexually dangerous person, and transmit the certificate to the clerk of the court for the district in which the person is confined. The clerk shall send a copy of the certificate to the person, and to the attorney for the Government, and, if the person was committed pursuant to section 4241(d), to the clerk of the court that ordered the commitment. The court shall order a hearing to determine whether the person is a sexually dangerous person. A certificate filed under this subsection shall stay the release of the person pending completion of procedures contained in this section.

''(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND REPORT.—Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247(b) and (c).

''(c) HEARING.—The hearing shall be conducted pursuant to the provisions of section 4247(d).

''(d) DETERMINATION AND DISPOSITION.—If, after the hearing, the court finds by clear and convincing evidence that the person is a sexually dangerous person, the court shall commit the person to the custody of the Attorney General. The Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried if such State will assume responsibility for his custody, care, and treatment. The Attorney General shall make all reasonable efforts to cause such a State to assume such responsibility. If, notwithstanding such efforts, neither such State will assume such responsibility, the Attorney General shall place the person for treatment in a suitable facility, until—

''(1) such a State will assume such responsibility; or

''(2) the person's condition is such that he is no longer sexually dangerous to others, or will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment;

whichever is earlier.

''(e) DISCHARGE.—When the Director of the facility in which a person is placed pursuant to subsection (d) determines that the person's condition is such that he is no longer sexually dangerous to others, or will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the person's counsel and to the attorney for the Government. The court shall order the discharge of the person or, on motion of the attorney for the Government or on its own motion, shall hold a hearing, conducted pursuant to the provisions of section 4247(d), to determine whether he should be released. If, after the hearing, the court finds by a preponderance of the evidence that the person's condition is such that—

''(1) he will not be sexually dangerous to others if released unconditionally, the court shall order that he be immediately discharged; or

''(2) he will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment, the court shall—

''(A) order that he be conditionally discharged under a prescribed regimen of medical, psychiatric, or psychological care or treatment that has been prepared for him, that has been certified to the court as appropriate by the Director of the facility in which he is committed, and that has been found by the court to be appropriate; and

''(B) order, as an explicit condition of release, that he comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

The court at any time may, after a hearing employing the same criteria, modify or eliminate the regimen of medical, psychiatric, or psychological care or treatment.

''(f) REVOCATION OF CONDITIONAL DISCHARGE.—The director of a facility responsible for administering a regimen imposed on a person conditionally discharged under subsection (e) shall notify the Attorney General and the court having jurisdiction over the person of any failure of the person to comply with the regimen. Upon such notice, or upon other probable cause to believe that the person has failed to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, the person may be arrested, and, upon arrest, shall be taken without unnecessary delay before the court having jurisdiction over him. The court shall, after a hearing, determine whether the person should be remanded to a suitable facility on the ground that he is sexually dangerous to others in light of his failure to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

''(g) RELEASE TO STATE OF CERTAIN OTHER PERSONS.—If the director of the facility in which a person is hospitalized or placed pursuant to this chapter certifies to the Attorney General that a person, against whom all charges have been dismissed for reasons not related to the mental condition of the person, is a sexually dangerous person, the Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried for the purpose of institution of State proceedings for civil commitment. If neither such State will assume such responsibility, the Attorney General shall release the person upon receipt of notice from the State that it will not assume such responsibility, but not later than 10 days after certification by the director of the facility.''.

SEC. 511. JIMMY RYCE STATE CIVIL COMMITMENT PROGRAMS FOR SEXUALLY DANGEROUS PERSONS.

(a) GRANTS AUTHORIZED.—Except as provided in subsection (b), the Attorney General shall make grants to jurisdictions for the purpose of establishing, enhancing, or operating effective civil commitment programs for sexually dangerous persons.

(b) LIMITATION.—The Attorney General shall not make any grant under this section for the purpose of establishing, enhancing, or operating any transitional housing for a sexually dangerous person in or near a locations where minors or other vulnerable persons are likely to come into contact with that person.

(c) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a jurisdiction must, before the expiration of the compliance period—

(A) have established a civil commitment program for sexually dangerous persons that is consistent with guidelines issued by the Attorney General; or

(B) submit a plan for the establishment of such a program.

(2) COMPLIANCE PERIOD.—The compliance period referred to in paragraph (1) expires on the date that is 2 years after the date of the enactment of this Act. However, the Attorney General may, on a case-by-case basis, extend the compliance period that applies to a jurisdiction if the Attorney General considers such an extension to be appropriate.

(d) ATTORNEY GENERAL REPORTS.—Not later than January 31 of each year, beginning with 2008, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of jurisdictions in implementing this section and the rate of sexually violent offenses for each jurisdiction.

(e) DEFINITIONS.—As used in this section:

(1) The term ''civil commitment program'' means a program that involves—

(A) secure civil confinement, including appropriate control, care, and treatment during such confinement; and

(B) appropriate supervision, care, and treatment for individuals released following such confinement.

(2) The term ''sexually dangerous person'' means an individual who is dangerous to others because of a mental illness, abnormality, or disorder that creates a risk that the individual will engage in sexually violent conduct or child molestation.

(3) The term ''jurisdiction'' has the meaning given such term in section 111.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2006, 2007, 2008, and 2009.

SEC. 512. MANDATORY PENALTIES FOR SEX-TRAFFICKING OF CHILDREN.

Section 1591(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''or imprisonment'' and inserting ''and imprisonment'';

(B) by inserting ''not less than 10'' after ''any term of years''; and

(C) by striking '', or both''; and

(2) in paragraph (2)—

(A) by striking ''or imprisonment for not'' and inserting ''and imprisonment for not less than 5 years nor''; and

(B) by striking '', or both''.

SEC. 513. SEXUAL ABUSE OF WARDS.

Chapter 109A of title 18, United States Code, is amended—

(1) in section 2243(b), by striking ''five years'' and inserting ''15 years''; and

(2) by inserting a comma after ''Attorney General'' each place it appears.

SEC. 514. NO LIMITATION FOR PROSECUTION OF FELONY SEX OFFENSES.

Chapter 213 of title 18, United States Code, is amended—

(1) by adding at the end the following:

''§ 3298. Child abduction and sex offenses

''Notwithstanding any other law, an indictment may be found or an information instituted at any time without limitation for any offense under section 1201 involving a minor victim, and for any felony under chapter 109A, 110, or 117, or section 1591.''; and

(2) by adding at the end of the table of sections at the beginning of the chapter the following new item:

''3298. Child abduction and sex offenses''.

SEC. 515. CHILD ABUSE REPORTING.

Section 2258 of title 18, United States Code, is amended by striking ''Class B misdemeanor'' and inserting ''Class A misdemeanor''.

TITLE VI—CHILD PORNOGRAPHY PREVENTION

SEC. 601. FINDINGS.

Congress makes the following findings:

(1) The effect of the intrastate production, transportation, distribution, receipt, advertising, and possession of child pornography on interstate market in child pornography.

(A) The illegal production, transportation, distribution, receipt, advertising and possession of child pornography, as defined in section 2256(8) of title 18, United States Code, as well as the transfer of custody of children for the production of child pornography, is harmful to the physiological, emotional, and mental health of the children depicted in child pornography and has a substantial and detrimental effect on society as a whole.

(B) A substantial interstate market in child pornography exists, including not only a multimillion dollar industry, but also a nationwide network of individuals openly advertising their desire to exploit children and to traffic in child pornography. Many of these individuals distribute child pornography with the expectation of receiving other child pornography in return.

(C) The interstate market in child pornography is carried on to a substantial extent through the mails and other instrumentalities of interstate and foreign commerce, such as the Internet. The advent of the Internet has greatly increased the ease of transporting, distributing, receiving, and advertising child pornography in interstate commerce. The advent of digital cameras and digital video cameras, as well as videotape cameras, has greatly increased the ease of producing child pornography. The advent of inexpensive computer equipment with the capacity to store large numbers of digital images of child pornography has greatly increased the ease of possessing child pornography. Taken together, these technological advances have had the unfortunate result of greatly increasing the interstate market in child pornography.

(D) Intrastate incidents of production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the transfer of custody of children for the production of child pornography, have a substantial and direct effect upon interstate commerce because:

(i) Some persons engaged in the production, transportation, distribution, receipt, advertising, and possession of child pornography conduct such activities entirely within the boundaries of one state. These persons are unlikely to be content with the amount of child pornography they produce, transport, distribute, receive, advertise, or possess. These persons are therefore likely to enter the interstate market in child pornography in search of additional child pornography, thereby stimulating demand in the interstate market in child pornography.

(ii) When the persons described in subparagraph (D)(i) enter the interstate market in search of additional child pornography, they are likely to distribute the child pornography they already produce, transport, distribute, receive, advertise, or possess to persons who will distribute additional child pornography to them, thereby stimulating supply in the interstate market in child pornography.

(iii) Much of the child pornography that supplies the interstate market in child pornography is produced entirely within the boundaries of one state, is not traceable, and enters the interstate market surreptitiously. This child pornography supports demand in the interstate market in child pornography and is essential to its existence.

(E) Prohibiting the intrastate production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the intrastate transfer of custody of children for the production of child pornography, will cause some persons engaged in such intrastate activities to cease all such activities, thereby reducing both supply and demand in the interstate market for child pornography.

(F) Federal control of the intrastate incidents of the production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the intrastate transfer of children for the production of child pornography, is essential to the effective control of the interstate market in child pornography.

(2) The importance of protecting children from repeat exploitation in child pornography:

(A) The vast majority of child pornography prosecutions today involve images contained on computer hard drives, computer disks, and related media.

(B) Child pornography is not entitled to protection under the First Amendment and thus may be prohibited.

(C) The government has a compelling state interest in protecting children from those who sexually exploit them, and this interest extends to stamping out the vice of child pornography at all levels in the distribution chain.

(D) Every instance of viewing images of child pornography represents a renewed violation of the privacy of the victims and a repetition of their abuse.

(E) Child pornography constitutes prima facie contraband, and as such should not be distributed to, or copied by, child pornography defendants or their attorneys.

(F) It is imperative to prohibit the reproduction of child pornography in criminal cases so as to avoid repeated violation and abuse of victims, so long as the government makes reasonable accommodations for the inspection, viewing, and examination of such material for the purposes of mounting a criminal defense.

SEC. 602. STRENGTHENING SECTION 2257 TO ENSURE THAT CHILDREN ARE NOT EXPLOITED IN THE PRODUCTION OF PORNOGRAPHY.

Section 2257(h) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking ''subparagraphs (A) through (D)'' and inserting ''subparagraph (A)''; and

(2) in paragraph (3), by striking ''which does not involve'' and all that follows through ''depicted'' and inserting ''with respect to which the Attorney General determines the record keeping requirements of this section are not needed to carry out the purposes of this chapter''.

SEC. 603. ADDITIONAL RECORDKEEPING REQUIREMENTS.

(a) NEW REQUIREMENT.—

(1) IN GENERAL.—Title 18, United States Code, is amended by inserting after section 2257 the following:

''§ 2257A. Recordkeeping requirements for simulated sexual conduct

''(a) Whoever produces any book, magazine, periodical, film, videotape, or other matter which—

''(1) contains a visual depiction of simulated sexually explicit conduct (except conduct described in section 2256(2)(A)(v)), created after the date of the enactment of this section; and

''(2) is produced in whole or in part with materials which have been mailed or shipped

in interstate or foreign commerce, or is shipped or transported or is intended for shipment or transportation in interstate or foreign commerce;

shall create and maintain individually identifiable records pertaining to every performer portrayed in such a visual depiction.

''(b) Subsections (b), (c), (d), (e), (f), (h)(2), and (i) of section 2257 apply to matter and records described in subsection (a) of this section in the same manner as they apply to matter and records described in section 2257(a).

''(c) As used in this section, the term 'produces' means—

''(1) to film, videotape, photograph; or create a picture, digital image, or digitally- or computer-manipulated image of an actual human being, that constitutes a visual depiction of simulated sexually explicit conduct; or

''(2) to make such a depiction available to another, if the circumstances in which the depiction is made available are likely to convey the impression that the depiction is child pornography.

''(d) This section (other than to the extent subsection (b) of this section makes section 2257(d) applicable) does not apply to a person who produces matter described in subsection (a), and who—

''(1) ascertains, by examination of an identification document containing such information, the name and birth date of every performer portrayed in such a visual depiction, and maintains such information in individually identifiable records;

''(2) makes such records available to the Attorney General for inspection at all reasonable times;

''(3) provides to the Attorney General the name, title, and business address of the individual employed for the purpose of maintaining such records; and

''(4) certifies compliance with paragraphs (1), (2), and (3) to the Attorney General on an annual basis, and that the Attorney General will be promptly notified of any changes in that name, title, or business address.''.

(2) EFFECTIVE DATE OF REGULATIONS.—The regulations issued to carry out section 2257A of title 18, United States Code, shall not become effective until 90 days after the regulations are published in the Federal Register.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of chapter 110 of title 18, United States Code, is amended by inserting after the item relating to section 2257 the following new item:

''2257A. Recordkeeping requirements for simulated sexual conduct''.

SEC. 604. PREVENTION OF DISTRIBUTION OF CHILD PORNOGRAPHY USED AS EVIDENCE IN PROSECUTIONS.

Section 3509 of title 18, United States Code, is amended by adding at the end the following:

''(m) PROHIBITION ON REPRODUCTION OF CHILD PORNOGRAPHY.—

''(1) In any criminal proceeding, any property or material that constitutes child pornography (as defined by section 2256 of this title) must remain in the care, custody, and control of either the Government or the court.

''(2)(A) Notwithstanding Rule 16 of the Federal Rules of Criminal Procedure, a court shall deny, in any criminal proceeding, any request by the defendant to copy, photograph, duplicate, or otherwise reproduce any property or material that constitutes child pornography (as defined by section 2256 of this title), so long as the Government makes the property or material reasonably available to the defendant.

''(B) For the purposes of subparagraph (A), property or material shall be deemed to be reasonably available to the defendant if the Government provides ample opportunity for inspection, viewing, and examination at a Government facility of the property or material by the defendant, his or her attorney, aid any individual the defendant may seek to qualify to furnish expert testimony at trial.''.

SEC. 605. AUTHORIZING CIVIL AND CRIMINAL ASSET FORFEITURE IN CHILD EXPLOITATION AND OBSCENITY CASES.

(a) CONFORMING FORFEITURE PROCEDURES FOR OBSCENITY OFFENSES.—Section 1467 of title 18, United States Code, is amended—

(1) in subsection (a)(3), by inserting a period after ''of such offense'' and striking all that follows; and

(2) by striking subsections (b) through (n) and inserting the following:

''(b) The provisions of section 413 of the Controlled Substances Act (21 U.S.C. 853) with the exception of subsection (d), shall apply to the criminal forfeiture of property pursuant to subsetion (a).

''(c) Any property subject to forfeituire pursuant to subsection(a) may be forfeited to the United States in a civil case in accordance with the procedures set forth in chapter 46 of this title.''.

(b) PROPERTY SUBJECT TO CRIMINAL FORFEITURE.—Section 2253(a) of title 18, United States Code, is amended—

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

(A) by inserting ''or who is convicted of an offense under sections 2252B, 2257, or 2257A of this chapter,'' after ''2260 of this chapter''; and

(B) by striking ''an offense under section 2421, 2422, or 2423 of chapter 117'' and inserting ''an offense under chapter 109A'';

(2) in paragraph (1), by inserting ''2252A, 2252B, 2257, or 2257A'' after ''2252''; and

(3) in paragraph (3), by inserting ''or any property traceable to such property'' before the period.

(c) CRIMINAL FORFEITURE PROCEDURE.—Section 2253 of title 18, United States Code, is amended by striking subsections (b) through (o) and inserting the following:

''(b) Section 413 of the Controlled Substances Act (21 U.S.C. 853) with the exception of subsection (d), applies to the criminal forfeiture of property pursuant to subsection (a).''.

(d) CIVIL FORFEITURE.—Section 2254 of title 18, United States Code, is amended to read as follows:

''§ 2254. Civil forfeiture

''Any property subject to forfeiture pursuant to section 2253 may be forfeited to the United States in a civil case in accordance with the procedures set forth in chapter 46.''.

SEC. 606. PROHIBITING THE PRODUCTION OF OBSCENITY AS WELL AS TRANSPORTATION, DISTRIBUTION, AND SALE.

(a) SECTION 1465.—Section 1465 of title 18 of the United States Code is amended—

(1) by inserting ''**PRODUCTION AND**'' before ''**TRANSPORTATION**'' in the heading of the section;

(2) by inserting ''produces with the intent to transport, distribute, or transmit in interstate or foreign commerce, or whoever knowingly'' after ''whoever knowingly'' and before ''transports or travels in''; and

(3) by inserting a comma after ''in or affecting such commerce''.

(b) SECTION 1466.—Section 1466 of title 18 of the United States Code is amended—

(1) in subsection (a), by inserting ''producing with intent to distribute or sell, or'' before ''selling or transferring obscene matter,'';

(2) in subsection (b), by inserting, ''produces'' before ''sells or transfers or offers to sell or transfer obscene matter''; and

(3) in subsection (b) by inserting ''production,'' before ''selling or transferring or offering to sell or transfer such material.''.

SEC. 607. GUARDIANS AD LITEM.

Section 3509(h)(1) of title 18, United States Code, is amended by inserting '', and provide reasonable compensation and payment of expenses for,'' before ''a guardian''.

TITLE VII—COURT SECURITY

SEC. 701. JUDICIAL BRANCH SECURITY REQUIREMENTS.

(a) ENSURING CONSULTATION WITH THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—Section 566 of title 28, United States Code, is amended by adding at the end the following:

''(i) The United States Marshals Service shall consult with the Administrative Office of the United States Courts on a continuing basis regarding the security requirements for the judicial branch and inform the Administrative Office of the measures the Marshals Service intends to take to meet those requirements.''.

(b) CONFORMING AMENDMENT.—Section 604(a) of title 28, United States Code, is amended—

(1) by redesignating existing paragraph (24) as paragraph (25);

(2) by striking ''and'' at the end of paragraph (23); and

(3) by inserting after paragraph (23) the following:

''(24) Consult with the United States Marshals Service on a continuing basis regarding the security requirements for the Judicial Branch; and''.

SEC. 702. ADDITIONAL AMOUNTS FOR UNITED STATES MARSHALS SERVICE TO PROTECT THE JUDICIARY.

In addition to any other amounts authorized to be appropriated for the United States Marshals Service, there are authorized to be appropriated for the United States Marshals Service to protect the judiciary, $20,000,000 for each of fiscal years 2006 through 2010 for—

(1) hiring entry-level deputy marshals for providing judicial security;

(2) hiring senior-level deputy marshals for investigating threats to the judiciary and providing protective details to members of the judiciary and Assistant United States Attorneys; and

(3) for the Office of Protective Intelligence, for hiring senior-level deputy marshals, hiring program analysts, and providing secure computer systems.

SEC. 703. PROTECTIONS AGAINST MALICIOUS RECORDING OF FICTITIOUS LIENS AGAINST FEDERAL JUDGES AND FEDERAL LAW ENFORCEMENT OFFICERS.

(a) OFFENSE.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

''§ 1521. Retaliating against a Federal official by false claim or slander of title

''Whoever, with the intent to harass or intimidate a person designated in section 1114, files, or attempts or conspires to file, in any public record or in any private record which is generally available to the public, any false lien or encumbrance against the real or personal property of that person, on account of the performance of official duties by that person, shall be fined under this title or imprisoned for not more than 10 years, or both.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 73 of title 18, United States Code, is amended by adding at the end the following new item:

''1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title.''.

SEC. 704. PROTECTION OF INDIVIDUALS PERFORMING CERTAIN OFFICIAL DUTIES.

(a) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

"§ 117. Protection of individuals performing certain official duties

''(a) Whoever knowingly makes restricted personal information about a covered official, or a member of the immediate family of that covered official, publicly available, with the intent that such restricted personal information be used to intimidate or facilitate the commission of a crime of violence (as defined in section 16) against that covered official, or a member of the immediate family of that covered official, shall be fined under this title and imprisoned not more than 5 years, or both.

''(b) As used in this section—

''(1) the term 'restricted personal information' means, with respect to an individual, the Social Security number, the home address, home phone number, mobile phone number, personal email, or home fax number of, and identifiable to, that individual;

''(2) the term 'covered official' means—

''(A) an individual designated in section 1114;

''(B) a public safety officer (as that term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968); or

''(C) a grand or petit juror, witness, or other officer in or of, any court of the United States, or an officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate; and

''(3) the term 'immediate family' has the same meaning given that term in section 115(c)(2).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

''117. Protection of individuals performing certain official duties''.

SEC. 705. REPORT ON SECURITY OF FEDERAL PROSECUTORS.

Not later than 90 days after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the security of assistant United States attorneys and other Federal attorneys arising from the prosecution of terrorists, violent criminal gangs, drug traffickers, gun traffickers, white supremacists, and those who commit fraud and other white-collar offenses. The report shall describe each of the following:

(1) The number and nature of threats and assaults against attorneys handling those prosecutions and the reporting requirements and methods.

(2) The security measures that are in place to protect the attorneys who are handling those prosecutions, including measures such as threat assessments, response procedures, availability of security systems and other devices, firearms licensing (deputations), and other measures designed to protect the attorneys and their families.

(3) The Department of Justice's firearms deputation policies, including the number of attorneys deputized and the time between receipt of threat and completion of the deputation and training process.

(4) For each measure covered by paragraphs (1) through (3), when the report or measure was developed and who was responsible for developing and implementing the report or measure.

(5) The programs that are made available to the attorneys for personal security training, including training relating to limitations on public information disclosure, basic home security, firearms handling and safety, family safety, mail handling, counter-surveillance, and self-defense tactics.

(6) The measures that are taken to provide the attorneys with secure parking facilities, and how priorities for such facilities are established—

(A) among Federal employees within the facility;

(B) among Department of Justice employees within the facility; and

(C) among attorneys within the facility.

(7) The frequency such attorneys are called upon to work beyond standard work hours and the security measures provided to protect attorneys at such times during travel between office and available parking facilities.

(8) With respect to attorneys who are licensed under State laws to carry firearms, the Department of Justice's policy as to—

(A) carrying the firearm between available parking and office buildings;

(B) securing the weapon at the office buildings; and

(C) equipment and training provided to facilitate safe storage at Department of Justice facilities.

(9) The offices in the Department of Justice that are responsible for ensuring the security of the attorneys, the organization and staffing of the offices, and the manner in which the offices coordinate with offices in specific districts.

(10) The role, if any, that the United States Marshals Service or any other Department of Justice component plays in protecting, or providing security services or training for, the attorneys.

SEC. 706. FLIGHT TO AVOID PROSECUTION FOR KILLING PEACE OFFICERS.

(a) FLIGHT.—Chapter 49 of title 18, United States Code, is amended by adding at the end the following:

"§ 1075. Flight to avoid prosecution for killing peace officers

''Whoever moves or travels in interstate or foreign commerce with intent to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which he flees or under section 1114 or 1123, for a crime consisting of the killing, an attempted killing, or a conspiracy to kill, an individual involved in crime and juvenile delinquency control or reduction, or enforcement of the laws or for a crime punishable by section 1114 or 1123, shall be fined under this title and imprisoned, in addition to any other imprisonment for the underlying offense, for any term of years not less than 10.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 49 of title 18, United States Code, is amended by adding at the end the following new item:

''1075. Flight to avoid prosecution for killing peace officers''.

SEC. 707. SPECIAL PENALTIES FOR MURDER, KIDNAPPING, AND RELATED CRIMES AGAINST FEDERAL JUDGES AND FEDERAL LAW ENFORCEMENT OFFICERS.

(a) MURDER.—Section 1114 of title 18, United States Code, is amended—

(1) by inserting ''(a)'' before ''Whoever''; and

(2) by adding at the end the following:

''(b) If the victim of a murder punishable under this section is a United States judge (as defined in section 115) or a Federal law enforcement officer (as defined in 115) the offender shall be punished by a fine under this title and imprisonment for any term of years not less than 30, or for life, or, if death results, may be sentenced to death.''.

(b) KIDNAPPING.—Section 1201(a) of title 18, United States Code, is amended by adding at the end the following: ''If the victim of the offense punishable under this subsection is a United States judge (as defined in section 115) or a Federal law enforcement officer (as defined in 115) the offender shall be punished by a fine under this title and imprisonment for any term of years not less than 30, or for life, or, if death results, may be sentenced to death.''.

SEC. 708. AUTHORITY OF FEDERAL JUDGES AND PROSECUTORS TO CARRY FIREARMS.

(a) IN GENERAL.—Chapter 203 of title 18, United States Code, is amended by inserting after section 3053 the following:

"§ 3054. Authority of Federal judges and prosecutors to carry firearms

''Any justice of the United States or judge of the United States (as defined in section 451 of title 28), any judge of a court created under article I of the United States Constitution, any bankruptcy judge, any magistrate judge, any United States attorney, and any other officer or employee of the Department of Justice whose duties include representing the United States in a court of law, may carry firearms, subject to such regulations as the Attorney General shall prescribe. Such regulations may provide for training and regular certification in the use of firearms and shall, with respect to justices, judges, bankruptcy judges, and magistrate judges, be prescribed after consultation with the Judicial Conference of the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 3053 the following:

''3054. Authority of Federal judges and prosecutors to carry firearms''.

SEC. 709. PENALTIES FOR CERTAIN ASSAULTS.

Section 111 of title 18, United States Code, is amended—

(1) by striking ''8 years'' and inserting ''15 years'' in subsection (a); and

(2) by striking ''20 years'' and inserting ''30 years'' in subsection (b).

SEC. 710. DAVID MARCH AND HENRY PRENDES PROTECTION OF FEDERALLY FUNDED PUBLIC SAFETY OFFICERS.

(a) OFFENSE.—Chapter 51 of title 18, United States Code, is amended by adding at the end the following:

"§ 1123. Killing of federally funded public safety officers

''(a) Whoever kills, or attempts or conspires to kill, a federally funded public safety officer while that officer is engaged in official duties, or on account of the performance of official duties, or kills a former federally funded public safety officer on account of the past performance of official duties, shall be punished by a fine under this title and imprisonment for any term of years not less than 30, or for life, or, if death results and the offender is prosecuted as a principal, may be sentenced to death.

''(b) As used in this section—

''(1) the term 'federally funded public safety officer' means a public safety officer for a public agency (including a court system, the National Guard of a State to the extent the personnel of that National Guard are not in Federal service, and the defense forces of a State authorized by section 109 of title 32) that receives Federal financial assistance, of an entity that is a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any territory or possession of the United States, an Indian tribe, or a unit of local government of that entity;

''(2) the term 'public safety officer' means an individual serving a public agency in an official capacity, as a judicial officer, as a law enforcement officer, as a firefighter, as a chaplain, or as a member of a rescue squad or ambulance crew;

''(3) the term 'judicial officer' means a judge or other officer or employee of a court, including prosecutors, court security, pretrial services officers, court reporters, and corrections, probation, and parole officers; and

''(4) the term 'firefighter' includes an individual serving as an official recognized or designated member of a legally organized volunteer fire department and an officially recognized or designated public employee member of a rescue squad or ambulance crew; and

''(5) the term 'law enforcement officer' means an individual, with arrest powers, involved in crime and juvenile delinquency control or reduction, or enforcement of the laws.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following new item:

''1123. Killing of federally funded public safety officers''.

SEC. 711. MODIFICATION OF DEFINITION OF OFFENSE AND OF THE PENALTIES FOR, INFLUENCING OR INJURING OFFICER OR JUROR GENERALLY.

Section 1503 of title 18, United States Code, is amended—

(1) so that subsection (a) reads as follows:

''(a)(1) Whoever—

''(A) corruptly, or by threats of force or force, endeavors to influence, intimidate, or impede a juror or officer in a judicial proceeding in the discharge of that juror or officer's duty;

''(B) injures a juror or an officer in a judicial proceeding arising out of the performance of official duties as such juror or officer; or

''(C) corruptly, or by threats of force or force, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice;

or attempts or conspires to do so, shall be punished as provided in subsection (b).

''(2) As used in this section, the term 'juror or officer in a judicial proceeding' means a grand or petit juror, or other officer in or of any court of the United States, or an officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate.''; and

(2) in subsection (b), by striking paragraphs (1) through (3) and inserting the following:

''(1) in the case of a killing, or an attempt or a conspiracy to kill, the punishment provided in section 1111, 1112, 1113, and 1117; and

''(2) in any other case, a fine under this title and imprisonment for not more than 30 years.''.

SEC. 712. MODIFICATION OF TAMPERING WITH A WITNESS, VICTIM, OR AN INFORMANT OFFENSE.

(a) CHANGES IN PENALTIES.—Section 1512 of title 18, United States Code, is amended—

(1) in each of paragraphs (1) and (2) of subsection (a), insert ''or conspires'' after ''attempts'';

(2) so that subparagraph (A) of subsection (a)(3) reads as follows:

''(A) in the case of a killing, the punishment provided in sections 1111 and 1112;'';

(3) in subsection (a)(3)—

(A) in the matter following clause (ii) of subparagraph (B) by striking ''20 years'' and inserting ''30 years''; and

(B) in subparagraph (C), by striking ''10 years'' and inserting ''20 years'';

(4) in subsection (b), by striking ''ten years'' and inserting ''30 years''; and

(5) in subsection (d), by striking ''one year'' and inserting ''20 years''.

SEC. 713. MODIFICATION OF RETALIATION OFFENSE.

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

(1) in subsection (a)(1), by inserting ''or conspires'' after ''attempts'';

(2) in subsection (a)(1)(B)—

(A) by inserting a comma after ''probation''; and

(B) by striking the comma which immediately follows another comma;

(3) in subsection (a)(2)(B), by striking ''20 years'' and inserting ''30 years'';

(4) in subsection (b), by striking ''ten years'' and inserting ''30 years'';

(5) in the first subsection (e), by striking ''10 years'' and inserting ''30 years''; and

(6) by redesignating the second subsection (e) as subsection (f).

SEC. 714. INCLUSION OF INTIMIDATION AND RETALIATION AGAINST WITNESSES IN STATE PROSECUTIONS AS BASIS FOR FEDERAL PROSECUTION.

Section 1952 of title 18, United States Code, is amended in subsection (b)(2), by inserting ''intimidation of, or retaliation against, a witness, victim, juror, or informant,'' after ''extortion, bribery,''.

SEC. 715. CLARIFICATION OF VENUE FOR RETALIATION AGAINST A WITNESS.

Section 1513 of title 18, United States Code, is amended by adding at the end the following:

''(g) A prosecution under this section may be brought in the district in which the official proceeding (whether or not pending, about to be instituted or completed) was intended to be affected or was completed, or in which the conduct constituting the alleged offense occurred.''.

SEC. 716. PROHIBITION OF POSSESSION OF DANGEROUS WEAPONS IN FEDERAL COURT FACILITIES.

Section 930(e)(1) of title 18, United States Code, is amended by inserting ''or other dangerous weapon'' after ''firearm''.

SEC. 717. GENERAL MODIFICATIONS OF FEDERAL MURDER CRIME AND RELATED CRIMES.

(a) MURDER AMENDMENTS.—Section 1111 of title 18, United States Code, is amended in subsection (b) by inserting ''not less than 30'' after ''any term of years''.

(b) MANSLAUGHTER AMENDMENTS.—Section 1112(b) of title 18, United States Code, is amended—

(1) by striking ''ten years'' and inserting ''20 years''; and

(2) by striking ''six years'' and inserting ''10 years''.

SEC. 718. WITNESS PROTECTION GRANT PROGRAM.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after part BB (42 U.S.C. 3797j et seq.) the following new part:

''PART CC—WITNESS PROTECTION GRANTS

''SEC. 2811. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—From amounts made available to carry out this part, the Attorney General may make grants to States, units of local government, and Indian tribes to create and expand witness protection programs in order to prevent threats, intimidation, and retaliation against victims of, and witnesses to, crimes.

''(b) USES OF FUNDS.—Grants awarded under this part shall be—

''(1) distributed directly to the State, unit of local government, or Indian tribe; and

''(2) used for the creation and expansion of witness protection programs in the jurisdiction of the grantee.

''(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this part, the Attorney General may give preferential consideration, if feasible, to an application from a jurisdiction that—

''(1) has the greatest need for witness and victim protection programs;

''(2) has a serious violent crime problem in the jurisdiction;

''(3) has had, or is likely to have, instances of threats, intimidation, and retaliation against victims of, and witnesses to, crimes; and

''(4) shares an international border and faces a demonstrable threat from cross border crime and violence.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2006 through 2010.''.

SEC. 719. FUNDING FOR STATE COURTS TO ASSESS AND ENHANCE COURT SECURITY AND EMERGENCY PREPAREDNESS.

(a) IN GENERAL.—The Attorney General, through the Office of Justice Programs, shall make grants under this section to the highest State courts in States participating in the program, for the purpose of enabling such courts—

(1) to conduct assessments focused on the essential elements for effective courtroom safety and security planning; and

(2) to implement changes deemed necessary as a result of the assessments.

(b) ESSENTIAL ELEMENTS.—As used in subsection (a)(1), the essential elements include, but are not limited to—

(1) operational security and standard operating procedures;

(2) facility security planning and self-audit surveys of court facilities;

(3) emergency preparedness and response and continuity of operations;

(4) disaster recovery and the essential elements of a plan;

(5) threat assessment;

(6) incident reporting;

(7) security equipment;

(8) developing resources and building partnerships; and

(9) new courthouse design.

(c) APPLICATIONS.—To be eligible for a grant under this section, a highest State court shall submit to the Attorney General an application at such time, in such form, and including such information and assurances as the Attorney General shall require.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2006 through 2010.

SEC. 720. GRANTS TO STATES FOR THREAT ASSESSMENT DATABASES.

(a) In General.—The Attorney General, through the Office of Justice Programs, shall make grants under this section to the highest State courts in States participating in the program, for the purpose of enabling such courts to establish and maintain a threat assessment database described in subsection (b).

(b) DATABASE.—For purposes of subsection (a), a threat assessment database is a database through which a State can—

(1) analyze trends and patterns in domestic terrorism and crime;

(2) project the probabilities that specific acts of domestic terrorism or crime will occur; and

(3) develop measures and procedures that can effectively reduce the probabilities that those acts will occur.

(c) CORE ELEMENTS.—The Attorney General shall define a core set of data elements to be used by each database funded by this section so that the information in the database can be effectively shared with other States and with the Department of Justice.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to

carry out this section such sums as may be necessary for each of fiscal years 2006 through 2009.

SEC. 721. GRANTS TO STATES TO PROTECT WITNESSES AND VICTIMS OF CRIMES.

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

(1) in paragraph (3), by striking ''and'' at the end;

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

(3) by adding at the end the following:

''(5) to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.''.

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

''SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $20,000,000 for each of the fiscal years 2006 through 2010 to carry out this subtitle.''.

SEC. 722. GRANTS FOR YOUNG WITNESS ASSISTANCE.

(a) DEFINITIONS.—For purposes of this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Bureau of Justice Assistance.

(2) JUVENILE.—The term ''juvenile'' means an individual who is 17 years of age or younger.

(3) YOUNG ADULT.—The term ''young adult'' means an individual who is between the ages of 18 and 21.

(4) STATE.—The term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(b) PROGRAM AUTHORIZATION.—The Director may make grants to State and local prosecutors and law enforcement agencies in support of juvenile and young adult witness assistance programs, including State and local prosecutors and law enforcement agencies that have existing juvenile and adult witness assistance programs.

(c) ELIGIBILITY.—To be eligible to receive a grant under this section, State and local prosecutors and law enforcement officials shall—

(1) submit an application to the Director in such form and containing such information as the Director may reasonably require; and

(2) give assurances that each applicant has developed, or is in the process of developing, a witness assistance program that specifically targets the unique needs of juvenile and young adult witnesses and their families.

(d) USE OF FUNDS.—Grants made available under this section may be used—

(1) to assess the needs of juvenile and young adult witnesses;

(2) to develop appropriate program goals and objectives; and

(3) to develop and administer a variety of witness assistance services, which includes—

(A) counseling services to young witnesses dealing with trauma associated in witnessing a violent crime;

(B) pre- and post-trial assistance for the youth and their family;

(C) providing education services if the child is removed from or changes their school for safety concerns;

(D) support for young witnesses who are trying to leave a criminal gang and information to prevent initial gang recruitment.

(E) protective services for young witnesses and their families when a serious threat of harm from the perpetrators or their associates is made; and

(F) community outreach and school-based initiatives that stimulate and maintain public awareness and support.

(e) REPORTS.—

(1) REPORT.—State and local prosecutors and law enforcement agencies that receive funds under this section shall submit to the Director a report not later than May 1st of each year in which grants are made available under this section. Reports shall describe progress achieved in carrying out the purpose of this section.

(2) REPORT TO CONGRESS.—The Director shall submit to Congress a report by July 1st of each year which contains a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by applicants, and an evaluation of programs established under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2006, 2007, and 2008.

SEC. 723. STATE AND LOCAL COURT ELIGIBILITY.

(a) BUREAU GRANTS.—Section 302(c)(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732(c)(1)) is amended by inserting ''State and local courts, local law enforcement,'' after ''contracts with''.

(b) STATE AND LOCAL GOVERNMENTS TO CONSIDER COURTS.—The Attorney General may require, as appropriate, that whenever a State or unit of local government or Indian tribe applies for a grant from the Department of Justice, the State, unit, or tribe demonstrate that, in developing the application and distributing funds, the State, unit, or tribe—

(1) considered the needs of the judicial branch of the State, unit, or tribe, as the case may be;

(2) consulted with the chief judicial officer of the highest court of the State, unit, or tribe, as the case may be; and

(3) consulted with the chief law enforcement officer of the law enforcement agency responsible for the security needs of the judicial branch of the State, unit, or tribe, as the case may be.

(c) ARMOR VESTS.—Section 2501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (3796ii) is amended—

(1) in subsection (a), by inserting ''State and local court,'' after ''local,''; and

(2) in subsection (b), by inserting ''State and local court'' after ''government,''.

(d) CHILD ABUSE PREVENTION.—Section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106) is amended—

(1) in the section heading, by inserting ''**STATE AND LOCAL COURTS,**'' after ''**AGENCIES**'';

(2) in subsection (a), by inserting ''and State and local courts'' after ''such agencies or organizations)''; and

(3) in subsection (a)(1), by inserting ''and State and local courts'' after ''organizations''.

TITLE VIII—REDUCTION AND PREVENTION OF GANG VIOLENCE

SEC. 801. REVISION AND EXTENSION OF PENALTIES RELATED TO CRIMINAL STREET GANG ACTIVITY.

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

''CHAPTER 26—CRIMINAL STREET GANGS

''§ 521. Criminal street gang prosecutions

''(a) STREET GANG CRIME.—Whoever commits, or conspires, threatens or attempts to commit, a gang crime for the purpose of furthering the activities of a criminal street gang, or gaining entrance to or maintaining or increasing position in such a gang, shall, in addition to being subject to a fine under this title—

''(1) if the gang crime results in the death of any person, be sentenced to death or life in prison;

''(2) if the gang crime is kidnapping, aggravated sexual abuse, or maiming, be imprisoned for life or any term of years not less than 30;

''(3) if the gang crime is assault resulting in serious bodily injury (as defined in section 1365), be imprisoned for life or any term of years not less than 20; and

''(4) in any other case, be imprisoned for life or for any term of years not less than 10.

''(b) FORFEITURE.—

''(1) IN GENERAL.—The court, in imposing sentence on any person convicted of a violation of this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States such person's interest in—

''(A) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the violation; and

''(B) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as a result of the violation.

''(2) APPLICATION OF CONTROLLED SUBSTANCES ACT.—Subsections (b), (c), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), and (p) of section 413 of the Controlled Substances Act (21 U.S.C. 853) shall apply to a forfeiture under this section as though it were a forfeiture under that section.

''(c) DEFINITIONS.—The following definitions apply in this section:

''(1) CRIMINAL STREET GANG.—The term 'criminal street gang' means a formal or informal group or association of 3 or more individuals, who commit 2 or more gang crimes (one of which is a crime of violence), in 2 or more separate criminal episodes, in relation to the group or association, if any of the activities of the criminal street gang affects interstate or foreign commerce.

''(2) GANG CRIME.—The term 'gang crime' means conduct constituting any Federal or State crime, punishable by imprisonment for more than one year, in any of the following categories:

''(A) A crime of violence (other than a crime of violence against the property of another).

''(B) A crime involving obstruction of justice, tampering with or retaliating against a witness, victim, or informant, or burglary.

''(C) A crime involving the manufacturing, importing, distributing, possessing with intent to distribute, or otherwise dealing in a controlled substance or listed chemical (as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

''(D) Any conduct punishable under section 844 (relating to explosive materials), subsection (a)(1), (d), (g)(1) (where the underlying conviction is a violent felony (as defined in section 924(e)(2)(B) of this title) or is a serious drug offense (as defined in section 924(e)(2)(A))), (g)(2), (g)(3), (g)(4), (g)(5), (g)(8), (g)(9), (i), (j), (k), (n), (o), (p), (q), (u), or (x) of section 922 (relating to unlawful acts), or subsection (b), (c), (g), (h), (k), (l), (m), or (n) of section 924 (relating to penalties), section 930 (relating to possession of firearms and dangerous weapons in Federal facilities), section 931 (relating to purchase, ownership, or possession of body armor by violent felons), sections 1028 and 1029 (relating to fraud and related activity in connection with identification documents or access devices), section 1952 (relating to interstate and foreign travel or transportation in aid of racketeering enterprises), section 1956 (relating to

the laundering of monetary instruments), section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity), or sections 2312 through 2315 (relating to interstate transportation of stolen motor vehicles or stolen property).

''(E) Any conduct punishable under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose) of the Immigration and Nationality Act.

''(3) AGGRAVATED SEXUAL ABUSE.—The term 'aggravated sexual abuse' means an offense that, if committed in the special maritime and territorial jurisdiction would be an offense under section 2241(a).

''(4) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

(b) AMENDMENT RELATING TO PRIORITY OF FORFEITURE OVER ORDERS FOR RESTITUTION.—Section 3663(c)(4) of title 18, United States Code, is amended by striking ''chapter 46 or chapter 96 of this title'' and inserting ''section 521, under chapter 46 or 96,''.

(c) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting '', section 521 (relating to criminal street gang prosecutions)'' before '', section 541''.

SEC. 802. INCREASED PENALTIES FOR INTERSTATE AND FOREIGN TRAVEL OR TRANSPORTATION IN AID OF RACKETEERING.

Section 1952 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''perform'' and all that follows through the end of the subsection and inserting ''perform an act described in paragraph (1), (2), or (3), or conspires to do so, shall be punished as provided in subsection (d).''; and

(2) by adding at the end following:

''(d) The punishment for an offense under subsection (a) is—

''(1) in the case of a violation of paragraph (1) or (3), a fine under this title and imprisonment for not more than 20 years; and

''(2) in the case of a violation of paragraph (2), a fine under this title and imprisonment for any term of years or for life, but if death results the offender may be sentenced to death.''.

SEC. 803. AMENDMENTS RELATING TO VIOLENT CRIME.

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

(1) by striking '', with the intent to cause death or serious bodily harm'' in the matter preceding paragraph (1);

(2) by inserting ''or conspires'' after ''attempts'' in the matter preceding paragraph (1);

(3) by striking ''15'' and inserting ''20'' in paragraph (1); and

(4) by striking ''or imprisoned not more than 25 years, or both'' and inserting ''and imprisoned for any term of years or for life'' in paragraph (2).

(b) CLARIFICATION OF ILLEGAL GUN TRANSFERS TO COMMIT DRUG TRAFFICKING CRIME OR CRIMES OF VIOLENCE.—Section 924(h) of title 18, United States Code, is amended to read as follows:

''(h) Whoever, in or affecting interstate or foreign commerce, knowingly transfers a firearm, knowing or intending that the firearm will be used to commit, or possessed in furtherance of, a crime of violence or drug trafficking crime (as defined in subsection (c)(2)), shall be fined under this title and imprisoned not more than 20 years.''.

(c) AMENDMENT OF SPECIAL SENTENCING PROVISION RELATING TO LIMITATIONS ON CRIMINAL ASSOCIATION.—Section 3582(d) of title 18, United States Code, is amended—

(1) by inserting ''section 521 (criminal street gang prosecutions), in'' after ''felony set forth in'';

(2) by striking ''specified person, other than his attorney, upon'' and inserting ''specified person upon''; and

(3) by inserting ''a criminal street gang or'' before ''an illegal enterprise''.

(d) CONSPIRACY PENALTY.—Section 371 of title 18, United States Code, is amended by striking ''five'' and inserting ''20''.

SEC. 804. INCREASED PENALTIES FOR USE OF INTERSTATE COMMERCE FACILITIES IN THE COMMISSION OF MURDER-FOR-HIRE AND OTHER FELONY CRIMES OF VIOLENCE.

(a) IN GENERAL.—Section 1958 of title 18, United States Code, is amended—

(1) by striking the section heading and inserting the following:

''§ 1958. Use of interstate commerce facilities in the commission of murder-for-hire and other felony crimes of violence'';

(2) in subsection (a), by inserting ''or other crime of violence, punishable by imprisonment for more than one year,'' after ''intent that a murder''; and

(3) in subsection (a), by striking ''shall be fined'' the first place it appears and all that follows through the end of such subsection and inserting the following:

''shall, in addition to being subject to a fine under this title—

''(1) if the crime of violence or conspiracy results in the death of any person, be sentenced to death or life in prison;

''(2) if the crime of violence is kidnapping, aggravated sexual abuse (as defined in section 521), or maiming, or a conspiracy to commit such a crime of violence, be imprisoned any term of years or for life;

''(3) if the crime of violence is an assault, or a conspiracy to assault, that results in serious bodily injury (as defined in section 1365), be imprisoned not more than 30 years; and

''(4) in any other case, be imprisoned not more than 20 years.''.

(b) CLERICAL AMENDMENT.—The item relating to section 1958 in the table of sections at the beginning of chapter 95 of title 18, United States Code, is amended to read as follows:

''1958. Use of interstate commerce facilities in the commission of murder-for-hire and other felony crimes of violence.''.

SEC. 805. INCREASED PENALTIES FOR VIOLENT CRIMES IN AID OF RACKETEERING ACTIVITY.

(a) OFFENSE.—Section 1959(a) of title 18, United States Code, is amended to read as follows:

''(a) Whoever commits, or conspires, threatens, or attempts to commit, a crime of violence, as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value from an enterprise engaged in racketeering activity, or for the purpose of furthering the activities of an enterprise engaged in racketeering activity, or for the purpose of gaining entrance to or maintaining or increasing position in, such an enterprise, shall, unless the death penalty is otherwise imposed, in addition and consecutive to the punishment provided for any other violation of this chapter and in addition to being subject to a fine under this title—

''(1) if the crime of violence results in the death of any person, be sentenced to death or life in prison;

''(2) if the crime of violence is kidnapping, aggravated sexual abuse (as defined in section 521), or maiming, be imprisoned for any term of years or for life;

''(3) if the crime of violence is assault resulting in serious bodily injury (as defined in section 1365), be imprisoned not more than 30 years; and

''(4) in any other case, be imprisoned not more than 20 years.''.

(b) VENUE.—Section 1959 of title 18, United States Code, is amended by adding at the end the following:

''(c) A prosecution for a violation of this section may be brought in—

''(1) the judicial district in which the crime of violence occurred; or

''(2) any judicial district in which racketeering activity of the enterprise occurred.''.

SEC. 806. MURDER AND OTHER VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME.

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

''MURDER AND OTHER VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME

''SEC. 424. (a) IN GENERAL.—Whoever commits, or conspires, or attempts to commit, a crime of violence during and in relation to a drug trafficking crime, shall, unless the death penalty is otherwise imposed, in addition and consecutive to the punishment provided for the drug trafficking crime and in addition to being subject to a fine under this title—

''(1) if the crime of violence results in the death of any person, be sentenced to death or life in prison;

''(2) if the crime of violence is kidnapping, aggravated sexual abuse (as defined in section 521), or maiming, be imprisoned for life or any term of years not less than 30;

''(3) if the crime of violence is assault resulting in serious bodily injury (as defined in section 1365), be imprisoned for life or any term of years not less than 20; and

''(4) in any other case, be imprisoned for life or for any term of years not less than 10.

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

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

''(2) any judicial district in which the drug trafficking crime may be prosecuted.

''(c) DEFINITIONS.—As used in this section—

''(1) the term 'crime of violence' has the meaning given that term in section 16 of title 18, United States Code; and

''(2) the term 'drug trafficking crime' has the meaning given that term in section 924(c)(2) of title 18, United States Code.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting after the item relating to section 423 the following:

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

SEC. 807. MULTIPLE INTERSTATE MURDER.

(a) OFFENSE.—Chapter 51 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 1123. Use of interstate commerce facilities in the commission of multiple murder

''(a) IN GENERAL.—Whoever travels in or causes another (including the intended victim) to travel in interstate or foreign commerce, or uses or causes another (including the intended victim) to use the mail or any facility of interstate or foreign commerce, or who conspires or attempts to do so, with intent that 2 or more intentional homicides be committed in violation of the laws of any State or the United States shall, in addition to being subject to a fine under this title—

''(1) if the offense results in the death of any person, be sentenced to death or life in prison;

''(2) if the offense results in serious bodily injury (as defined in section 1365), be imprisoned for any term of years, or for life; and

''(3) in any other case, be imprisoned not more than 20 years.

''(b) DEFINITION.—The term 'State' means each of the several States of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following:

''1123. Use of interstate commerce facilities in the commission of multiple murder.''.

SEC. 808. ADDITIONAL RACKETEERING ACTIVITY.

Section 1961(1) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting '', or would have been so chargeable if the act or threat had not been committed in Indian country (as defined in section 1151) or in any other area of exclusive Federal jurisdiction,'' after ''chargeable under State law''; and

(2) in subparagraph (B), by inserting ''section 1123 (relating to interstate murder),'' after ''section 1084 (relating to the transmission of gambling information),''.

SEC. 809. EXPANSION OF REBUTTABLE PRESUMPTION AGAINST RELEASE OF PERSONS CHARGED WITH FIREARMS OFFENSES.

Section 3142 of title 18, United States Code, is amended—

(1) in subsection (e), in the matter following paragraph (3), by inserting ''an offense under subsection (g)(1) (where the underlying conviction is a serious drug offense (as defined in section 924(e)(2)(A)) or a crime of violence), (g)(2), (g)(4), (g)(5), (g)(8), or (g)(9) of section 922,'' after ''that the person committed'';

(2) in subsection (f)(1)—

(A) by striking ''or'' at the end of subparagraph (C); and

(B) by adding at the end the following:

''(E) an offense under section 922(g); or''.

(3) in subsection (g), by amending paragraph (1) to read as follows:

''(1) the nature and circumstances of the offense charged, including whether the offense is a crime of violence, or involves a controlled substance, firearm, explosive, or destructive devise;''.

SEC. 810. VENUE IN CAPITAL CASES.

Section 3235 of title 18, United States Code, is amended to read as follows:

''§ 3235. Venue in capital cases

''(a) The trial for any offense punishable by death shall be held in the district where the offense was committed or in any district in which the offense began, continued, or was completed.

''(b) If the offense, or related conduct, under subsection (a) involves activities which affect interstate or foreign commerce, or the importation of an object or person into the United States, such offense may be prosecuted in any district in which those activities occurred.''.

SEC. 811. STATUTE OF LIMITATIONS FOR VIOLENT CRIME.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

''§ 3298. Violent crime offenses

''No person shall be prosecuted, tried, or punished for any noncapital felony, crime of violence, including any racketeering activity or gang crime which involves any crime of violence, unless the indictment is found or the information is instituted not later than 15 years after the date on which the alleged violation occurred or the continuing offense was completed.''.

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

''3298. Violent crime offenses.''.

SEC. 812. CLARIFICATION TO HEARSAY EXCEPTION FOR FORFEITURE BY WRONGDOING.

Rule 804(b)(6) of the Federal Rules of Evidence is amended to read as follows:

''(6) FORFEITURE BY WRONGDOING.—A statement offered against a party who has engaged or acquiesced in wrongdoing, or who could reasonably foresee such wrongdoing would take place, if the wrongdoing was intended to, and did, procure the unavailability of the declarant as a witness.''.

SEC. 813. TRANSFER OF JUVENILES.

The 4th undesignated paragraph of section 5032 of title 18, United States Code, is amended—

(1) by striking ''A juvenile'' where it appears at the beginning of the paragraph and inserting ''Except as otherwise provided in this chapter, a juvenile'';

(2) by striking ''as an adult, except that, with'' and inserting ''as an adult. With''; and

(3) by striking ''However, a juvenile'' and all that follows through ''criminal prosecution.'' at the end of the paragraph and inserting ''The Attorney General may prosecute as an adult a juvenile who is alleged to have committed an act after that juvenile's 16th birthday which if committed by an adult would be a crime of violence that is a felony, an offense described in subsection (d), (i), (j), (k), (o), (p), (q), (u), or (x) of section 922 (relating to unlawful acts), or subsection (b), (c), (g), (h), (k), (l), (m), or (n) of section 924 (relating to penalties), section 930 (relating to possession of firearms and dangerous weapons in Federal facilities), or section 931 (relating to purchase, ownership, or possession of body armor by violent felons). The decision whether or not to prosecute a juvenile as an adult under the immediately preceding sentence is not subject to judicial review in any court. In a prosecution under that sentence, the juvenile may be prosecuted and convicted as an adult for any other offense which is properly joined under the Federal Rules of Criminal Procedure, and may also be convicted as an adult of any lesser included offense.''.

SEC. 814. CRIMES OF VIOLENCE AND DRUG CRIMES COMMITTED BY ILLEGAL ALIENS.

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

''CHAPTER 52—ILLEGAL ALIENS

''Sec.

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

''§ 1131. Enhanced penalties for certain crimes committed by illegal aliens

''Whoever, being an alien who is unlawfully present in the United States, commits, conspires or attempts to commit, a crime of violence (as defined in section 16) or a drug trafficking offense (as defined in section 924), shall be fined under this title and sentenced to not less than 5 years in prison. If the defendant was previously ordered removed under the Immigration and Nationality Act on the grounds of having committed a crime, the defendant shall be sentenced to not less than 15 years in prison. A sentence of imprisonment imposed under this section shall run consecutively to any other sentence of imprisonment imposed for any other crime.''.

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

''52. Illegal aliens ..... 1131''.

SEC. 815. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NCIC.—Not later than 180 days after the date of enactment of this Act, the Under Secretary for Border and Transportation Security of the Department of Homeland Security shall provide the National Crime Information Center of the Department of Justice with such information as the Director may have on any and all aliens against whom a final order of removal has been issued, and any and all aliens who have signed a voluntary departure agreement. Such information shall be provided to the National Crime Information Center regardless of whether or not the alien received notice of a final order of removal and even if the alien has already been removed.

(b) INCLUSION OF INFORMATION IN THE NCIC DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

''(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States, regardless of whether or not the alien has received notice of the violation and even if the alien has already been removed; and''.

SEC. 816. STUDY.

The Attorney General and the Secretary of Homeland Security shall jointly conduct a study on the connection between illegal immigration and gang membership and activity, including how many of those arrested nationwide for gang membership and violence are aliens illegally present in the United States. The Attorney General and the Secretary shall report the results of that study to Congress not later than one year after the date of the enactment of this Act.

TITLE IX—INCREASED FEDERAL RESOURCES TO PREVENT AT-RISK YOUTH FROM JOINING ILLEGAL STREET GANGS

SEC. 901. GRANTS TO STATE AND LOCAL PROSECUTORS TO COMBAT VIOLENT CRIME AND TO PROTECT WITNESSES AND VICTIMS OF CRIMES.

(a) IN GENERAL.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862), as amended by section 724 of this Act, is further amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(6) to hire additional prosecutors to—

''(A) allow more cases to be prosecuted; and

''(B) reduce backlogs;

''(7) to fund technology, equipment, and training for prosecutors and law enforcement in order to increase accurate identification of gang members and violent offenders, and to maintain databases with such information to facilitate coordination among law enforcement and prosecutors; and

''(8) to fund technology, equipment, and training for prosecutors to increase the accurate identification and successful prosecution of young violent offenders.''.

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

''SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $20,000,000 for each of the fiscal years 2006 through 2010 to carry out this subtitle.''.

SEC. 902. REAUTHORIZE THE GANG RESISTANCE EDUCATION AND TRAINING PROJECTS PROGRAM.

Section 32401(b) of the Violent Crime Control Act of 1994 (42 U.S.C. 13921(b)) is amended by striking paragraphs (1) through (6) and inserting the following:

''(1) $20,000,000 for fiscal year 2006;
''(2) $20,000,000 for fiscal year 2007;
''(3) $20,000,000 for fiscal year 2008;
''(4) $20,000,000 for fiscal year 2009; and
''(5) $20,000,000 for fiscal year 2010.''.

SEC. 903. STATE AND LOCAL REENTRY COURTS.

(a) IN GENERAL.—Part FF of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w et seq.) is amended by inserting at the end the following:

''SEC. 2979. STATE AND LOCAL REENTRY COURTS.

''(a) GRANTS AUTHORIZED.—The Attorney General shall award grants of not more than $500,000 to—

''(1) State and local courts; or

''(2) State agencies, municipalities, public agencies, nonprofit organizations, and tribes that have agreements with courts to take the lead in establishing a re-entry court.

''(b) USE OF FUNDS.—Grant funds awarded under this section shall be administered in accordance with the guidelines, regulations, and procedures promulgated by the Attorney General, and may be used to—

''(1) monitor offenders returning to the community;

''(2) provide returning offenders with—

''(A) drug and alcohol testing and treatment; and

''(B) mental and medical health assessment and services;

''(3) convene community impact panels, victim impact panels, or victim impact educational classes;

''(4) provide and coordinate the delivery of other community services to offenders, including—

''(A) housing assistance;

''(B) education;

''(C) employment training;

''(D) conflict resolution skills training;

''(E) batterer intervention programs; and

''(F) other appropriate social services; and

''(5) establish and implement graduated sanctions and incentives.

''(c) APPLICATION.—Each eligible entity desiring a grant under this section shall, in addition to any other requirements required by the Attorney General, submit an application to the Attorney General that—

''(1) describes a long-term strategy and detailed implementation plan, including how the entity plans to pay for the program after the Federal funding ends;

''(2) identifies the governmental and community agencies that will be coordinated by this project;

''(3) certifies that—

''(A) there has been appropriate consultation with all affected agencies, including existing community corrections and parole entities; and

''(B) there will be appropriate coordination with all affected agencies in the implementation of the program; and

''(4) describes the methodology and outcome measures that will be used in evaluation of the program.

''(d) MATCHING REQUIREMENT.—The Federal share of a grant received under this section may not exceed 75 percent of the costs of the project funded under this section unless the Attorney General—

''(1) waives, wholly or in part, this matching requirement; and

''(2) publicly delineates the rationale for the waiver.

''(e) ANNUAL REPORT.—Each grantee under this section shall submit to the Attorney General, for each fiscal year in which funds from a grant received under this part is expended, a report, at such time and in such manner as the Attorney General may reasonably require, that contains—

''(1) a summary of the activities carried out under the grant;

''(2) an assessment of whether the activities summarized under paragraph (1) are meeting the needs identified in the application submitted under subsection (c); and

''(3) such other information as the Attorney General may require.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 2006 through 2009 to carry out this section.

''(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year—

''(A) not more than 2 percent may be used by the Attorney General for salaries and administrative expenses; and

''(B) not more than 5 percent nor less than 2 percent may be used for technical assistance and training.''.

TITLE X—CRIME PREVENTION

SEC. 1001. CRIME PREVENTION CAMPAIGN GRANT.

Subpart 2 of part E of title I of the Onmibus Crime Control and Safe Street Act of 1968 is amended by adding at the end the following new chapter:

''CHAPTER D—GRANTS TO PRIVATE ENTITIES

''SEC. 519. CRIME PREVENTION CAMPAIGN GRANT.

''(a) GRANT AUTHORIZATION.—The Attorney General may provide a grant to a national private, nonprofit organization that has expertise in promoting crime prevention through public outreach and media campaigns in coordination with law enforcement agencies and other local government officials, and representatives of community public interest organizations, including schools and youth-serving organizations, faith-based, and victims' organizations and employers.

''(b) APPLICATION.—To request a grant under this section, an organization described in subsection (a) shall submit an application to the Attorney General in such form and containing such information as the Attorney General may require.

''(c) USE OF FUNDS.—An organization that receives a grant under this section shall—

''(1) create and promote national public communications campaigns;

''(2) develop and distribute publications and other educational materials that promote crime prevention;

''(3) design and maintain web sites and related web-based materials and tools;

''(4) design and deliver training for law enforcement personnel, community leaders, and other partners in public safety and hometown security initiatives;

''(5) design and deliver technical assistance to States, local jurisdictions, and crime prevention practitioners and associations;

''(6) coordinate a coalition of Federal, national, and statewide organizations and communities supporting crime prevention;

''(7) design, deliver, and assess demonstration programs;

''(8) operate McGruff related programs, including McGruff Club;

''(9) operate the Teens, Crime, and Community Program; and

''(10) evaluate crime prevention programs and trends.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) for fiscal year 2006, $6,000,000;
''(2) for fiscal year 2007, $7,000,000;
''(3) for fiscal year 2008, $8,000,000;
''(4) for fiscal year 2009, $9,000,000; and
''(5) for fiscal year 2010, $10,000,000.''.

SEC. 1002. THE JUSTICE FOR CRIME VICTIMS FAMILY ACT.

(a) SHORT TITLE.—This section may be cited as the ''Justice for Crime Victims Family Act''.

(b) STUDY OF MEASURES NEEDED TO IMPROVE PERFORMANCE OF HOMICIDE INVESTIGATORS.—Not later than six months after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report outlining what measures are needed to improve the performance of Federal, State, and local criminal investigators of homicide. The report shall include an examination of—

(1) the benefits of increasing training and resources for such investigators, with respect to investigative techniques, best practices, and forensic services;

(2) the existence of any uniformity among State and local jurisdictions in the measurement of homicide rates and clearance of homicide cases;

(3) the coordination in the sharing of information among Federal, State, and local law enforcement and coroners and medical examiners; and

(4) the sources of funding that are in existence on the date of the enactment of this Act for State and local criminal investigators of homicide.

(c) IMPROVEMENTS NEEDED FOR SOLVING HOMICIDES INVOLVING MISSING PERSONS AND UNIDENTIFIED HUMAN REMAINS.—Not later than six months after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report to evaluate measures to improve the ability of Federal, State, and local criminal investigators of homicide to solve homicides involving missing persons and unidentified human remains. The report shall include an examination of—

(1) measures to expand national criminal records databases with accurate information relating to missing persons and unidentified human remains;

(2) the collection of DNA samples from potential ''high-risk'' missing persons;

(3) the benefits of increasing access to national criminal records databases for medical examiners and coroners;

(4) any improvement in the performance of postmortem examinations, autopsies, and reporting procedures of unidentified persons or remains;

(5) any coordination between the National Center for Missing Children and the National Center for Missing Adults;

(6) website postings (or other uses of the Internet) of information of identifiable information such as physical features and characteristics, clothing, and photographs of missing persons and unidentified human remains; and

(7) any improvement with respect to—

(A) the collection of DNA information for missing persons and unidentified human remains; and

(B) entering such information into the Combined DNA Index System of the Federal Bureau of Investigation and national criminal records databases.

TITLE XI—NATIONAL CHILD ABUSE AND NEGLECT REGISTRY ACT

SEC. 1101. SHORT TITLE.

This title may be cited as the ''National Child Abuse and Neglect Registry Act''.

SEC. 1102. NATIONAL REGISTRY OF SUBSTANTIATED CASES OF CHILD ABUSE.

(a) IN GENERAL.—The Secretary of Health and Human Services, in consultation with

the Attorney General, shall create a national registry of substantiated cases of child abuse or neglect.

(b) INFORMATION.—

(1) COLLECTION.—The information in the registry described in subsection (a) shall be supplied by States and Indian tribes, or, at the option of a State, by political subdivisions of such State, to the Secretary of Health and Human Services.

(2) TYPE OF INFORMATION.—The registry described in subsection (a) shall collect in a central electronic registry information on persons reported to a State, Indian tribe, or political subdivision of a State as perpetrators of a substantiated case of child abuse or neglect.

(c) SCOPE OF INFORMATION.—

(1) IN GENERAL.—

(A) TREATMENT OF REPORTS.—The information to be provided to the Secretary of Health and Human Services under this title shall relate to substantiated reports of child abuse or neglect.

(B) EXCEPTION.—If a State, Indian tribe, or political subdivision of a State has an electronic register of cases of child abuse or neglect equivalent to the registry established under this title that it maintains pursuant to a requirement or authorization under any other provision of law, the information provided to the Secretary of Health and Human Services under this title shall be coextensive with that in such register.

(2) FORM.—Information provided to the Secretary of Health and Human Services under this title—

(A) shall be in a standardized electronic form determined by the Secretary of Health and Human Services; and

(B) shall contain case-specific identifying information that is limited to the name of the perpetrator and the nature of the substantiated case of child abuse or neglect, and that complies with clauses (viii) and (ix) of section 106(b)(2)(A) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(b)(2)(A)(viii) and (ix)).

(d) CONSTRUCTION.—This title shall not be construed to require a State, Indian tribe, or political subdivision of a State to modify—

(1) an equivalent register of cases of child abuse or neglect that it maintains pursuant to a requirement or authorization under any other provision of law; or

(2) any other record relating to child abuse or neglect, regardless of whether the report of abuse or neglect was substantiated, unsubstantiated, or determined to be unfounded.

(e) ACCESSIBILITY.—Information contained in the national registry shall only be accessible to any Federal, State, Indian tribe, or local government entity, or any agent of such entities, that has a need for such information in order to carry out its responsibilities under law to protect children from child abuse and neglect.

(f) DISSEMINATION.—The Secretary of Health and Human Services shall establish standards for the dissemination of information in the national registry of substantiated cases of child abuse or neglect. Such standards shall comply with clauses (viii) and (ix) of section 106(b)(2)(A) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(b)(2)(A)(viii) and (ix)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4472, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 4472, the Children's Safety and Violent Crime Reduction Act. This legislation contains bipartisan, comprehensive proposals to better protect our children from convicted sex offenders, to enhance judicial security, and to combat violent criminal gangs that terrorize our communities. Last year, the full House overwhelmingly approved three separate bills tailored to address these critical issues.

H.R. 3132, the Children's Safety Act of 2005, passed the House on September 14 of last year by a vote of 371–52. H.R. 1751, the Secure Access to Justice and Courthouse Protection Act, was approved by the House on November 9, 2005, by a vote of 375–45, and H.R. 1279, the Gang Prevention and Deterrence Act, passed the House on May 11, 2005, by a vote of 279–144. H.R. 4472 incorporates core provisions of each bill with some modifications and additions.

Last year our Nation was horrified by news of the sexual assault and kidnapping of Dylan and Shasta Groehne and the brutal murder of their parents and siblings. These heinous acts occurred after 9-year-old Jessica Lunsford was abducted, raped and buried alive, and 13-year-old Sarah Lunde was murdered. All of these terrible crimes were committed by convicted sex offenders.

While these tragedies received the public attention and outrage they demanded, sexual predators continue to exploit current loopholes in our criminal justice system to prey on America's most vulnerable. H.R. 4472 protects America's children by making it much harder for them to do so.

When child sex offenders are brought to justice and serve time for their offenses, they are often released into unsuspecting communities to resume their sexual attacks. There are over 550,000 convicted sex offenders in the country, and it is conservatively estimated that at least 100,000 of them, 100,000, are lost in the system, meaning that nonregistered sex offenders are living in our communities, attending schools and working at locations where they can prey on our children.

The threat to our children grows each day as more unregistered sex offenders move freely within our midst. This bill reduces these unconscionable vulnerabilities by strengthening sex offender notification requirements.

The bill also addresses the problem of violence in and around our courthouses against judges, prosecutors, witnesses, law enforcement and other court personnel, as well as their immediate families. According to the Administrative Office of U.S. Courts, Federal judges receive nearly 700 threats a year, and several Federal judges require security personnel to protect them and their families from violent gangs, drug organizations and disgruntled litigants. Judges, witnesses, and courthouse personnel and law enforcement officers must operate without fear in order to enforce and administer the law without bias.

Finally, the bill includes relevant provisions to address the growing national threat from violent and vicious gangs in our communities. According to the last National Youth Gang Survey, it is estimated that there are now between 750,000 and 850,000 gang members in our country. Every city in the country with a population of 250,000 or more has reported gang activity. There are over 25,000 gangs in more than 3,000 jurisdictions in the United States. In recent years gangs have become organized criminal syndicates with structured associations, many of which are now international in scope. State and local law enforcement have sent us a clear message: update and strengthen America's laws to combat the scourge of violence in our communities.

H.R. 4472 is strongly supported by John Walsh of America's Most Wanted, the National Center For Missing and Exploited Children, and the Boys and Girls Clubs of America, and other victims and representatives of victims organizations, as well as law enforcement agencies around the country.

These tireless advocates for America's children have provided vital assistance in crafting this measure, and their calls for justice for America's children must no longer go unanswered. We must act now to ensure that the tragedy of perverse and sexual attacks on America's children is not compounded by the tragedy of congressional inaction to strengthen our laws to address this national epidemic.

I urge my colleagues to put aside partisan differences and to speak in a clear and united voice to protect our children, to ensure a safe judiciary, and to give America's law-abiding citizens the right to live free from gang violence.

Madam Speaker, I reserve the balance of my time.

□ 1115

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume, and I am happy to be here today to join the debate around this bill. I am hoping that my good friend, the chairman of the committee, will somewhere in the course of this suspension explain to us why three bills were mentioned but one that was added by the majority of the House, H.R. 3132, which deals with hate crimes and is arguably one of the most notable pieces of civil rights criminal enforcement protection considered by the Congress, was inexplicably left off. This makes the process very mysterious to me, because

hate crimes is a very important part of any Child Safety and Violent Crime Reduction Act that is before us, and I am very disappointed that somewhere in the night this bill was dropped so that we are now combining three instead of four bills.

It is a Federal crime to hijack an automobile; it is a Federal crime to possess cocaine. It ought to be a Federal crime to drag a man to his death because of his race or to hang a man because of his sexual orientation. We should, and I hope we will through some parliamentary mechanism, seize upon the historic opportunity that is before us to enact legislation that would effectively augment existing Federal law and demonstrate that this Nation will not tolerate violence directed at any individual because of their identity. But instead of supporting this principle, the measure before us takes an opposite direction. I am really, really sorry about this because it does the House an injustice.

I am also, at the same time, wishing to register notice that an amendment offered by the gentleman from New York (Mr. NADLER), which was adopted and would have prevented the sale of a firearm to anyone convicted of a misdemeanor sex offense, was also dropped. This is very troubling. Still others will talk about the 43 new mandatory minimum penalties and over 10 new death penalties that have become eligible by offenses in this new bill.

So I am hopeful that we can work out some kind of agreement or acknowledgment about the unusual parliamentary process by which this matter has been brought to us.

I rise in strong opposition to this legislation and the manner by which it comes before us today. Introduced just over two months ago, this legislation, all 164 pages, has managed to completely circumvent the traditional legislative process.

Without the benefit of a single hearing or committee markup, the legislation has somehow found its way here to the floor of the House of Representatives. To make matters worse, it's being considered under suspension of the rules, leaving with reasonable concerns no opportunity to offer modest amendments.

Some might suggest that hearings or markups aren't necessary under these circumstances; since this measure, in large part, is a combination of three different bills, H.R. 3132; H.R. 1279; and H.R. 1751, which have all been considered by this body in the past. But, I strongly disagree. This measure differs from those various proposals in several meaningful ways.

First and foremost, this measure fails to include the hate crimes amendment that I offered—and which was adopted by a 223–199 vote as part of H.R. 3132. My hate crimes amendment arguably is one of the most notable pieces of civil rights criminal enforcement protection considered by this Congress in the last 30 years.

The FBI has reported a dramatic increase in hate motivated violence since the September 11th terrorist attacks. While the overall crime rate has grown by approximately two percent, the number of reported hate crimes have increased dramatically from 8,063 in 2000 to 9,730 in 2001, a 20.7 percent increase. Racial bias again represented the largest percentage of bias-motivated incidents, 44.9 percent; followed by Ethnic/National Origin Bias, 21.6 percent; Religious Bias, 18.8 percent, Sexual Orientation Bias, 14.3 percent; and Disability Bias, 0.4 percent).

It's worth noting that the amendment I offered would not have created new law. It simply would have amended existing law. Namely, section 245 of title 18, passed in 1968, which allowed Federal prosecution of attacks on the Freedom Riders during their historical civil rights work in the South.

The amendment of Section 245 would make it easier for Federal authorities to prosecute racial, religious, ethnic and gender-based violence, in the same way that the Church Arson Prevention Act of 1996 helped Federal prosecutors combat church arson: by loosening the unduly rigid jurisdictional requirements under Federal law.

Current law limits Federal jurisdiction over hate crimes to incidents that occur during the exercise of federally protected activities, such as voting, and does not permit Federal involvement in a range of cases involving crimes motivated by bias against the victim's sexual orientation, gender or disability. This loophole is particularly significant given the fact that four states have no hate crime laws on the books, and another 21 states have extremely weak hate crimes laws.

It is a Federal crime to hijack an automobile or to possess cocaine, and it ought to be a Federal crime to drag a man to death because of his race or to hang a man because of his sexual orientation. We should seize upon this historic opportunity to enact legislation that would effectively augment existing Federal law and demonstrate that this Nation will not tolerate violence directed at any individual because of their identity, instead of supporting legislation, such as the measure before us today, that takes us in the opposite direction.

Second, this measure fails to include an amendment offered by Mr. NADLER—also adopted by voice-vote—which would have prevented the sale of a firearm to anyone convicted of a misdemeanor sex offense.

By now, members of this body are painfully aware of the fact that sex offenders often use firearms to prey upon their unsuspecting victims. In fact, not long ago Keith Dwayne Lyons, a high-risk sex offender, was convicted of engaging in unlawful sexual intercourse with a minor.

According to published police reports, Mr. Lyons was aided by the use of a firearm in carrying out his crime. Unfortunately, and notwithstanding such tragedies, it appears to be the wisdom of a small minority that the bill before us is not the proper vehicle to address such matters and prevent them from reoccurring in the future.

Finally, the measure under consideration today includes a complex system of categories whereby sex offenders are classified based upon the nature of their offense. They are also routinely forced to verify the accuracy of their registry information based upon this system.

This new system of registration and registry verification has never been discussed by members of our committee. While some may certainly welcome such a system, others most likely will not. In either event, a change of this magnitude should not be undertaken without adequate thought, consideration and debate.

Setting aside these issues, I remained deeply concerned by the legislation's inclusion of at least 43 new mandatory minimum penalties and over 10 new death penalty eligible offenses. In the past, I've gone to great lengths to explain my deep opposition to mandatory minimum sentences and the death penalty, so I won't repeat many of those arguments here. Except, to say that such penalties are completely arbitrary, ineffective at reducing crime and a total waste of taxpayers' money.

Thanks to mandatory minimum sentences, almost 10 percent of all inmates in state and Federal prisons are serving life sentences, a near 83 percent increase from 1992. In two states alone, New York and California, almost 20 percent of inmates are serving life sentences.

And, what do we have to show for such statistics? The answer is simple. A prison system that currently houses more than 2.1 million Americans and costs an estimated $40 billion a year to run and operate.

In the end, the list of lingering concerns associated with this bill is quite staggering.

Over 33 scientific researchers, treatment professionals and child advocates have written in to express their concerns regarding the bill's overly harsh treatment of juveniles.

Advocates from the immigration community have written in to complain about the bill's provisions which will likely encourage state and local law enforcement officials to enforce Federal immigration laws.

And, groups ranging from the Chamber of Commerce to the American Library Association have expressed serious concerns that the provisions outlined in title 6 of the bill will create criminal liability for the producers and distributors of mainstream novels, photographs, Internet content, movies, and TV shows.

With so many outstanding issues and no opportunity to offer even modest amendments, it's hard to see how anyone could lend their support to this measure.

I strongly urge my colleagues to vote ''no''.

Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield 1½ minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Madam Speaker, I thank the gentleman for yielding me this time and for his great leadership on child safety issues.

There is one provision I wish to speak about in this bill that the people of Wisconsin are tragically familiar with: the Amy Zyla Act. It was inspired by the story of Amy Zyla, a young woman from Waukesha, Wisconsin. Amy is a young lady who has bravely crusaded to protect other potential victims. She herself was sexually assaulted by a young offender when she was just 8 years old. Her attacker was found guilty and was sentenced to a juvenile facility for this heinous act. Yet because he was a juvenile, his record was sealed. When he turned 18, he was released into the community, only to reoffend shortly after he got out.

Law enforcement was not allowed to notify the community that a convicted, high-risk sex offender was back on the streets, because he had been a juvenile. As a result, he went on to portray himself as a youth minister and

preyed upon others. He was given the trust of other parents because they simply didn't know that he was a convicted sex offender.

These subsequent crimes were absolutely preventable. Under the Amy Zyla provision of this bill, if a sex crime committed by a juvenile offender is serious enough that it would qualify reporting under the sex offender registry had he been an adult, law enforcement has the authority to notify the community when that sex offender is released.

Madam Speaker, communities, victims, and parents must be able to rely upon the sex offender registries. This provision, and certainly this bill, will help us get there.

Mr. CONYERS. Madam Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT), and no one has worked harder in this area than he.

Mr. SCOTT of Virginia. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, this is a very difficult bill to try to debate because it includes a lot of different bills, everything except the hate crimes bill, which had broad support at least on this side. It includes a variety of slogans and sound bites, many of which have actually been shown to increase crime, disrupt orderly, proportionate, and fair sentencing, it wastes money and violates common sense.

Among these approaches are trying more juveniles as adults, the mandatory minimums, new death penalties, and habeas corpus restrictions, which is a process by which dozens of innocent people on death row have been able to show their innocence and escape the death penalty because they were innocent of the underlying charges. It also includes a national sex offender registry that includes misdemeanors and juveniles in the same kind of registration as the most serious predatory offenses.

If we are going to be serious about dealing with child sexual abuse, we ought to face the fact that virtually all of the abusers are either related to the child or at least known to the child's family. No studies have shown that these things actually reduce child abuse; and, in fact, anecdotal evidence would suggest that we might be actually increasing crime. Because the people who are the subject of these are unable to get a job, unable to live in any kind of neighborhood, have nothing to lose, the restrictive covenants now restricting where they can live, and all of these things may in fact increase crime. But there are certainly no studies to show that they have reduced by any measurable amounts the amount of child sexual abuse.

We are treating more juveniles as adults. That thing has been studied over and over again, and we know that treating more juveniles as adults will increase the crime rates. In every State, the most heinous crimes are already subject to juveniles being treated as adults. So if this passes, we are talking about those who are not now treated as adults who would be treated as adults under this bill. Those are the marginal cases.

We know that those marginal cases sent to adult court will not have education and psychological services and family services available in the juvenile court. They will either be locked up with adults or just released on probation. Whatever the adult court judge does will be more likely to have crime in the future than if the juvenile court can provide those services.

We know how to reduce juvenile crime. It is the prevention programs. And unlike many bills, there is actually some money in this bill for prevention programs. They work. So those provisions are actually meaningful. We also have reentry programs in here. They work and have been proven to reduce recidivism. So there are at least some provisions of the bill that have something to recommend them.

But the mandatory minimums in the bill have been studied. We know from all the studies that mandatory minimums have been shown to waste money, discriminate against minorities, and violate common sense. This bill includes mandatory minimums for juveniles that includes a 20-year mandatory minimum for a fistfight that results in a serious injury, and 10 years mandatory minimum if there is no serious injury; 10 years mandatory minimum for a fistfight in a school yard. This bill cannot be serious.

We have death penalties which have been proven to have no effect on crime. Innocent people are convicted. We have a habeas corpus provision that will eliminate the possibility that many of those who are innocent on death row, and we know there are many of them, will not have the opportunity to have their cases adjudicated.

We saw in the confirmation hearings for Justice Alito, when he was asked if an innocent person had a constitutional right against execution, and he didn't give a straight answer. We need to make sure people's rights are protected and that habeas corpus provisions are eliminated from the bill.

Mr. SENSENBRENNER. Madam Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Madam Speaker, I thank the gentleman for yielding me this time and for his leadership on child safety issues.

Madam Speaker, I rise today in strong support of the Child Safety and Violent Crime Reduction Act because it is a commonsense way to protect our school children from pedophiles.

Isn't it a matter of common sense to allow a local school district in Orlando, Florida to do criminal background checks on coaches, janitors, and teachers who work with our children, to make sure they are not convicted pedophiles from Georgia or some other State?

Isn't it common sense to protect young school children in the first place by keeping these pedophiles locked up with lengthy prison sentences?

Isn't it common sense that coddling repeated sex offenders with self-esteem courses and rehabilitation doesn't work, and that locking them up does work?

Madam Speaker, the best way to protect young children is to keep child predators locked up in the first place, because someone who has molested a child will do it again and again and again.

Last year, two young Florida girls, 9-year-old Jessica Lunsford and 13-year-old Sarah Lunde, were abducted, raped, and killed. In both cases the crimes were committed by convicted sex offenders who were out on probation. This law imposes a mandatory minimum punishment of 30 years for those who commit violent crimes against children, as well as a punishment of life in prison or a death sentence when that crime results in a child's death.

It is high time that we crack down on child molesters by implementing these commonsense reforms, and I urge my colleagues to vote ''yes'' on H.R. 4472.

Mr. CONYERS. Madam Speaker, I now yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK), who has worked on a number of issues connected with the measure presently being debated.

Mr. FRANK of Massachusetts. Madam Speaker, I once again skirt the rules of the House by taking note of the fact that people not in this Chamber may be watching us. And I am particularly concerned about members of the Iraqi National Assembly, the newly elected Parliament which we are trying to instruct in democracy. They may be observing this procedure by which this House deals with a number of very important and controversial issues, some of which I fully support, some of which I question. But as they watch us deal with this, it is being dealt with in a manner in which no amendments are allowed, in which only 40 minutes total of debate are allowed. And it is a bill brought forward because the committee leadership didn't like what happened when the House actually voted on it in a democratic manner.

You will remember this bill came before us, many of the elements of this bill some time ago, and the House, working its will, voted to include an amendment to the hate crimes section. That appalled many Members of the majority. In fact, we read in some of the newspapers, members of the majority of the Republican Study Committee lamented the fact that the leadership had actually given the House membership a chance to vote. They said, we can't allow that to happen, we can't allow democracy to be running rampant on the floor of the U.S. House of Representatives.

So today we have the antidote to democracy. We have a bill brought forward that repeats much of what was done before, which adds some other issues that ought to be debated, many

of which I support, some of which I might like to see amended, and it prohibits amendments. It is a very important and somewhat controversial piece. And there can be controversy about better ways to do it or worse ways to do it, but it is brought up in an absolutely undemocratic fashion.

So to those members of the Iraqi National Assembly who may happen to be observing this, I think there is a very important point we need to make: please don't try this at home.

We are trying to instill others in the world to be democratic. The President's inaugural address noted that we are going to bring democracy. Is this what you mean by teaching people to follow democratic procedures, Madam Speaker?

□ 1130

The other side brings up a controversial bill, and because it was amended once, make sure you can bring it back again in an unamendable form, put in other aspects, and leave virtually no time for debate. We will have debated this bill under the same rule that we debate naming of post offices. We will give this bill the same amount of time as we give post offices, or that major piece of legislation, the only vote we cast last Wednesday when this House came out overwhelmingly in favor of Sandra Day O'Connor. That is the bill that we had 40 minutes of debate on, the same as this.

This is a shameful example of the degradation of the democratic process that has befallen this House. What happens is what has happened in the past: things get put in here that cannot be individually examined, they cannot be debated. Members will feel pressured to vote for the overall package. Members, and this is the goal, put a lot of things in here that are very important and very good, many of which I have voted for in the past, many of which I want to vote for. But Members have put in a few other things that are very controversial and do not allow this House to approach looking at things individually and saying an amendment here, yes or no. And then if Members do not buy the whole package, then you go after them.

The Republican majority has decided to legislate in the same manner in which you give a pill to a dog: you take something that the dog wants and you stick a couple of pills in it and you ram it down its throat. That is an inappropriate way for this democratic House to proceed.

Mr. SENSENBRENNER. Madam Speaker, I yield myself 1 minute.

Madam Speaker, this is not giving a pill to a dog. What this legislation does is it combines three bills that the House already debated and passed but which got stalled in the other body. What it does is it takes away the poison pills that have caused the essential legislation to be stalled in the other body. And it makes some amendments, some of which have been requested by people on the other side of the aisle such as getting rid of a certain number of mandatory minimum penalties.

The purpose of this exercise is to get legislation signed into law and it is important legislation on protecting children from pedophiles, protecting Americans from gangs, and protecting judges from kooks who want to try to do them and their families harm. That is why this procedure is being used today so that we can make a law.

Madam Speaker, I yield 1½ minutes to the gentlewoman from Florida (Ms. HARRIS).

(Ms. HARRIS asked and was given permission to revise and extend her remarks.)

Ms. HARRIS. Madam Speaker, I rise today to urge my colleagues to support H.R. 4472, the Children's Safety and Violent Crime Reduction Act.

Unfortunately, there are thousands of reasons why this legislation is so vitally important. According to the National Center for Missing and Exploited Children, the location of between 100,000 and 150,000 of the 500,000 sex offenders currently registered in the United States are unknown. But the victims are known, and their names are known. And today, we know we are not powerless.

This bill takes commonsense steps towards ensuring sex offenders are not free to prey on the most vulnerable members of our society. We require States to expand the definition of sexual offenders to include juveniles, alert other States when predators seek refuge in another State and make community notification proactive, not reactive efforts.

There are many reasons which cause parents across America to lie awake at night. Our failure to pass this valuable legislation should not be one of them.

Madam Speaker, sexual predators live in darkness but their victims live in vibrant colors of all our memories. In pinks and blues. And in purple.

Prior to her abduction and murder at the hands of a sexual predator in February of 2004, that was the favorite color of 11-year-old Carlie Brucia. It still is.

Mr. CONYERS. Madam Speaker, I yield 16 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Madam Speaker, I just want to point out that the poison pill the gentleman from Wisconsin was referring to was an amendment adopted on the floor of this House by a majority of the House. So the poison pill is the result of a majority of this House. The problem is the gentleman from Wisconsin has Thomas Jefferson confused with Lucretia Borgia. When the will of the House works its will under this regime, and the gentleman from Wisconsin does not like the outcome, it becomes a poison pill and we go through this whole procedure just to get rid of it.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER), a distinguished member of the committee.

Mr. NADLER. Mr. Speaker, this bill manipulates the legislative process by repackaging legislation that for the most part has already passed the House, and by taking out of that legislation two amendments that were passed on the floor of the House and giving us no opportunity, giving the House majority no opportunity to correct this.

The bill includes three previous bills. On one of them I offered an amendment to prohibit gun possession by convicted misdemeanor sex offenders against minors. The amendment was agreed to unanimously and incorporated in the underlying bill. This is one of the poison pills. One of the poison pills, in other words, is that apparently the sponsors of this bill think it is essential to allow people convicted of misdemeanor sex offenses against minors to possess firearms, so they can use firearms against minors the next time.

The other amendment, the ranking member offered an amendment to combat crimes based on race, religion, national origin, disability, gender and sexual orientation by allowing the Federal Government to provide resources to local law enforcement to act as a Federal backup if local authorities do not prosecute these crimes. The amendment passed 223–199.

Now we are faced with this legislation on a suspension calendar. We are told that it is on a suspension calendar and it is unamendable because we have already debated. Yes, but we passed it in different forms, and they are just taking out the two poison pills.

Who has the right to decide that what the majority of the House voted is a poison pill and not give this House the right to vote on whether it agrees with them or not?

If the gentleman brought forth this bill under the regular calendar and said should we remove these two provisions because we cannot pass them in the Senate, let the House debate that. Maybe we would decide it is more important to let the Senate pass this bill and permit misdemeanor sexual offenders to have firearms than not to pass the bill. Maybe we would decide that, but that should be decided in a debate, not because someone behind the scenes decides that the will of the House can be overturned.

I urge Members to oppose this bill because it does not include these two provisions, to ban gun possession by those convicted of misdemeanor sex offenders against minors. We should not go on record today, as a vote for this legislation would be in favor of gun possession by people convicted of misdemeanor sex offenses. And it also does

not include the hate crimes amendment that was sponsored by Mr. CONYERS and included by the House by majority vote.

It is wrong to prostitute the procedures of this House to undo the majority votes on the floor by behind-the-scenes manipulation and then say this is democratic procedure.

Mr. SENSENBRENNER. Mr. Speaker, I yield to the gentleman from Ohio (Mr. GILLMOR) for the purpose of a unanimous consent request.

(Mr. GILLMOR asked and was given permission to revise and extend his remarks.)

Mr. GILLMOR. Mr. Speaker, I thank the chairman and rise in strong support of the bill.

Mr. Speaker, as a father and a grandfather I am often reminded of the dangers that surround my loved ones. Specifically the growing threat that sexual predators pose to our Nation's children and their families represents an area where our criminal justice system has fallen behind the public need. In order to effectively protect our loved ones, we must provide the American public with unfettered access to know who these dangerous criminals are and where they are living. If a picture is worth a thousand words, than a comprehensive nationwide publicly accessible database is worth at least that many lives.

I was pleased that Chairman SENSENBRENNER included provisions from my bill, H.R. 95, that would create a national, comprehensive, and publicly accessible sex offender database into this comprehensive piece of legislation. Additionally, I feel that it is important to have consistency not only with a national registry, but also in how offenders are classified. Currently each State classifies offenders differently according to the risk that they pose to the community. The result is inconsistent and unreliable classifications across state lines. I was pleased that the chairman saw the need to address this issue, and I appreciate him working with me to include a provision to study the merits of a national risk-based classification system that could be integrated into the national sex offender database.

Furthermore, I was delighted at the level of bipartisanship that both my bill and today's legislation have received and I would like to personally thank Mr. POMEROY from North Dakota for his leadership and support. Also, I would like to extend my gratitude to organizations such as the Big Brothers and Big Sisters of America and the Safe Now Project for the help and cooperation that they provided throughout this process.

Mr. Speaker, today we must come together to make certain that our children grow up in a safe and secure environment and that parents are unafraid to let their children play in their neighborhood because they have the information they need to protect them. Knowledge is power, and today we have an opportunity before us to supply the American public with the tools necessary to protect themselves, their family, and their friends against those that would commit these heinous crimes. I urge all of my colleagues to cast their vote in support of this legislation and collectively answer the American public's call to provide them with additional resources to combat these predators before another life is lost and tragedy befalls another family.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, there are a lot of collateral issues being discussed today, but the fact remains that the will of the House is not a mandate on the Senate. The Senate was unwilling to accept some provisions. Let us acknowledge that.

But let us talk about what we are here for today, and that is to protect the vulnerable children. You have heard the names repeatedly in this debate. I do not want to read about another one for our failure to act.

This House did overwhelmingly approve this bill because there are a lot of good legislative initiatives in this bill to protect our children. I have said repeatedly on this floor that we protect library books better than we do our children. We have a better system of accountability than we do for our children.

This is about the kids that have perished because they were at the hands of despicable child predators.

Mr. SENSENBRENNER has crafted a bill that gets at the heart of this matter. I want to thank John Walsh, who lost his son Adam, as a tireless advocate who went and asked Senator FRIST to bring this base bill to the Senate floor, and Senator FRIST has agreed to that request, along with the other parents of the children who have lost their lives.

These brave parents have come to this city to urge Congress to not let the tragedies that have happened to their families happen to another child.

I thank Ms. GINNY BROWN-WAITE, an outstanding advocate who had a resident in her district who died at the hands of a pedophile. We can do better.

Mr. Speaker, I want to thank Mike Volkov, Bradley Schreiber and others who helped craft this important legislation, and I urge passage of this bill.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, what are we here for, to let the other body off the hook? Anything they do not like, we have to take out? I do not follow that reasoning at all.

Mr. Speaker, I yield 5 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I know some Members here will not remember it, but there used to be something called a conference committee, and if we sent the Senate a bill and they did not like it, they could amend it and send it back. We do not have to do the bidding of the Senate by taking the tough issue off the table for them.

Mr. CONYERS. Mr. Speaker, I yield 15 seconds to the gentleman from Virginia (Mr. SCOTT).

(Mr. SCOTT of Virginia asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. SCOTT of Virginia. Mr. Speaker, I want to refer to a letter that says, ''For the first time, the statute would implicate a wide array of legitimate, mainstream businesses that have never been linked in any way to the sexual exploitation of children.'' It continues, ''In some instances, the proposed amendments are vague and offer little guidance as to what is required of those needing to comply, and in others, they impose requirements that are simply impossible to meet.''

The letter is signed by the Chamber of Commerce, the American Library Association, the National Association of Broadcasters, the National Cable and Telecommunications Association, Screen Actors Guild, American Association of Advertising Agencies, the American Association of Law Libraries and others.

FEBRUARY 7, 2006.

Hon. ORRIN G. HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: We are writing to express our continuing concern with the legislative language contained in S. 2140, the Prevention of Sexual Exploitation of Children Act that would significantly expand the scope of Title 18 U.S.C. §2257. As you know, we strongly support the objective of increasing the Justice Department's ability to combat child pornography and exploitation. The members of our broad coalition are committed to protecting children from exploitation. That is why we appreciate and acknowledge the efforts of the sponsors of S. 2140 to address many of the issues raised by prior attempts to amend §2257. However, serious concerns remain.

S. 2140 would significantly expand the types and categories of conduct that would trigger the requirements of §2257. For the first time, the statute would implicate a wide array of legitimate, mainstream businesses that have never been linked in any way to the sexual exploitation of children. S. 2140 dramatically expands the class of persons required to keep records and to label products under §2257. Many affected by the proposed expansion are businesses and individuals that have no actual contact or relationship with the performers in question. In some instances, the proposed amendments are vague and offer little guidance as to what is required of those needing to comply, and in others, they impose requirements that are simply impossible to meet. Expansion of §2257 as envisioned by the proposed legislation will likely divert even more resources toward legal challenges to the statute and away from the legislation's primary objective of prosecuting those who sexually exploit children.

It is important to note that since §2257 was passed in 1988, the inspection regime of the law has, to our knowledge, never been used. Rather than expanding the scope of §2257 to cover a myriad of lawful, legitimate, Mainstreet businesses, we believe effective enforcement of the existing regime is first necessary. Accordingly, any amendments to the statute should be narrow and focused on individuals that seek to harm young people.

Finally, from the outset of this process, we have been prepared to discuss the serious concerns our coalition has with the proposals to amend §2257. However, we are not involved in the negotiation of the current bill language. While we remain committed to working with all interested parties, we do not believe that in its current form, S. 2140 addresses the myriad of legitimate concerns raised by our coalition.

We applaud you for your continued leadership and dedication to protecting children

and reiterate our commitment to work with you to address this serious issue.

Sincerely,

United States Chamber of Commerce; Video Software Dealers Association; Americans for Tax Reform; American Library Association; American Conservative Union; National Association of Broadcasters; National Cable & Telecommunications Association; Motion Picture Association of America; Screen Actors Guild; Media Freedom Project; American Hotel and Lodging Association; The American Federation of Television and Radio Artists; Magazine Publishers of America; Directors Guild of America; Digital Media Association; Computer & Communications Industry Association; Association of Research Libraries; The Creative Coalition; Association of National Advertisers; Association of American Publishers; American Association of Advertising Agencies; American Advertising Federation; American Booksellers Foundation for Free Expression; Publishers Marketing Association; Freedom to Read Foundation; American Association of Law Libraries

Mr. SENSENBRENNER. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in strong support of the bill that we have before us, the Children's Safety and Violent Crime Reduction Act.

February 23 marked the 1-year anniversary of Jessica Lunsford's death. I knew the family; I knew the grandmother. If Jessica were still with us, she would have been in the fifth grade. She would be learning about decimals and fractions and the solar system. Instead, her life was taken by a sex offender who assaulted and murdered her, and then buried her in his backyard. That is what this bill is all about; it is going after those, as someone once described, pond-scum predators.

Congress has responsibility to punish those who perpetrate the worst and most disgusting crimes against our children. My heartfelt thanks to the chairman who was gracious enough to work with all of us on these various bills to protect our children in America today.

Mr. Speaker, we cannot afford to wait one day longer for this bill to become law. On behalf of Jessica Lunsford's family, I urge every Member of this House to vote in favor of this bill. It is important that we send a loud and clear message that Congress is serious about protecting America's children from predators, those same predators who would harm our children, our grandchildren, and our neighbor's children. That is what this bill is all about. It is about protecting America's children and I urge support of the bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield to the gentleman from Nevada (Mr. PORTER) for the purpose of a unanimous consent request.

(Mr. PORTER asked and was given permission to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, I thank the chairman and include my statement for the RECORD:

I want to thank the Chairman of the Judiciary Committee, Mr. SENSENBRENNER, for bringing this bill to the House today. It is an important bill that will help protect children and our community's safety.

One section of this package includes H.R. 4894, legislation I introduced, that will provide our school districts with another tool in their extraordinary efforts to bring highly qualified staff to our classrooms and schools.

By providing our school districts with direct access to criminal information records, we can help ensure timely and complete information on prospective school employees. This provision will allow local and state educational agencies to access national criminal information databases and will ensure that schools have the information they need when hiring teachers entrusted with our children and our classrooms.

Teachers are unparalleled in the role they play in children's lives. Most teachers uphold the highest standards of conduct, and they deserve the trust they have earned in educating our children. However, particularly in rapidly-growing communities, a lack of good information may leave schools vulnerable and could endanger our students. This is a common sense opportunity to give states and local schools the tools they need to ensure safety in our schools.

This package also includes legislation I introduced, H.R. 4732, The Sergeant Henry Prendes Memorial Act of 2006. This legislation states that whoever kills, or attempts to kill or conspires to kill, a federally funded public safety officer while that officer is engaged in official duties, shall be imprisoned for no less than 30 years, or life, or, if death results may be sentenced to death. A 'public safety officer' in this legislation means an individual serving a public agency in an official capacity, as a judicial officer, law enforcement officer, firefighter, chaplain, or as a member of a rescue squad or ambulance crew.

This is a common sense legislative package that will help keep our children and those who protect our communities safe. I urge my colleagues to support this bill and, again, applaud the Chairman for his leadership on the underlying legislation.

Mr. Speaker, insert the following article on Sergeant Prendes into the RECORD.

'OUR WORST NIGHTMARE': LV OFFICER SLAIN IN GUNBATTLE

(By Brian Haynes, Review-Journal)

What was to have been a proud day for the Metropolitan Police Department on Wednesday ended as one of its darkest.

Fourteen-year police veteran Sgt. Henry Prendes was shot and killed during a domestic violence call, becoming the first Las Vegas police officer in 17 years to be slain in the line of duty.

''I can tell you, for the men and women of the Metropolitan Police Department this is a very sad day,'' Sheriff Bill Young said. ''It's our worst nightmare as an agency.''

Prendes, 37, was ambushed as he approached the front door of a house in southwest Las Vegas. The gunman then held police at bay by firing more than 50 rounds from a semiautomatic assault rifle before officers shot and killed him, Young said.

A second officer was shot in the leg during the gunbattle.

Police identified the gunman as Amir Rashid Crump, 21, an aspiring Las Vegas rapper who went by the nickname ''Trajik.''

The incident began about 1:20 p.m., just as Young was about to start an awards ceremony at the Clark County Commission chambers. Young told the audience of police officers and their families that he had to leave and explained that an officer had been shot. He didn't know that Prendes was dead until he was en route to University Medical Center.

Police had responded to the home at 8336 Feather Duster Court, near Durango Drive and the Las Vegas Beltway, after several 911 calls about a man beating a woman with a stick in the front yard and breaking windows on vehicles and the house.

Prendes and several officers arrived and found the woman, who was Crump's girlfriend. Her mother and her brother were with her. Crump had gone inside the home.

Prendes ''cautiously approached'' the door when he was met with gunfire, Young said. An officer nearby saw Prendes ''reeling out of the house, saying, 'I'm hit,''' Young said.

Prendes fell on the sidewalk, but other officers could not reach him because Crump continued firing with his gun, which was similar to an AK–47, Young said.

Crump fired about 50 rounds and kept the officers pinned behind cars, walls and whatever cover they could find, he said. He went upstairs and fired down upon the officers, he said.

Investigators found several empty ammunition clips at the scene.

''He was prepared for this,'' Young said. ''He was ready, waiting and willing to kill a police officer.''

As the gunbattle continued, officers from across the valley sped toward the area and swarmed the neighborhood. Several roads were closed as police locked down the scene and surrounding neighborhood.

Joe Anello, a Manhattan Beach, Calif., resident who was visiting a relative, watched the incident unfold from a backyard looking toward Feather Duster Court. He said he heard a burst of eight to 10 shots, followed by about 15 seconds of silence, then another 15 or 20 gunshots.

Another neighbor, Anthony Johnson, said it sounded like a gunbattle.

''It sounded like someone was shooting, and then someone shooting back,'' he said.

Aaron Barnes, who lives on Feather Duster Court, said he came home from work and saw the police helicopter. He heard gunfire and looked up the street to see his neighbor, Crump, firing a gun.

He said his neighbor, a member of the rap group Desert Mobb, was usually quiet, except for occasional loud music in the middle of the night.

Despite the barrage of gunfire, police officers tried to rescue Prendes. A plainclothes officer with the gang unit was armed with an assault rifle and helped turn the tide.

''His weapon probably saved the day,'' Young said.

That officer was shot in the leg during the rescue attempt.

Police shot and killed Crump outside the front door.

About five or six officers fired their weapons during the incident. Their names will be withheld until 48 hours after the incident, which is department policy.

''This could have been a lot worse,'' Young said. ''We are extremely fortunate that other police officers were not killed in this incident.''

At UMC, dozens of somber uniformed and plainclothes officers gathered in front of the Trauma Unit to show their support for the wounded officer. Police sealed off the Trauma Unit entrance for hours, allowing only authorized personnel to use that entrance. Nearly all visitors were told to use a different hospital entrance.

The last Las Vegas police officer to be shot and killed in the line of duty was 34-year-old Marc Kahre. He was shot in October 1988 while responding to a domestic violence call in east Las Vegas.

Young said domestic violence calls can be the most dangerous for a police officer, but Las Vegas police officers handle thousands a year without incident.

''Today, unfortunately, our luck ran out,'' Young said.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1½ minutes to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I want to add my strong voice today in support of H.R. 4472, the Children's Safety and Violent Crime Reduction Act of 2005. I also want to thank Chairman SENSENBRENNER for his solid effort in making sure that this House is once again on record in working to protect our children and our families.

I am pleased that an amendment that I offered to the original legislation last year, which was adopted with a unanimous vote, is included once again in today's final bill.

My amendment requires the GAO to study the feasibility of implementing on a nationwide basis a tough annual driver's license registration requirement that my home State of Nevada has imposed on sex offenders.

Just last month, it was reported that there are almost 2,000 convicted sex offenders living in Nevada that are out of compliance with these registration requirements. Something must be done to fix this problem. It is nationwide.

This bill takes a huge step forward in protecting the most vulnerable among us, our children.

□ 1145

I strongly urge my colleagues to support this critical bill and send a message to all that preying on our children will not be tolerated anytime, anywhere.

Mr. CONYERS. Mr. Speaker, I now yield to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE) 2¾ minutes.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman, and I can't thank you enough for the work you have done in a bipartisan effort to preserve a very valuable piece of legislation, the hate crimes legislation that this Congress has gone on record any number of times to be able to support.

Mr. Speaker, I wish as I listened to my good friends on the other side of the aisle that we were squarely focusing on protecting our children. In fact, I support the National Sex Offender Registry that is in this particular legislation, the sex crimes, that provides, if you will, a list of the sex offenders all over America. I think that is an important element. I obviously support the idea of preventing sexual assault on juveniles in prison and certainly the vetting of foster care parents that are taking care of our children. But I think the basic fault of this legislation doesn't lie in the House, it lies in the majority leader of the Senate refusing to put this particular legislation on the floor of the Senate and going into conference.

My difficulty, of course, is the various kitchen sink elements that are included. I may want to see the Federal judges that are included and protected in this legislation protected, but have we vetted the question of allowing judges to carry guns in the courtroom? Should we not provide more resources to the U.S. marshals who are there to protect both the families of the judges and the people who are in the courtroom? Are we particularly studied on the issue dealing with juvenile crime? Time after time after time it has shown that the trying of a juvenile as an adult does not work. I believe more studied consideration of these legislative initiatives would represent the work of a studied body who cares about getting legislation that is going to withstand judicial scrutiny.

This legislation, which I am still in dilemma as to its merits for voting on, raises severe questions. Why didn't the gun legislation get in that eliminates sex offenders from being able to recklessly carry guns? We want to protect our children. We want to pay tribute to the legacy and the work of John Walsh and the legacy of his lost child and the many lost children that we don't want to see happen again. But for God's sake, can we do legislation that embraces all of us who believe in the necessity of protecting our children? There is a frustration of wanting to do what is right and yet having legislation that doesn't allow the vetting, the amending and the responsible consideration.

This bill that seeks to protect children has very many merits. I would just beg my colleagues to understand that this process must be one that can last and survive.

I can assure you that this will still have trouble in the Senate, because you have left off the hate crimes legislation which was a bipartisan effort. I ask my colleagues for consideration of this bill in the context in which I have discussed this legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to my Democratic friend from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding.

Talk, talk, talk. The time for talking is over. Last week I had the opportunity to stand with people whose children have been taken from them, children who were victims of horrific crimes. So that their children not die in vain, these wonderful people, including Linda Walker, who is the mother of Drew Sjodin who lost her life in North Dakota, have focused their energies on trying to help keep other children safe and to keep them safe by giving families the information about dangerous, high-risk sexual predators who are living in their communities.

It is time we move this bill forward so that it might be conferenced with action the Senate would take on similar legislation. I am not happy with the Senate's handling of this proposal, not one bit, but I am not going to let some quest for perfection delay our efforts to make our families safer any longer. These families want action now, and this Congress should give it to them. Vote for this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Speaker, I want to thank the chairman for making sure that our children are safer. The days of child predators playing hide and seek are over in this country. No longer will they be able to hide in our communities and seek out our children as their prey.

The national registration in this bill will help protect our children so that when child molesters leave our penitentiaries and move about from State to State, we will be able to keep up with them.

As many Members of the House, I am the parent of four children, three grandchildren and two on the way. I have met with parents who have lost their children to child predators who left penitentiaries and preyed against them. Mark Lunsford and Marc Klaas both came to Washington to talk about the loss of their children to these criminals.

We need to have a response, and the first duty of government, which is to protect the public and to protect our children, is the greatest cause that we can be involved in. As a member of the Victims Rights Caucus that was started with KATHERINE HARRIS and JIM COSTA, we support these efforts and applaud this act.

Mr. CONYERS. Mr. Speaker, I am happy to yield the balance of our time to the Congresswoman from Wisconsin, TAMMY BALDWIN, a former member of the House Judiciary Committee.

Ms. BALDWIN. Mr. Speaker, I rise not to address the substance of this bill, but to address a matter that is most unfortunately missing from this bill. Today we consider H.R. 4472, the Children's Safety and Violent Crime Reduction Act of 2005, under the suspension calendar, which, of course, means that amendments cannot be offered.

This bill encompasses H.R. 3132, the Children's Safety Act of 2005, which passed the House in September of 2005. When that bill was considered on the floor, a hate crimes amendment was offered by the gentleman from Michigan (Mr. CONYERS), and it passed by a strong bipartisan vote of 223—199. Yet despite that strong bipartisan support from the Members of this Chamber, the hate crimes provision has been stripped out of the bill before us today, and there is simply no good reason for the House to consider H.R. 4472 without hate crimes language.

One cannot fully address the issues of crime reduction and child safety without acknowledging the terrorizing impact hate-motivated violence has in

our society, especially in subjecting groups of individuals to a debilitating state of fear for their safety and security. Hate crimes reduction is violent crime reduction, and it is about keeping millions of Americans, including children, safe from hate-motivated violence.

It is a shame that by introducing an omnibus crime prevention bill and proceeding under suspension of the rules that the majority undermines the democratic process by doing an end run around hate crime prevention. I urge my colleagues to bear these facts in mind as they consider this legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I include at this point in the RECORD a section-by-section analysis of H.R. 4472.

H.R. 4472—THE CHILDREN'S SAFETY AND VIOLENT CRIME REDUCTION ACT OF 2005

Sec. 101. Short Title. Short Title; Table of Contents, Sec. 102. Declaration of Purpose.

Sec. 111. This section sets forth the definitions for Title I of the Act.

Sec. 112. This section requires each jurisdiction to maintain a jurisdiction-wide sex offender registry conforming to the requirements of this title and authorizes the Attorney General to prescribe guidelines to carry out the purposes of the title.

Sec. 113. This section requires a sex offender to register, and maintain current information in each jurisdiction where the sex offender was convicted, where the sex offender resides, where the sex offender is employed and where the sex offender attends school.

Sec. 114. This section specifies, at a minimum, what information the registry must include.

Sec. 115. This section specifies the duration of the registration requirement.

Sec. 116. This section requires a sex offender to appear in person for verification of registration information.

Sec. 117. This section requires a jurisdiction official to inform the sex offender of the registration requirements.

Sec. 118. This section establishes the Jessica Lunsford Verification Program which requires State officials to verify the residence of each registered sex offender.

Sec. 119. This section requires the Attorney General to maintain a National Sex Offender Registry.

Sec. 120. This section creates the Dru Sjodin National Sex Offender Public Website.

Sec. 121. This section requires each jurisdiction to make available to the public through an Internet site certain information about a sex offender.

Sec. 122. This section requires an appropriate official to notify, within 5 days of a change in a sex offender's information certain agencies.

Sec. 123. This section requires an appropriate official from the State or other jurisdiction to notify the Attorney General and appropriate State and local law enforcement agencies to inform them of any failure by a sex offender to comply with the registry requirements.

Sec. 124. This section provides that law enforcement agencies, employees of law enforcement agencies, contractors acting at the direction of law enforcement agencies, and officials from State and other jurisdictions shall not be held criminally or civilly liable for carrying out a duty in good faith.

Sec. 125. This section requires the Attorney General to develop software and make it available to States and jurisdictions to establish, maintain, publish and share sex offender registries.

Sec. 126. If the Attorney General determines that a jurisdiction does not have a minimally sufficient sex offender registry program, he is required to the extent practicable, to carry out the obligations of the registry program.

Sec. 127. This section requires jurisdictions to comply with the requirements of this title within 2 years of enactment.

Sec. 128. This section imposes a ten percent reduction in Byrne Grant funds to any jurisdiction that fails, as determined by the Attorney General, substantially to comply with the requirements of this Act.

Sec. 129. This section authorizes the Sex Offender Management Assistance Program to fund grants to jurisdictions to implement the sex offender registry requirements.

Sec. 130. This section authorizes the Attorney General to create a demonstration project for the electronic monitoring of registered sex offenders.

Sec. 131. This section authorizes the Attorney General to award grants to states that substantially implement electronic monitoring programs for life for certain dangerous sex offenders and for the period of court supervision for any other case.

Sec. 132. This section provides NCMEC with access to Interstate Identification Index data.

Sec. 133. This section provides NCMEC with limited immunity related to its CyberTipline.

Sec. 134. This section requires that the Bureau of Prisons make available appropriate treatment to sex offenders who are in need of and suitable for treatment.

Sec. 135. This section requires the GAO to conduct a study to determine the feasibility of using driver's license registration processes as additional registration requirements for sex offenders.

Sec. 136. This section requires the Attorney General to provide technical assistance to jurisdictions to assist them in the identification and location of sex offenders relocated as a result of a major disaster.

Sec. 137. For the purposes of this Act, the term ''federally recognized Indian tribe'' does not include within its purview Alaska Native groups or entities. In 1884 when Congress created the first civil government for Alaska it decided that Alaska Natives should be subject at all locations in Alaska to the same civil and criminal jurisdiction as that to which all non-Native residents of Alaska are subject. Alaska Natives today are subject at all locations in Alaska, including in communities that are ''Native villages'' for the purposes of the Alaska Native Claims Settlement Act, to the criminal statutes of the Alaska State Legislature and are prosecuted in the Alaska State courts for violations of those statutes. For that reason, like all other sex offenders who are physically present within the State of Alaska, Alaska Native sex offenders, including offenders who reside in ''Native villages'', are required by Alaska Statute 12.63.010 *et seq*. to register as sex offenders with the Alaska Departments of Corrections or Public Safety or with an Alaska municipal police department, as appropriate.

Sec. 138. This section authorizes the Justice Department, in consultation with the Secretary of State and the Department of Homeland Security, to establish procedures to notify relevant jurisdictions about persons entering the United States who are required to register.

Sec. 139. This section requires the Justice Department to study risk-based classification systems and report back to Congress within 18 months of enactment.

Sec. 140. This section requires the Justice Department to study the effectiveness of restrictions on recidivism rates for sex offenders and to report back to Congress within 6 months of enactment on this issue.

Sec. 151. This section creates a new federal crime for a Federal sex offender or offender crosses State lines.

Sec. 152. This section authorizes the Attorney General to assist in the apprehension of sex offenders who have failed to comply with applicable registration requirements.

Sec. 153. This section authorizes funding of such sums as necessary for the Attorney General to provide grants to States and other jurisdictions to apprehend sex offenders for failure to comply.

Sec. 154. This section creates an enhanced criminal penalty for use of a controlled substance against a victim to facilitate the commission of a sex offense; and a new criminal offense prohibiting Internet sales of certain ''date-rape'' drugs.

Sec. 155. This section repeals the predecessor sex offender registry program.

Sec. 156. This section authorizes grants to train and employ personnel to help investigate and prosecute cases cleared through use of funds provided for DNA backlog elimination.

Sec. 157. This section authorizes grants to law enforcement agencies to help combat sexual abuse of children, including additional personnel and related staff, computer hardware and software necessary to investigate such crimes, and apprehension of sex offenders who violate registry requirements.

Sec. 158. This section requires the Justice Department to expand training efforts coordination among participating agencies to combat on-line solicitation of children by sex offenders.

Sec. 159. This section amends the probation and supervised release provisions to mandate revocation when a offender commits a crime of violence or an offense to facilitate sexual contact involving a person under 18 years old.

Sec. 161. This section establishes an Office on Sexual Violence and Crimes Against Children.

Sec. 162. This section provides for Presidential appointment of a Director of the Office.

Sec. 163. This section states the purpose is to administer the sex offender registration and notification program; administer grant programs; and to provide technical assistance, coordination and support to other governmental and nongovernmental entities.

Sec. 201. This section amends the DNA Analysis Backlog Elimination Act to make a correction to ensure collection and use of DNA profiles from convicted offenders.

Sec. 202. This section directs the Attorney General to give appropriate consideration to the need for collection and testing of DNA to stop violent predators against children.

Sec. 203. This section directs the GAO to conduct a study two years after the publication of the model code on the extent to which States have implemented.

Sec. 301. This section modifies the existing statute and adopts new penalties for felony crimes of violence crimes committed against children.

Sec. 302. This section restricts federal habeas review of collateral sentencing claims relating to a state conviction.

Sec. 303. This section establishes victim rights requirements for habeas corpus proceedings.

Sec. 304. This section requires the Attorney General to study the implementation for a nationwide tracking system for persons charged or investigated for child abuse.

Sec. 401. This section modifies the criminal penalties for several existing sexual offenses

against children by amending the current law.

Sec. 402. This section expresses a sense of Congress with respect to reversal of criminal conviction of Jan P. Helder, Jr.

Sec. 403. This section authorizes a new grant program for child sex abuse prevention programs, and authorizes $10 million for fiscal years 2007 to 2011.

Sec. 501. This section amends the Social Security Act to require each State to complete background checks and abuse registries relating to any foster parent or adoptive parent application, before approval of such an application, and provides access to agencies responsible for foster parent of adoptive parent placements.

Sec. 502. This section authorizes the Attorney General to provide fingerprint-based background checks to child welfare agencies, private and public educational agencies, and volunteers in order to conduct background checks for prospective adoption or foster parents, private and public teachers or school employees.

Sec. 503. This section amends section 2422(a) and (b) of title 18, United States Code, to increase penalties for coercion and enticement.

Sec. 504. This section increases mandatory-minimum penalties for conduct relating to child prostitution ranging from a mandatory minimum of 10 years to a mandatory minimum of 30 years depending on the severity of the conduct.

Sec. 505. This section amends several statutes relating to sexual abuse.

Sec. 506. This section expands the list of mandatory conditions of probation and supervised release to include submission by the sex offender under supervision to searches by law enforcement and probation officers with reasonable suspicion, and to searches by probation officers in the lawful discharge of their supervision functions.

Sec. 507. This section expands the federal jurisdiction nexus for kidnapping comparable to that of many other federal crimes to include travel by the offender in interstate or foreign commerce, or use of the mails or other means, facilities, or instrumentalities of interstate or foreign commerce in furtherance of the offense.

Sec. 508. This section restricts the scope of the common law marital privileges by making them inapplicable in a criminal child abuse case in which the abuser or his or her spouse invokes a privilege to avoid testifying.

Sec. 509. This section amends 18 U.S.C. §1153, the ''Major Crimes Act'' for Indian country cases to add felony child abuse or neglect to the predicate offenses.

Sec. 510. This section authorizes civil commitment of certain sex offenders who are dangerous to others because of serious mental illness, abnormality or disorder.

Sec. 511. This section authorizes grants to States to operate effective civil commitment programs for sexually dangerous programs.

Sec. 512. This section amends United States Code, to impose a mandatory-minimum penalties when the offense involved trafficking of a child.

Sec. 513. This section amends United States Code to increase maximum penalties for sexual abuse of wards.

Sec. 514. This section authorizes the indictment of a defendant at any time for a criminal offense for child abduction and sex offenses.

Sec. 515. This section makes the failure to report child abuse a Class A misdemeanor rather than a Class B misdemeanor.

Sec. 601. Findings.

Sec. 602. This section improves the existing record-keeping regulatory scheme by adding to the types of depictions covered to include lascivious exhibition of the genitals or pubic area of any person, and clarifying the definitions applicable to the inspection regime so that those entities that produce such materials comply with the record-keeping requirements.

Sec. 603. This section adopts new record-keeping obligations on persons who produce materials depicting simulated sexual conduct.

Sec. 604. This section specifies that depictions of child pornography discovered by law enforcement must be maintained within the government's or a court's control at all times.

Sec. 605. This section amends the obscenity forfeiture provisions to make the procedures for obscenity forfeitures the same as they are for most other crimes.

Sec. 606. This section criminalizes the production of obscenity as well as its transportation, distribution, and sale, so long as the producer has the intent to transport, distribute, or sell the material in interstate or foreign commerce.

Sec. 607. This section authorizes compensation of court-appointed guardians ad litem.

Sec. 701. This section requires that the Director of the United States Marshals Service consult and coordinate with the Administrative Office of the United States Courts regarding the security requirements for the judicial branch.

Sec. 702. This section authorizes $20,000,000 for each of fiscal years 2006 through 2010 for hiring additional necessary personnel.

Sec. 703. This section would create a new Federal criminal offense for the filing of fictitious liens against real or personal property owned by Federal judges or attorneys.

Sec. 704. This section makes it a Federal crime to knowingly make available otherwise restricted personal information to be used to intimidate or facilitate the commission of a crime of violence against covered officials or family members of covered officials.

Sec. 705. This section requires the Attorney General to report to the House and Senate Judiciary Committees on the security of Assistant United States Attorneys.

Sec. 706. This section makes it a crime punishable by fine and imprisonment of ten years to flee prosecution for the murder, or attempted murder, of a peace officer.

Sec. 707. This section raises sentences for those convicted of murder, or attempted murder, and kidnapping or attempted kidnapping.

Sec. 708. This section authorizes Federal judges and prosecutors to carry firearms, subject to regulations implemented by the Justice Department regarding training and use.

Sec. 709. This section modifies the existing penalties for assaults against a federal law enforcement officer.

Sec. 710. This section creates a new criminal offense for the killing of, attempting to kill or conspiring to kill, any public safety officer for a public agency that receives Federal funding.

Sec. 711. This section raises maximum criminal penalties for violating 18 U.S.C. §1503 relating to influencing or injuring jurors or officers of judicial proceedings by killing, attempting to kill, use force or threatening to kill or harm an officer or juror.

Sec. 712. This section modifies 18 U.S.C. §1512 to increase penalties for killing or attempting to kill a witness, victim, or informant to obstruct justice.

Sec. 713. This section modifies 18 U.S.C. §1513 for killing or attempting to kill a witness, victim, or an informant in retaliation for their testifying or providing information to law enforcement by increasing penalties for causing bodily injury or damaging the person's property or business or livelihood, or threatening to do so.

Sec. 714. This section amends 18 U.S.C. §1952 relating to interstate and foreign travel in aid of racketeering enterprise by expanding the prohibition against ''unlawful activity'' to include ''intimidation of, or retaliation against, a witness, victim, juror, or informant.''

Sec. 715. This section amends section 1513 of title 18 to clarify proper venue for prosecutions to include the district in which the official proceeding or conduct occurred.

Sec. 716. This section amends 18 U.S.C. Sec. 930(e)(1) to prohibit the possession of ''a dangerous weapon'' in a Federal court facility.

Sec. 717. This section modifies the Federal murder and manslaughter statutes to include new mandatory minimums.

Sec. 718. This section creates a new grant program for States, units of local government, and Indian tribes to create and expand witness protection programs in order to prevent threats, intimidation and retaliation against victims of, and witnesses to, crimes.

Sec. 719. This section authorizes grants to State courts to conduct threat assessments and implement recommended security changes.

Sec. 720. This section authorizes a new grant program to provide States with funds to develop threat assessment databases.

Sec. 721. This section amends 42 U.S.C. §13862 to authorize grants to create and expand witness protection programs to assist witnesses and victims of crime.

Sec. 722. This section authorizes grants for State and local prosecutors and law enforcement agencies to provide witnesses assistance programs for young witnesses.

Sec. 723. This section modifies the eligibility requirements for discretionary grants to allow State court eligibility.

Sec. 801. This section revises existing section 521 of title 18, U.S.C., to prohibit gang crimes that are committed in order to further the activities of a criminal street gang.

Sec. 802. This section expands existing section 1952 of title 18, U.S.C., to increase penalties and simplifies the elements of the offense.

Sec. 803. This section amends criminal statutes relating to definition and penalties for carjacking, illegal gun transfers to drug traffickers or violent criminals, special sentencing provisions, and conspiracy to defraud the United States.

Sec. 804. This section amends existing section 1958 of title 18, U.S.C., to increase penalties for use of interstate commerce facilities in the commission of a murder-for-hire and other felony crimes of violence.

Sec. 805. This section amends existing section 1959(a) of title 18, U.S.C., to increase penalties and expand the prohibition on include aggravated sexual abuse.

Sec. 806. This section fills a gap in existing federal law and creates a new criminal offense for violent acts committed during and in relation to a drug trafficking crime.

Sec. 807. This section creates a new criminal offense for traveling in or causing another to travel in interstate or foreign commerce or to use any facility in interstate or foreign commerce with the intent that 2 or more murders be committed in violation of the laws of any State or the United States.

Sec. 808. This section modifies the list of RICO predicates to clarify applicability of predicate offense which occur on Indian country or in any other area of exclusive Federal jurisdiction.

Sec. 809. This section applies the rebuttable presumption in pre-trial release detention hearings to cases in which a defendant is charged with firearms offenses after having previously been convicted of a prior crime of violence or a serious drug offense.

Sec. 810. This section amends United States Code to clarify venue in capital cases where murder, or related conduct, occurred.

Sec. 811. This section extends the statute of limitations for violent crime cases from 5 years to 15 years after the offense occurred or the continuing offense was completed.

Sec. 812. This section permits admission of statements of a murdered witness to be introduced against the defendant who caused a witness' unavailability and the members of the conspiracy if such actions were foreseeable to the other members of the conspiracy.

Sec. 813. This section authorizes the Attorney General to charge as an adult in federal court a juvenile who is 16 years or older and commits a crime of violence.

Sec. 814. This section amends title 18 to create a new enhanced criminal penalty when an illegal alien commits a crime of violence or a drug trafficking offense.

Sec. 815. This section requires the Department of Homeland Security to provide to the Department of Justice information about certain immigration violators so that such information can be included in national criminal history databases.

Sec. 816. This section requires the Attorney General and the Secretary of Homeland Security to jointly conduct a study on illegal immigration and gang membership.

Sec. 901. This section authorizes use of Byrne grants to State and local prosecutors to protect witnesses and victims of crimes; to fund new technology, equipment and training for prosecutors and law enforcement in order to increase accurate identification of gang members and violent offenders, and to facilitate coordination among law enforcement and prosecutors.

Sec. 902. This section reauthorizes the Gang Resistance Education and Training Program.

Sec. 903. This section authorizes the Justice Department to provide grants to establish offender reentry courts.

Sec. 1001. This section authorizes a new grant program for the National Crime Prevention Council.

Sec. 1002. This section requires the Justice Department to conduct a study.

Sec. 1101. Short Title.

Sec. 1102. This section requires the Secretary of Health and Human Services, with the Justice Department, to create a national registry of substantiated cases of child abuse and neglect.

Mr. Speaker, when I was first elected to the Wisconsin legislature in 1968, one of my mentors warned me against making the perfect the enemy of the good, because if the perfect ends up defeating the good, then bad will prevail.

What we have heard from the opponents of this motion to suspend the rules is that the bill is a good one, but it doesn't do enough, and we ought to add this and this and this and this. But we tried that last year. We passed the core bills of three separate components of this bill, and they ended up getting stuck in the other side of the Capitol Building.

Honestly, our children, our judges, and all Americans can't afford to wait any longer. The gentleman from North Dakota (Mr. POMEROY), I think, summed it up perfectly, that is, that the victims and their families cannot afford to wait any longer because of parliamentary objections to this, that and everything else.

Now, let us look at what this bill does. It allows a national registration of sex offenders so that we can get the over 100,000 convicted sex offenders who slipped through the registration cracks on the Internet so that people will know if they are in their neighborhood. If you defeat this bill, that is not going to happen.

This bill also prevents the sale of date-rape drugs over the Internet. If you defeat this bill, that is not going to happen.

The bill has a number of provisions to protect Federal judges and their families and courthouse personnel and buildings so that we don't have the tragedy that happened to Judge Lefkos in Chicago when two members of her family were murdered. You defeat this bill, our judges are going to be vulnerable.

Practically every community of over a quarter of a million in this country has faced the scourge of gangs. There is comprehensive gang law in this bill that will help our law enforcement get to the ringleaders of these gangs and to arrest them and throw them into jail. That is going to make all of us safer. You defeat this bill, and that is not going to happen.

I want to see a law made, and those who have spoken in support of this motion to suspend the rules want to see this bill become law as quickly as possible. We have a commitment from the majority leader on the other side of the Capitol, if this bill passes today, to schedule it quickly. In the name of our children and all Americans, vote to suspend the rules.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
WASHINGTON, DC, MARCH 7, 2006.

Hon. HOWARD P. ''BUCK'' MCKEON,
Chairman, Committee on Education and Workforce, House of Representatives, Washington, DC.

DEAR CHAIRMAN MCKEON: I am writing to confirm our mutual understanding regarding H.R. 4472, the ''Children's Safety and Violent Crime Reduction Act of 2005,'' which is scheduled for consideration on the House floor on Wednesday, March 8, 2006. I agree that Title XI of the manager's amendment implicates the jurisdiction of the Committee on Education and Workforce, and appreciate your willingness to forego consideration in order to facilitate floor consideration of this legislation. I agree that your decision to waive consideration of the bill should not be construed to limit the jurisdiction of the Committee on Education and Workforce over H.R. 4472 or similar legislation, or otherwise prejudice your Committee with respect to the appointment of conferees to this or similar legislation.

Sincerely,
F. JAMES SENSENBRENNER, Jr.,
Chairman.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 7, 2006.

Hon. F. JAMES SENSENBRENNER, Jr.,
Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to confirm our mutual understanding with respect to the consideration of H.R. 4472, the Children's Safety and Violent Crime Reduction Act of 2005. Title XI of the manager's amendment to be considered under the suspension of the rules, contains the CHILDHELP National Registry Act and is within the jurisdiction of the Committee on Education and the Workforce.

Given the importance of this legislation and your willingness to work with me in drafting the final language of Title XI, I will support the inclusion of this provision in the manager's amendment without consideration by my committee. However, I do so only with the understanding that this procedural route should not be construed to prejudice the Committee on Education and the Workforce's jurisdictional interest and prerogatives on these provisions or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my committee in the future. Furthermore, should these or similar provisions be considered in a conference with the Senate, I would expect members of the Committee on Education and the Workforce be appointed to the conference committee on these provisions.

Finally, I would ask that you include a copy of our exchange of letters in the Congressional Record during the consideration of this bill. If you have any questions regarding this matter, please do not hesitate to call me. I thank you for your consideration.

Sincerely,
HOWARD P. ''BUCK'' MCKEON,
Chairman.

HOUSE OF REPRESENTATIVES
COMMITTEE ON WAYS AND MEANS,
Washington, DC, March 7, 2006.

Hon. F. JAMES SENSENBRENNER, Jr.
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: I am writing concerning H.R. 4472, the ''Children's Safety and Violent Crime Reduction Act of 2005,'' which is scheduled for floor action on Wednesday, March 8, 2006.

As you know, the Committee on Ways and Means has jurisdiction over matters concerning certain child welfare programs, particularly as they pertain to foster care and adoption. Section 501 of the bill would require States to conduct safety checks of would-be foster and adoptive homes as well as eliminate the ability of States to opt-out of Federal background check requirements restricting Federal support for children placed with foster or adoptive parents with serious criminal histories. Section 502 would require States to check child abuse registries for potential foster and adoptive parents. Thus these provisions fall within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this bill for floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 4472, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Best regards,
BILL THOMAS,
Chairman.

HOUSE OF REPRESENTATIVES
COMMITTEE ON THE JUDICIARY,
Washington, DC, March 7, 2006.

Hon. BILL THOMAS,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR CHAIRMAN THOMAS:

I am writing to confirm our mutual understanding regarding H.R. 4472, the ''Children's Safety and Violent Crime Reduction Act of 2005,'' which is scheduled for consideration on the House floor on Wednesday, March 8,

2006. I agree that sections 501 and 502 implicate the jurisdiction of the Committee on Ways and Means, and appreciate your willingness to forego consideration in order to facilitate floor consideration of this legislation. I agree that your decision to waive consideration of the bill should not be construed to limit the jurisdiction of the Committee on Ways and Means over H.R. 4472 or similar legislation, or otherwise prejudice your Committee with respect to the appointment of conferees to this or similar legislation.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

Mr. STARK. Mr. Speaker, I rise in opposition to H.R. 4472, the Children's Safety and Violent Crime Reduction Act. Once again, this Congress is attempting to address very serious and complicated problems with a law that substitutes the talking points of ''tough on crime'' politicians for the wisdom of judges, prosecutors, treatment professionals and child advocates. As a father and someone who has fought for better foster care, education, and health care for children, I object to this ill-conceived legislation that is as much an attack on our independent judiciary as it is a bill to protect kids.

Many child advocates themselves oppose this bill because kids in grade school or junior high will be swept up alongside paroled adults in sex offender registries. Many caught in registries would be 13 and 14 year olds. In some states, children 10 and under would be registered.

This bill creates new mandatory minimum sentences, which impose the judgment of Congress over every case, regardless of the circumstances. The Judicial Conference of the United States and the U.S. Sentencing Commission have found that mandatory minimums actually have the opposite of their intended effect. They ''destroy honesty in sentencing by encouraging plea bargains.'' They treat dissimilar offenders in a similar manner, even though there are vast differences in the seriousness of their conduct and their danger to society. Judges serve a very important role in criminal justice, and Congress should not attempt to do their job for them.

Finally, this bill expands the death penalty, which is not a deterrent, costs more to implement than life imprisonment, and runs the risk of executing the innocent.

Nobody, especially the parents and victims of sexual abuse who have contacted me on this issue, should confuse my objections to this bad policy with indifference to the problem of child sex abuse in this country. It is a huge problem, affecting millions of American children. Recent news stories prove that the registry system isn't working well.

I support aspects of this bill, including a strengthened nationwide registry for pedophiles, with strict requirements for reporting changes of address and punishments for failing to report. I support establishing treatment programs for sex offenders in prison, background checks for foster parents, funding for computer systems to track sex crimes involving the Internet, and, at last resort, procedures for committing sexually dangerous persons to secure treatment facilities.

However, I cannot violate my Constitutional duty to protect our independent judiciary nor can I support extreme, dangerous policies, so I will vote against this bill. I hope that, working with the Senate, we can improve this legislation and implement the policies that everyone agrees are needed without the unintended consequences of the bill in its current form.

Mr. WATT. Mr. Speaker, I submit the following items for inclusion in the RECORD regarding the House floor consideration of H.R. 4472 on March 8, 2006.

MARCH 7, 2006.

DEAR REPRESENTATIVE CONYERS: On behalf of the Judicial Conference of the United States, the policy-making body of the federal judiciary, I am writing to convey its views regarding the provisions contained in H.R. 4472, the ''Children's Safety and Violent Crime Reduction Act of 2005.''

We would like to emphasize that there are several ways in which this bill will be helpful to the Judiciary, even though there are some provisions about which we have concerns or would wish to modify. In particular, we greatly appreciate inclusion in this bill of important measures designed to improve the security of our federal courts. Some of the impetus for these court security provisions in the bill arose from the tragic circumstances surrounding the murder of family members of Judge Joan Lefkow of the United States District Court for the Northern District of Illinois. Her husband and mother were shot and killed by a disgruntled litigant.

The current bill contains several provisions that are of particular interest to the federal courts and that are supported by the Judicial Conference. One provision of the bill requires the United States Marshals Service to consult with the Administrative Office of the United States Courts regarding the security requirements of the judicial branch. While this is a positive amendment to current law, we believe that the United States Marshals Service should be required to ''coordinate'' with the judicial branch.

The bill contains two other provisions that are supported by the Judicial Conference including one that will help protect judges from the malicious recording of fictitious liens and another that extends to federal judges the authority to carry firearms under regulations prescribed by the Attorney General in consultation with the Judicial Conference of the United States. The latter provision says that, with respect to justices, judges, magistrate judges and bankruptcy judges, such regulations ''may'' provide for the training and regular certification in the use of firearms. The Judicial Conference believes that the training and certification requirement should be mandatory and that ''shall'' should replace ''may.''

While the bill addresses many important issues of interest to the Conference, the bill also contains some provisions about which we are concerned, which we briefly address below.

The bill would amend the habeas corpus procedures set out in 28 U.S.C. §§2264 and 2254 to bar federal court review of claims based upon an error in an applicant's sentence or sentencing that a court determined to be harmless or not prejudicial, that were not presented in state court, or that were found by the state court to be procedurally barred, ''unless a determination that the error is not structural is contrary to clearly established federal law, as determined by the Supreme Court.'' This section is similar to a provision of the Streamlined Procedures Act (H.R. 3035 and S. 1088, 109th Congress) that was opposed by the Judicial Conference as described in a September 26, 2005 letter sent to members of the House Judiciary Committee. The Conference specifically opposed sections of the Streamlined Procedures Act that would limit judicial review of procedurally defaulted claims and harmless errors in federal habeas corpus petitions filed by state prisoners. Those provisions had the potential to:

(1) Undermine the traditional role of the federal courts to hear and decide the merits of claims arising under the Constitution;

(2) Impede the ability of the federal and state courts to conduct an orderly review of constitutional claims, with appropriate deference to state-court proceedings; and

(3) Prevent the federal courts from reaching the merits of habeas corpus petitions by adding procedural requirements that may complicate the resolution of these cases and lead to protracted litigation. . . .

The habeas provision in this bill raises similar concerns and is opposed by the Judicial Conference.

Another section would make it a federal crime for a person to knowingly fail to register as required under the Sex Offender Registration and Notification Act if the person is either a sex offender based upon a federal conviction or is a sex offender based on a state conviction who thereafter travels in interstate or foreign commerce, or enters or leaves, or resides in, Indian country. Because the requirement to register under that act would include convictions in state courts, this has the potential to expand federal jurisdiction over large numbers of persons whose conduct would previously have been subject to supervision solely by the state courts. In addition, as the bill requires the states to expand systems for supervising all persons convicted of specified offenses, the expansion of federal jurisdiction into this area risks duplication of effort and conflicts between the federal and state systems.

The bill would amend 18 U.S.C. §5032 to allow a juvenile who is prosecuted for one of the specified crimes of violence or firearms offenses to ''be prosecuted and convicted as an adult for any other offense which is properly joined under the Federal Rules of Criminal Procedure, and also [to] be convicted as an adult of any lesser included offense.'' Given that joinder of offenses is liberally allowed under the Rules, and that the bill further provides that the determination of the Attorney General to proceed against a juvenile as an adult is an exercise of unreviewable prosecutorial discretion, this provision could result in the federal prosecution of juveniles for myriad offenses if they are also prosecuted for a felony crime of violence or a firearms offense.

The bill contains various provisions that expand the application of mandatory minimum sentences. The Judicial Conference opposes mandatory minimum sentencing provisions because they undermine the sentencing guideline regime Congress established under the Sentencing Reform Act of 1984 by preventing the systematic development of guidelines that reduce unwarranted disparity and provide proportionality and fairness in punishment. While we recognize the desire to increase the security of persons associated with the justice system, we believe that this can be accomplished without resort to the creation of mandatory minimums.

I appreciate having the opportunity to express the views of the Judicial Conference on H.R. 4472, the ''Children's Safety and Violent Crime Reduction Act of 2005.'' If you have any questions regarding this legislation please contact Cordia Strom, Assistant Director, Office of Legislative Affairs.

Sincerely,

LEONIDAS RALPH MECHAM,
Secretary, Judicial Conference of the United States.

DECEMBER 15, 2005.

DEAR CHAIRMAN SENSENBRENNER AND REPRESENTATIVE CONYERS: On behalf of the National Juvenile Justice and Delinquency Prevention (JJDP) Coalition, an alliance of nearly 100 organizations that work in a variety of arenas on behalf of at-risk youth, we

are writing at this time to express our very deep concerns about recently introduced H.R. 4472. This ''omnibus'' bill incorporates several separate bills; two of these bills have been the focus of strong opposition by this Coalition as being harmful and detrimental in many ways to the best interests of youth.

Specifically, the National JJDP Coalition objects to provisions of Title I, Sex Offender Registration and Notification Act, and Title VIII, Reduction and Prevention of Gang Violence.

TITLE I: SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

The National JJDP Coalition strongly believes that juvenile offenders adjudicated delinquent of sex offenses should be excluded from both the National Sex Offender Registry to be maintained by the Attorney General and the state-level sex offender registries required by H.R. 4472. While we understand that certain Tier I juvenile sex offenders may not be included on the internet or subject to all of the program notification requirements, we believe that this potential remedy does not do nearly enough to differentiate between juvenile and adult sex offenders and simply cannot safeguard juveniles in accordance with established principles of confidentiality. Without the use of careful risk assessments and judicial review for each juvenile sex offender, youth who pose no future risk to public safety will have their own safety jeopardized and their futures inevitably compromised by their inclusion in the registry. We throw away these youth at great cost to our own public safety and future interests.

Critically, the increased penalties in Titles III and IV of H.R. 4472 fail to acknowledge the research on adolescents, generally, and adolescent sex offenders. In creating policy around this issue, it is imperative that policymakers rely on the vast scientific literature distinguishing the behavior of juveniles and adults.

Research has consistently shown that youth who act out sexually differ significantly from adult sex offenders. First, juvenile offenders who act out sexually do not tend to eroticize aggression, nor are they aroused by child sex stimuli as adult sex offenders are. Many young people who exhibit sexual behavior have been sexually abused themselves and/or exposed to pornography or other sex stimulation by someone older. As a result of this abuse and victimization, they need mental health services and support. Mental health professionals regard this juvenile behavior as much less dangerous. Indeed, when applying the American Psychiatric Association diagnostic criteria for pedophilia (abusive sexual uses of children) to the juvenile arrests included in the National Incident Based Reporting System, only 8 percent of these incidents would even be considered as evidence of a pedophilia disorder.

Furthermore, many of the juveniles who are included on sex offender registries are done so for behavior that certainly does not fit the profiles compelling such requirements. For example, under the Idaho Code, two fifteen year olds engaged in ''heavy petting'' would be guilty of a felony requiring them to register on the state's sex offender list.

Regarding recidivism, not only is the re-arrest rate for youth charged with sexual crimes much lower than that for adults, but the subsequent arrests of these youth are primarily for non-sexual offenses. A 2000 study by the Texas Youth Commission of 72 young offenders who were released from state correctional facilities for sexual offenses (their incarceration suggests that judges considered these youth as posing a greater risk) found a re-arrest rate of 4.2% for a sexual offense. A 1996 study found similarly low sex offense recidivism rates in Baltimore (3.3–4.2%), San Francisco (5.5%) and Lucas County, Ohio (3.2%).

TITLE VIII: REDUCTION AND PREVENTION OF GANG VIOLENCE

The juvenile transfer provisions of Title VIII would result in the expanded ''transfer'' or ''waiver'' of youth to the adult criminal system and/or placing an additional number of youth in adult correctional facilities. Comprehensive national research on the practice of prosecuting youth in the adult system has conclusively shown that transferring youth to the adult criminal justice system does nothing to reduce crime and actually has the opposite effect. Study after study has shown that youth transferred to the adult criminal justice system are more likely to re-offend and to commit more serious crimes upon release than youth who were charged with similar offenses and had similar offense histories but remained in the juvenile justice system.

Moreover, national data shows that, in comparison to youth held in juvenile facilities, young people incarcerated with adults are: five times as likely to report being a victim of rape; twice as likely to be beaten by staff; and 50% more likely to be assaulted with a weapon.

A recent Justice Department report also found that youth confined in adult facilities are nearly 8 times more likely to commit suicide than youth in juvenile facilities.

Further, minority youth will be disproportionately affected by this policy. Recent studies by the Department of Justice have shown that more than 7 out of 10 youth admitted to state prisons across the country were youth of color. Youth of color sent to adult court are also over-represented in charges filed, especially for drug offenses, and are more likely to receive a sentence of incarceration than White youth even when charged with the same types of offenses.

Moreover, putting the transfer decision in the sole discretion of a prosecutor, not a judge as the law currently requires, violates the most basic principles of due process and fairness.

We urge you to strike the provisions we have described herein from H.R. 4472 that would place youth on a National Registry and would also expand the number of youth tried as adults and remove judicial discretion from the transfer decision. As advocates for at-risk youth, we are also strong advocates of community safety. But these provisions will not increase community or child safety, they will in fact have the opposite effect. Extensive data and research-based practice supports the positions of the National JJDP Coalition on these issues. We urge you to utilize this evidence in creating policy that will genuinely contribute to enhanced community safety and lower recidivism as well as assist and support system-involved youth in getting on the path to productive adulthood.

We appreciate your consideration of our concerns. If you have any questions, please do not hesitate to contact Morna Murray at the Children's Defense Fund at 202.662.3577, mmurray@childrensdefense.org or Elizabeth Gladden Kehoe at the National Juvenile Defender Center at 202.452.0010, x103, ekehoe@njdc.info.

Sincerely,

MORNA A. MURRAY,
Children's Defense Fund, Co-chair, National Juvenile Justice & Delinquency Prevention Coalition;

JOHN TUELL,
Child Welfare League of America, Co-chair, National Juvenile Justice & Delinquency Prevention Coalition.

Mr. CONYERS. Mr. Speaker, I submit the following items for inclusion in the RECORD regarding the House floor consideration of H.R. 4472 on March 8, 2006.

FEBRUARY 23, 2006.

In New Jersey, the Office of the Public Defender represents all indigent persons entitled to a court hearing concerning the Megan's Law tier classification and community notification proposed for them by the State. Over the past ten years the Office has served as counsel for 60% of persons challenging their tier levels in New Jersey—nearly 3000 cases in a state where approximately 5000 such cases have been adjudicated.

Based upon our long and extensive experience with New Jersey's system of notification and its registrants, as well as our contact with renowned experts in the field of sex offender recidivism, we believe we have a unique perspective to provide the House with comments concerning H.R. 4472 (the Children's Safety and Violent Crime Reduction Act of 2005), currently pending a vote on the House floor.

Our comments focus on four aspects of the current bill. First, unlike the Senate bill on the same topic (S. 1086) the House bill will have a significantly negative impact on many juveniles, subjecting them to notification in their neighborhoods and via the Internet for possibly 20 years. This would inflict undue hardship which, given the low risk of re-offense juvenile sex offenders pose to the public and their strong amenability to treatment, is often not justified by a public safety need.

Second, the notification required by H.R. 4472 will apply to thousands of persons in each state, requiring notice to registrants' neighborhoods and around their work and school, and via the Internet. The proposed notification would include home addresses and places of employment. Neighborhood notification is currently reserved only for New Jersey's approximately 160 high risk offenders, but as proposed under H.R. 4472 would apply to thousands of registrants. Based on our firsthand experience this form of notification will predictably lead to large numbers of offenders becoming homeless and unemployed.

Because this form of notification will undermine the ability of many registrants to maintain stable housing, steady employment and ongoing treatment, it will have a marked impact on registrants' risk levels and opportunities to remain offense free, and thus will negatively affect public safety.

Third, by impacting on registrants' abilities to provide for their most basic needs, H.R. 4472 will severely impede the implementation of sex offender monitoring programs like New Jersey's Community Supervision for Life and Parole for Life programs, which are designed to prevent future reoffending by registrants. *See N.J.S.A.* 2C:43–6.3. As discussed below, due to the form of neighborhood notification proposed by H.R. 4472 parole officers will be unable to keep registrants in jobs, maintain their stable home environments and continue registrants' treatments as those monitoring programs require. In this way, H.R. 4472 will frustrate New Jersey's longstanding efforts to monitor sex offenders and will compromise, not further, community safety.

Fourth,the bill subjects all registrants, including many juveniles, to the identical

form of Internet and community based notification, without an individualized risk assessment, despite vast differences among offenders' risk-of-re-offense levels. By treating persons with vastly different risk levels identically, H.R. 4472 creates the misimpression that all offenders pose the same risk. Thus, the bill dilutes the value of notification and diverts attention from those posing the greatest risk.

1. H.R. Will Inflict Undue Hardship on Juvenile Offenders Without a Corresponding Benefit to Public Safety.

Sections 111 and 122 of the bill would provide a limited exception from public notification for juveniles. However, the bill would require juvenile offenders deemed a tier II to be subject to 20 years of public notification to communities and via the Internet. Sec. 111 (6). Some young juveniles may even unfairly be deemed a tier III since the victim involved would likely be less than 13 years of age. See Sec. 111 (7). These tier determinations and the resulting public notification would occur without any individualized assessment of whether the juveniles involved posed anything more than a low risk of re-offense.

Five decades of follow-up studies demonstrate that the vast majority of juveniles will remain free of sex offense recidivism. It is consistently found that sex offense recidivism rates among juveniles are among the lowest of all such offenders—less than 8% in most treatment follow-up studies.

Moreover, studies demonstrate that the motivation and manifestation of sexually inappropriate behaviors of juveniles are very different than those of adult offenders. And, children with sexual behavior problems generally respond well to treatment interventions. If the proposed bill becomes law, however, it will mean that children will be stigmatized for life on the basis of their childhood behavior. Despite the questionable public safety benefits of community notification with juveniles, it is likely to stigmatize them fostering peer rejection, isolation, and increased anger. This impact can prevent juvenile offenders from realizing the benefits of effective treatments. The proposed notification and the ensuing stigma will also result in such persons being denied fair opportunities for employment, education, and housing despite the low risk of recidivism they typically pose. Accordingly, the bill will violate the long tradition in our country of recognizing that most youth who break the law during childhood can and will mature out of this behavior with appropriate guidance and treatment.

Thus, the bill would inflict undue hardship on juveniles, impacting their entire lives, and is not justified by a public safety need. Rather than resort to such a counterproductive approach, as the above cited experts recommend, treatment and supervision should be emphasized for this group of offenders.

2. The Notification Scheme In H.R. 4472 Will Deprive Many Registrants, Including Those Who Are a Low or Moderate Risk, Of The Basic Means To Live Productively In Society With the Unintended Consequence of Increasing Their Risk Of Re-Offense.

H.R. 4472 provides that in most cases the same public notification would be provided to registrant's neighborhoods and in the vicinity where they work and attend school, regardless of their danger to the public. Sec. 122(b),(c). In addition, without determining the actual risk a registrant poses, that notification will include both a registrant's home address and the address of his employer. Sec. 114(a)(3),(4). Moreover, the bill applies retroactively to all applicable offenses.

As set forth above, notification to a registrant's immediate neighbors is currently reserved for roughly 160 high risk registrants in New Jersey. Due to the impact on an offender's life that the notice will have, this small number of registrants is designated ''high risk'' only after an assessment and court hearing (if requested), showing that the registrant's risk justifies neighborhood notification. Our experience demonstrates that notification (whether via the Internet or provided in a registrant's neighborhood) containing an employer's name and address will frequently result in the registrant's termination. This is due to customers refusing to frequent the business, and neighbors subjecting the employer to enormous pressure to fire the offender.

Likewise, New Jersey registrants subject to neighborhood notification providing their home addresses are often uprooted from their homes, and eventually become homeless. Typically this is due to landlords being pressured by surrounding homeowners to evict the registrant. And in cases where registrants own their home, significant threats and vandalism have occurred to drive the offender away. In one New Jersey case, following notification five bullets were fired through the front window of a registrant's apartment by a neighbor, nearly wounding an innocent tenant. Thus, under H.R. 4472 it is predictable that substantial numbers of registrants will become homeless.

Registrants pose a much higher risk of reoffense when they have no job or stable housing. This is agreed upon by studies in the field of sex offender recidivism, New Jersey's own actuarial scale for determining registrant risk, as well as our experience working with registrants over the past ten years. Therefore, the unintended consequence of providing many registrants' home addresses and places of employment as required by H.R. 4472 will be that substantial numbers will have their re-offense risk increased.

Furthermore, homeless and jobless registrants are, of course, unable to pay for sex offender and substance abuse treatment which have been proven to markedly reduce offense risk. Also, we have witnessed how the desperation caused by this homeless and jobless state has led our clients to suffer severe stress, and relapse into substance abuse, and other high risk behaviors for recidivism. Thus, the notification proposed by H.R. 4472 to registrants' neighborhoods listing their place of employment may trigger a new offense, by removing the supportive components of a person's rehabilitation. See R. Karl Hanson & Andrew Harris, Solicitor General of Canada, Dynamic Predictors of Sexual Recidivism (1998) at 2 (''recidivists showed increased anger and subjective distress just prior to offending''); ATSA, The Registration and Community Notification of the Adult Sexual Offender at 3 (2005) (notification will ''ostracize[]'' sex offenders and ''may inadvertently increase their danger.'')

Finally, H.R. 4472 would require notification to be distributed to neighborhoods in cases involving an intra-familial offense. As this notification will result in victims' identities being disclosed to neighbors, the practice will act as a significant deterrent to having victims of familial offenses report them to police. Sec. 111 (6), (7). Thus, public notification in cases involving a single intra-familial offense should be eliminated from the bill.

Given the predictable consequences of the notification proposed in H.R. 4472, we submit that notice to a registrant's neighborhood or around his place of employment which includes his home address, and any notification including his place of work, should occur only for high risk offenders, and only after an individualized risk assessment. Otherwise, H.R. 4472 will run the danger of destabilizing large numbers of registrants by having them lose the jobs and housing essential to maintaining offense-free lives. As mentioned, the notice proposed by the bill will also discourage victims of intra-familial offenses from contacting law enforcement.

3. The Notification Proposed in H.R. 4472 Will Undermine the Ability of States Like New Jersey to Implement Parole for Life Programs Which Require Law Enforcement Officers to Monitor Registrants, and Require Registrants to Maintain Jobs, Housing and Treatment to Reduce their Risk of Re-Offense.

Since 1994, every adult registrant in New Jersey who committed a sex offense has been placed on a form of close monitoring known as community or parole supervision for life. See N.J.S.A. 2C:43–6.4. The purpose of the program is to locate and monitor adult registrants, potentially for life, ''as if on parole.'' Id. Applicable State regulations provide that the registrant must maintain stable housing and a job, avoid drug or alcohol use (as monitored by urine testing), occasionally submit to random visits by their parole officer at home, attend sex offender and/or substance abuse treatment, as well as other requirements.

The success of this eleven-year-old program depends upon a parole officer being able to locate the lifetime parolee in their home, do random drug and alcohol testing, check for other signs' of instability or loss of employment, and thus prevent the precursors to re-offending. However, the notification provisions of H.R. 4472 will lead to large numbers of offenders becoming homeless and will result in parole officers being unable to locate registrants and provide them with the close supervision needed to reduce recidivism rates. Thus, the State's efforts to assist registrants in keeping stable housing or a job, basic requirements of parole, will be frustrated.

When we explained to a New Jersey parole officer that the proposed legislation will put the addresses of many sex offenders' employers on the Internet, and be provided to offenders' neighbors or to persons living around their employers, she stated that her parolees would ''spiral downward,'' and that they ''wouldn't care'' about trying to keep from re-offending. She stated, ''Our job would be so difficult . . . it's hard enough for them to get jobs.'' She expressed the view that a significant number might re-offend because, ''A lot of these things are due to high stress rates.'' Finally, she expressed concern that most of them would end up ''in homeless shelters'' where there is an ''increased risk of disappearance or committing a new offense of some kind''—either a non-sexual criminal offense or possibly a sexual offense.

In addition to Community and Parole Supervision for Life, New Jersey also assigns special probation officers to exclusively monitor sex offenders while on parole (prior to implementation of their special sentence of community or parole supervision for life) so they can concentrate on the particular needs this population presents, and provide the type of close supervision they require. (Notably, we have observed that other states appear to be putting more and more sex offenders on probation for life and similarly long sentences, even for very minor offenses—so it is likely that this legislation will strongly affect those states as well.)

When we explained the notification requirements of the bill to a special probation officer he replied that, ''You'll end up having many, many people re-offending—what else could they do?'' When asked if he thought these provisions would cause many registrants to lose their jobs, he 4 replied, ''Absolutely. I can't imagine anyone would want them.'' He explained that without ''work,

housing, and normal responsibilities'' the registrants would have ''no self esteem.'' He said that they ''would not listen to me,'' and would likely ''go out and assault someone else.''

Thus, there is serious concern that the basic purpose of the registration provisions of Megan's law (which is to enable law enforcement to locate registrants in the course of investigating new offenses, monitor registrants, and explore allegations of misconduct by such registrants), will be substantially undermined by the notification provision of H.R. 4472.

Over the past dozen years, New Jersey and other states have acted as laboratories for experimentation with sex offender registration and supervision programs. During this period, many states have established effective measures to combat recidivism. We recommend that these states should be consulted closely on H.R. 4472 and given a chance to comment or give testimony about the wisdom of the bill and how it may impact existing, effective law enforcement programs.

4. All Registrants Should Not be Subject to the Same Form of Notification. Rather, the Bill Should Require a Risk Assessment and A Tiered Approach to Community Notification Tied to Risk Level.

Pursuant to Section 122 of the bill, all ''sex offenders,'' regardless of their tier determination, are subject to identical public notification to neighborhoods and via the Internet. See Sec. 122.(b) (making the only potential exception a Tier I, sex offender whose offense was a juvenile adjudication). It has been our experience that, even if a registrant's tier level is included in the notice, this approach will create the misimpression that all offenders pose the same risk. Thus, it will dilute the effectiveness of notification by focusing the public's attention on the offenders truly posing a significant risk of recidivism. This can be avoided, as occurs in New Jersey and other states, by providing notice to neighborhoods (as opposed to Internet notification) only in cases of significant risk. This determination can be made by using available risk assessment tools that validity and economically demonstrate risk level.

Formal studies conducted at the behest of or relied upon by both the federal government and the states confirm that sex offender re-offense rates vary greatly among different categories of offenders. See CSOM, Myths and Facts About Sex Offenders, at 2 (August 2000) (citing various studies regarding recidivism rates and noting: ''Persons who commit sex offenses are not a homogeneous group, but instead fall into several different categories. As a result, research has identified significant differences in re-offense patterns from one category to another.'') For instance, studies and experts conclude that incest offenders present a very low risk of re-offense. See CSOM, Recidivism of Sex Offenders (May 2001) (citing study which found a 4% rate of recidivism for incest offenders). Other studies have determined that effective treatment substantially reduces recidivism levels. Id. at 12–14 (citing studies demonstrating 7.2% recidivism rate with relapse prevention treatment vs. 13.2% of all treated offenders vs. 17.6% for untreated offenders); Ten Year Recidivism Follow-up of 1989 Sex Offender Releases, State of Ohio Dept. of Rehabilitation and Correction (April 2001) (sex-related recidivism after basic sex offender programming was 7.1 % as compared to 16.5% without programming).

Further studies cited by CSOM and ATSA recognize the positive impact that steady employment, stable housing, ongoing treatment and avoiding isolation play in reducing recidivism levels. See CSOM, Recidivism of Sex Offenders, supra.; ATSA, Ten Things You Should Know About Sex Offenders and Treatment, supra. Thus, while there is an array of well-recognized factors impacting significantly on a registrant's risk to the public, H.R. 4472 fails to consider any, and instead would compel participating states to label registrants based solely on their offense. It would also require the identical type of notification for the overwhelming majority of offenders. This system will unwisely overload the public with thousands of offenders' names and pictures and prevent the public from making informed decisions about which truly pose a significant risk. See In re Registrant E.I., 300 N.J. Super. 519, 526 (App. Div. 1997) (noting that a ''mechanical'' application of a notification law will ''impede [its] beneficial purpose''); E.B. v. Verniero, 119 F.3d 1077, 1107–08 (3d. Cir. 1997) (holding that a state does not have ''any interest in notifying those who will come in contact with a registrant who has erroneously been identified as a moderate or high risk.'')

For example, under H.R. 4472 a person convicted of criminal sexual contact in New Jersey (N.J.S.A. 2C: 14–3) for touching a juvenile over clothing on the buttocks on one occasion, years ago, with no history of any prior offense and with a successful record of treatment, must be labeled a tier II sex offender. This registrant, along with many others of a similar ilk, would be made subject to notification in his neighborhood and via the Internet with other offenders whose conviction and psychological profile made them much greater risk. (For example, an offender convicted of aggravated sexual assault who received no treatment and had recently been discharged from prison.) Multiply this example by thousands of cases, and it becomes apparent that the public's safety requires a time-tested notification system, like New Jersey's, which includes a risk determination and sends a clear message, through the type of notification provided, which registrants most require the public's attention. The ''one size fits all'' approach adopted in H.R. 4472 is counterproductive and misinforms the public of the relative danger posed by registrants. For these very reasons, professional groups such as ATSA have called for a risk based approach to community notification which provides the most substantial form of notification for those posing the greatest risk. ATSA, The Registration and Community Notification of Adult Sex Offenders, supra.

In New Jersey, a registrant's risk level is determined using the State's Risk Assessment Scale (''RAS''). The RAS is a matrix of thirteen static and variable risk factors which are weighted according to their relative predictive value. The thirteen factors in the RAS are evaluated and assigned a point score by a prosecutor. The combined point total from the RAS factors determines the registrant's tier classification, placing him in either the low, moderate or high risk levels. With information from the registrant's criminal history and registration data an attorney or paralegal familiar with the RAS can calculate a registrant's point total and resulting tier classification in just a few minutes.

In New Jersey, the hearings that determine the final risk assessment are held within a short time after the RAS determination has been made, and the registrant is ordinarily given approximately 45 days to prepare his case, although some matters are decided in even a shorter term if there is no disagreement. The hearings uncover information that may not be available to the prosecutor, such as whether the registrant is in a supervised placement such as a half-way house, treatment facility or nursing home, which is desirable for the supervision it provides. As set forth above, this influences the degree of notice that is distributed since it affects the registrant's risk and may avoid excessive notification that would require the facility to evict the client, depriving him of needed supervision, and increasing his risk to the community.

The hearings also reveal the history of the registrant since the offense, and how many years he has been at liberty since it occurred which may be as long as 20 or 25 years ago, in some cases. His record of rehabilitation, achievement in sex offender specific therapy and substance abuse recovery, cooperation with probation and/or parole programs, and other information are also considered. Significantly, the system as a whole tends to encourage registrants to continue their rehabilitation when the court fairly considers the efforts of the individual to rehabilitate, and his years of successful adjustment to the community without further offense.

Other factors regarding risk that may be considered include whether the registrant is very ill, elderly and infirm, or wheelchair bound, so as to pose only a low risk for re-offense to the community.

In summary, studies in the field and our experience over the past ten years has shown that sex offenders are a highly heterogeneous group, and that this diversity includes offenders who present little risk of re-offense. Inundating the public with the same form of notification which includes many low risk offenders will only frustrate the remedial goals that notification is designed to serve. Such over-broad notification is especially egregious when one considers that, as discussed above, it impacts substantially upon the ability of an offender to work, find or remain in their housing, continue in treatment and to live offense-free in the community.

We therefore recommend that H.R. 4472 be amended to permit states, (like New Jersey, Massachusetts and New York), to participate in the federal program yet maintain systems which allow for accurate determinations of the true risk of recidivism for registrants and provide forms of notification which are commensurate with that risk. This will allow the public to easily differentiate between offender risk levels. Moreover, it will permit states to meaningfully implement parole for life programs for sex offenders and to monitor them under the regulations provided by those statutes so that they can maintain the stable housing, jobs and treatment needed to continue to pose as low a risk of re-offense as possible.

Respectfully submitted,

MICHAEL Z. BUNCHER,
Deputy Public Defender, State of New Jersey, Office of the Public Defender.

Mr. SCOTT of Virginia. Mr. Speaker, I submit the following items for inclusion in the RECORD regarding the House floor consideration of H.R. 4472 on March 8, 2006.

OPPOSE H.R. 4472, THE CHILDREN'S SAFETY AND VIOLENT CRIME REDUCTION ACT OF 2005

DEAR REPRESENTATIVE: On behalf of the American Civil Liberties Union, a non-partisan organization with hundreds of thousands of activists and members and 53 affiliates nation-wide, we write to express our opposition to H.R. 4472, the Children's Safety and Violent Crime Reduction Act of 2005 (''Omnibus Crime''). H.R.4472 would create ten new federal death penalties and almost 30 new discriminatory mandatory minimums that infringe upon protected First Amendment speech, effectively eliminate federal and state prisoners' ability to challenge

wrongful convictions in federal court, make it more difficult to monitor sex offenders and create more serious juvenile offenders by incarcerating children in adult prisons. H.R. 4472 is scheduled for a vote on the House floor on Wednesday, March 8, 2006; we strongly urge you to oppose this legislation.

CONGRESS SHOULD NOT EXPAND THE FEDERAL DEATH PENALTY UNTIL IT ENSURES INNOCENT PEOPLE ARE NOT ON DEATH ROW

The death penalty is in need of reform, not expansion. According to the Death Penalty Information Center, 123 prisoners on death row have now been exonerated. Chronic problems, including inadequate defense counsel and racial disparities, plague the death penalty system in the United States. The expansion of the death penalty for gang and other crimes creates an opportunity for more arbitrary application of the death penalty.

In addition to expanding the number of federal death penalty crimes, this bill also expands venue in capital cases, making any location even tangentially related to the crime a possible site for the trial. This raises constitutional as well as public policy concerns. The U.S. Constitution states that ''the Trial of all Crimes . . . shall be by Jury; and shall be held in the State where the said Crimes shall have been committed.'' This concept is important in order to prevent undue hardship and partiality when an accused person is prosecuted in a place that has no significant connection to the offense with which he is charged. This proposed change in H.R. 4472 would increase the inequities that already exist in the federal death penalty system, giving prosecutors tremendous discretion to ''forum shop'' for the most death-friendly jurisdiction in which to try their case.

In carjacking cases, this legislation would effectively relieve the government from having to prove that a person intended to cause the death of a person before being subject to the death penalty. This provision is likely unconstitutional in the context of capital cases. In addition, the bill would allow the death penalty for attempt and conspiracy in carjacking cases, which we believe is unconstitutional.

H.R. 4472 ERODES FEDERAL JUDGES' SENTENCING DISCRETION BY PROPOSING HARSHER MANDATORY MINIMUM SENTENCES

This legislation would create 29 new mandatory minimum sentences that would result in unfair and discriminatory prison terms. Many of the criminal penalties in this bill are increased to mandatory minimum sentences, including the sentence for second-degree murder that would be a mandatory sentence of 30 years. Although, in theory, mandatory minimums were created to address disparate sentences that resulted from indeterminate sentencing systems, in reality they shift discretion from the judge to the prosecutor. Prosecutors hold all the power over whether a defendant gets a plea bargain in order for that defendant to avoid the mandatory sentence. This creates unfair and inequitable sentences for people who commit similar crimes, thus contributing to the very problem mandatory minimums were created to address.

PEOPLE COULD BE CONVICTED OF A ''GANG'' CRIME EVEN IF THEY ARE NOT MEMBERS OF A GANG

This legislation would impose severe penalties for a collective group of three or more people who commit ''gang'' crimes. This bill amends the already broad definition of ''criminal street gang'' to an even more ambiguous standard of a formal or informal group or association of three (3) or more people who commit two (2) or more ''gang'' crimes. The number of people required to form a gang decreases from five (5) people in an ongoing group under current law to three (3) people who could just be associates or casual acquaintances under this proposed legislation. Under current law it is essential to establish that a gang had committed a ''continuing series of offenses.'' By eliminating this requirement, H.R. 4472 defeats the purpose of a gang law, i.e. to target criminal activity that has some type of connection to a tight knit group of people that exists for the purpose of engaging in illegal activities.

H.R. 4472 JEOPARDIZES A PERSON'S RIGHT TO A FAIR TRIAL

Innocent people could be convicted of crimes they did not commit if the statute of limitations is extended as proposed in this legislation. The Omnibus Crime bill proposes to extend the statute of limitations for non-capital crimes of violence. Generally, the statute of limitations for non-capital federal crimes is five (5) years after the offense is committed. Fifteen years after a crime is committed, alibi witnesses could have disappeared or died, other witnesses' memories could have faded and evidence may be unreliable. The use of questionable evidence could affect a person's ability to defend him or herself against charges and to receive a fair trial.

This legislation would also preclude defense attorneys in child pornography cases from obtaining possession of the alleged child pornography, possibly depriving the defendant of a fair trial. This provision is entirely unnecessary, since federal courts routinely issue extremely restrictive protective orders regarding alleged child pornography. These protective orders preclude duplication or review of the alleged child pornography except as necessary for the preparation of the defense. Giving the government sole possession of the material may well harm the defendant's case. Forensic analysis is often critical in determining whether the material is, in fact, child pornography.

TITLE VI INFRINGES UPON CONSTITUTIONALLY PROTECTED SPEECH UNDER THE FIRST AMENDMENT

The legislation would require record keeping for simulated sexual conduct. Simulated sexual conduct that is not obscene is protected under the First Amendment. ''Laws that burden material protected by the First Amendment must be approached from a skeptical point of view and must be given strict scrutiny.'' The fact that those laws only burden rather than prohibit protected material does not save them constitutionally.

This provision of the bill infringes upon protected speech and is not narrowly tailored to solve the problems of child pornography. Understandably, mainstream producers will comply with the law, but those who are intent on making child pornography are unlikely to do so. This provision is therefore constitutionally suspect.

FEDERAL COURTS WOULD ESSENTIALLY BE UNABLE TO RELEASE SOME PEOPLE ON DEATH ROW WHO WERE WRONGFULLY CONVICTED

Most habeas corpus petitions that challenge a person's death or criminal sentence are brought to federal court based on a constitutional error that under the law is considered ''harmless'' or ''non-prejudicial.'' These types of legal errors do not involve substantial rights and do not necessarily result in a person being released from custody. H.R. 4472 would prevent federal courts from hearing claims in death penalty cases that involve claims of cruel and unusual punishment under the Eighth Amendment or whether a defendant's lawyer was ineffective during the sentencing phase of a capital case.

This provision of the bill has serious implications for the independence of the federal judiciary. Congress' attempt to strip Article III courts of their constitutional habeas corpus jurisdiction is unconstitutional under the doctrine of Separation of Powers. Removing jurisdiction over many habeas claims from Federal courts ignores the Separation of Powers doctrine by eliminating the role of the courts in upholding constitutional rights of prisoners.

H.R. 4472 WOULD RESULT IN THE ROUTINE COLLECTION AND PERMANENT RETENTION OF DNA SAMPLES AND PROFILES FROM INNOCENT PEOPLE

The ''Violence Against Women Act of 2005'' (VAWA) was signed into law on January 5, 2006, (P.L. No: 109–162) and dramatically expands the government's authority to collect and permanently retain DNA samples. Under this law, persons who are merely arrested or detained by federal authorities would be forced to have their DNA collected and stored alongside those of convicted felons in the Federal DNA database. However, under current law, DNA samples that are voluntarily submitted to law enforcement authorities are not included in the Combined DNA Indexing System (CODIS). In addition, DNA profiles of individuals arrested but not convicted of crimes can be expunged from CODIS upon receipt of a ''certified copy of a final court order establishing that such charge has been dismissed or has resulted in an acquittal.''

However, H.R. 4472 would permit voluntarily submitted samples to be included in CODIS and would eliminate the expungement provision for people whose DNA was incorporated in the federal database based on an arrest that never resulted in a conviction. Retaining a person's DNA in a criminal database renders him or her an automatic suspect for any future crime. This is problematic for any category of tested persons, but especially for those who have been arrested but not convicted of a crime.

In addition, the Omnibus Crime bill would allow states to upload to CODIS DNA samples submitted voluntarily in order to eliminate people as suspects of a crime. This will increase the use by law enforcement of DNA ''sweeps'' and reducing the willingness of citizens to cooperate with the police.

H.R. 4472 WILL MAKE IT MORE DIFFICULT TO MONITOR SEX OFFENDERS BY SIMPLY FORCING OFFENDERS UNDERGROUND

The proposed legislation requires sex offenders to update registry information within 5 days of a change in residence, employment or student status. This requirement is unrealistic and works against the goal of being able to monitor sex offenders. If the registration requirements are unrealistic, offenders will fail to register and end up underground, which is contrary to the goal of tracking and locating them. Under the Omnibus Crime bill, states will be required to verify sex offender registry information in persons possibly as frequently as once every three months and required to verify their residences as often as once every month depending on the class of offender. This will be an enormous burden on the states to create and implement systems to track sex offenders on a monthly basis.

The bill will also require the work addresses of sex offenders to be available on the Internet. Publicizing information about employers and their addresses on the Internet could ultimately lead to employers refusing to hire former sex offenders. Research has shown that significant supervision upon release and involvement in productive activities are critical to preventing sex offenders from reoffending. Limiting the opportunities

of sex offenders to maintain gainful employment is counter-productive to their rehabilitation as well as to keeping communities safe.

CHILDREN WOULD BE PUT IN FEDERAL PRISON WITH LITTLE OPPORTUNITY FOR EDUCATION OR REHABILITATION

Under the Omnibus Crime bill, more children will become hardened criminals after being tried in Federal court and incarcerated in adult prisons. H.R. 4472 would give prosecutors the discretion to determine when to try a young person in Federal court as an adult, if the juvenile is 16 years of age or older and commits a crime of violence. The decision by a prosecutor to try a juvenile as an adult cannot be reviewed by a judge under this legislation. This unreviewable process of transferring youth to adult Federal court is particularly troubling when juveniles are not routinely prosecuted in the Federal system and there are no resources or facilities to address the needs of youth.

For the above-mentioned reasons, we urge members to oppose H.R. 4472 when the House votes on the bill on March 8, 2006.

Sincerely,

CAROLINE FREDRICKSON,
Director,
JESSELYN MCCURDY,
Legislative Counsel

HUMAN RIGHTS WATCH LETTER

DEAR MEMBERS OF THE HOUSE OF REPRESENTATIVES: We write to urge you to vote against the Omnibus Crime Bill, H.R. 4472, which is scheduled for a vote on Wednesday, March 8, 2006. This legislation would at the whim of the Attorney General subject children to adult trials and adult penalties, impose a wide array of new, harsh mandatory minimum sentences, and mandate prolonged registration for former sex offenders, even if they have remained offense-free for decades after being released from prison.

The following provisions of the bill are of particular concern:

Juvenile Transfer Provisions: Under this legislation, the Attorney General could make unreviewable and unilateral decisions to subject children to adult trials and adult sentences. Under current law, children can generally only be tried and sentenced as adults after a transfer hearing, where a court considers the age and background of the child and determines whether a transfer serves the interest of justice. Under H.R. 4472, these teenagers would be subject to adult sentences, including life without parole, regardless of their vulnerability and capacity for reform.

More than 20 years of experience across the nation has revealed that subjecting children to adult sentences is an ineffective, unjust, and costly means of combating crime. Certainly, children can and do commit terrible crimes, and when they do, they should be held accountable. Yet, they should be held accountable in a manner that reflects their special capacity for rehabilitation. There is no legitimate basis for granting the Attorney General the unchecked authority to subject an increased number of children to adult sanctions.

Mandatory Minimums: The legislation would impose harsh, new mandatory minimums for a wide array of crimes, including crimes of conspiracy, aiding, and abetting. Punishment should be tailored to the conduct of the individual, including his or her role in the offense and his culpability. Blanket mandatory minimums tied to one or two factors do little to protect community safety at high cost to the criminal justice system. This legislation incorporates three bills that have already passed the House, H.R. 1279 (''Gang Deterrence Act of 2005''), H.R. 3132 (''Children's Safety Act of 2005''), and H.R. 1751 (''Secure Access to Justice and Court Protection Act of 2005''), with some modifications. It does not include the hate crime enhancement and gun prohibition provisions that passed as part of H.R. 3132.

If anything, Congress should be looking for ways to eliminate mandatory minimums and restore judicial discretion, proportionality, and fairness in sentencing.

Expansion of the Federal Death Penalty: The legislation greatly expands the number of federal crimes that carry the death penalty. This expansion of the death penalty is at odds with the growing recognition that the criminal justice system is fallible, arbitrary and unfair, and does not deter crime. There is no legitimate basis for expansion of this inherently cruel and immutable punishment.

Registration Requirements for Low-Level Offenders: There may be legitimate community safety rationales for requiring, for a limited period of time, certain sexual offenders to register. There is, however, no legitimate community safety justification for the provisions in this legislation that require offenders to register for the rest of their lives, regardless of whether they have lived offense free for decades. There is also no legitimate community safety goal served by the provisions that impose 20-year registration requirements on low-level or misdemeanor offenders. These registration requirements are imposed on individuals who have already served their sentences and are attempting to reintegrate into the community. Registration requirements put these individuals at risk of retaliation and discrimination and make it extremely difficult for these individuals to find employment, housing, and to rebuild their lives.

Human Rights Watch fully supports holding accountable those who violate the rights of others. But commission of a crime, even a crime that involves sexual misconduct, should not be license to run roughshod over principles of fairness and proportionality. Human Rights Watch urges you to vote against H.R. 4472.

Respectfully submitted,

JENNIFER DASKAL,
Advocacy Director, U.S. Program.

Mr. DREIER. Mr. Speaker, I rise in strong support of H.R. 4472, the Children's Safety and Violent Crime Reduction Act. This bill combines three measures, previously approved by the House with strong bipartisan support, which seek to protect our children, combat gang violence and ensure the safety of judicial and law enforcement officials.

This legislation sends a strong message to our law enforcement officers and local officials that the Federal government is a key partner in their efforts to keep our communities safe. I represent Los Angeles and San Bernardino Counties, where law enforcement officers are combating gang violence by increasing the number of gang task forces and reaching out into the community to give kids alternatives to gang membership. This legislation imposes the tough mandatory sentences we need to keep gang members off the street and our neighborhoods safer. We are also doing the same for sex offenders, keeping them off the streets longer, and enforcing registration laws to empower parents with the information they need to keep their children safe.

I would like to take a few moments to comment on the judicial and law enforcement protection provisions of the bill. Judges, peace officers and everyone involved in the justice system are protectors of the law and servants of safety. They devote their lives and often place themselves in harm's way so that we may live without fear and danger. Any attack on these dedicated Americans is an attack on the very foundation of our Nation.

H.R. 4472 addresses the growing national problem of violence against those working to uphold the law. Although crime is down nationwide, threats and attacks against police officers, judges, and witnesses continue to escalate. According to the Federal Bureau of Investigation (FBI), between 1994 and 2003, 616 law enforcement officers were murdered in the line of duty. This includes 59 officers from my home state of California, the most of any state.

Murdering a law enforcement officer is an especially despicable and heinous crime. Tragically, California lost one of its courageous officers nearly four years ago and only recently has the suspected killer been apprehended. Los Angeles County Sheriff's Deputy David March was brutally slain execution style during a routine traffic stop on April 29, 2002. The suspect, Armando Garcia, fled to Mexico within hours of Deputy March's death and had eluded prosecution by U.S. authorities. Mexico's refusal to extradite individuals who may face the death penalty or life imprisonment had complicated efforts to bring Garcia back to the U.S. to face justice.

Over the last four years, Deputy March's family and friends, fellow law enforcement officers, local public officials and my colleagues in Congress have worked together to find a resolution to this horrible situation. Mr. Speaker, we must protect our Nation's sovereignty and ensure that criminals who break our laws and flee the country are brought to justice here at home. That is why we urged President Bush and officials at the State and Justice Departments to take aggressive action to change Mexico's extradition policy. We met with officials in the Mexican government to urge them to change their extradition policy. I even argued before Mexican Supreme Court justices on the intolerable nature of their extradition rulings.

Last year, my friend from Pasadena, Mr. SCHIFF, and I introduced H.R. 3900, the Justice for Peace Officers Act, with the strong support of Los Angeles County Sheriff Lee Baca. The bill makes it a federal crime to kill a peace officer and flee the country; it provides for the possibility of federal prosecution; and it allows for punishment by the death penalty or life imprisonment. I am especially pleased that Chairman SENSENBRENNER and Mr. GOHMERT included key provisions from this bill in H.R. 1751, and now in H.R. 4472. Specifically, this provision makes it a federal crime to kill a law enforcement officer, and it makes such a crime punishable by the death penalty, life imprisonment or a mandatory minimum of 30 years in prison. In addition, the bill adds a mandatory minimum 10 year penalty on top of the punishment for killing a law enforcement officer if the suspect flees the country to avoid prosecution.

This is a national problem that will now receive national attention. Making it a federal crime to kill a peace officer will provide another critical tool to pursue and punish cop-killers on the federal level. This provision also ensures that criminals who murder law enforcement officers and escape to another country will have the full weight of the Federal Government on their trail.

Mr. Speaker, last year, we experienced a tremendous breakthrough in our efforts. In November 2005, the Mexican Supreme Court

issued a ruling to allow extradition for suspects facing life in prison in the U.S. for their crimes. The decision, which overturns a four year old ban on such extraditions, will now pave the way for more extraditions to the U.S. from Mexico.

And on February 23, Mexican law enforcement agents, acting on information provided by the U.S. Marshals Service, Los Angeles County Sheriff's Department and Los Angeles County District Attorney's Office, apprehended Armando Garcia in the Guadalajara suburb of Tonala. He is now in custody and U.S. authorities are taking steps to extradite him to the U.S.

Mr. Speaker, the capture of Armando Garcia is a victory for justice and, most important, for the March family. Law enforcement on both sides of the border deserve tremendous credit for working together and staying on his trail for nearly four years. This success demonstrates the importance of an ongoing dialogue between our two countries.

While approving H.R. 4472 is a bold step toward enhancing protection of peace officers, we must continue our efforts to prevent tragedies like Deputy March's murder from ever happening again. I firmly believe that the Administration should use all available resources to bring about a change in policy in any country that refuses to extradite murderers to the U.S. because they may face the death penalty or life imprisonment for crimes they committed on our soil.

Mr. Speaker, I strongly support the bill and urge my colleagues to vote in favor of the measure.

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I rise today in support of H.R. 4472, the Children's Safety Violent Crime Reduction Act. Every day it seems the American people are confronted by another heinous case of child abduction and assault. These crimes are some of the most jarring to our society and more must be done to reduce their occurrence. Last year, I voted in favor of the Child Safety Act and I am proud to support this bill today. H.R. 4472 will strengthen sex offender registration, community notification and publication requirements. Many of the violent crimes against children are preventable if communities know that possibly dangerous offenders live amongst their neighbors. That is why I am pleased to see that this bill includes the Dru Sjodin National Sex Offender Public Website—a resource for families to identify sex offenders in their community.

Also Mr. Speaker, I want to thank Chairman SENSENBRENNER for including my legislation, H.R. 4883, the Justice for Crime Victims' Families Act, as part of this necessary bill. As a former County Commissioner for 10 years, I have had the experience of working with my local District Attorney on many important, time sensitive cases. One of the problems I always heard is that the police needed better communication, coordination between their local, state and Federal counterparts.

My legislation focuses on the need to help our nation's criminal investigators conduct investigations into abductions and homicides faster and more efficiently and to fill the gap in communication that was expressed to me in the County. My bill would require the Attorney General to produce a report to Congress outlining the current state of coordination in information sharing between Federal, state and local law enforcement, and the sources of funding currently available for homicide investigators. The Attorney General must also examine what is being done to expand national criminal records databases, enhance the collection of DNA samples from missing persons and improving the performance of medical examinations.

I am concerned that not enough is being done to give our investigators the best information available in the fastest time possible. We can't hinder our investigators with jurisdictional hurdles and information blockades. My legislation will look for ways to make communication and information sharing more efficient and productive especially for time sensitive cases. I call on my colleagues to support this important legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FEENEY). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4472, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXTENDING NORMAL TRADE RELATIONS TREATMENT TO UKRAINE

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1053) to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine, as amended.

The Clerk read as follows:

H.R. 1053

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds as follows:

(1) Ukraine allows its citizens the right and opportunity to emigrate, free of any heavy tax on emigration or on the visas or other documents required for emigration and free of any tax, levy, fine, fee, or other charge on any citizens as a consequence of the desire of such citizens to emigrate to the country of their choice.

(2) Ukraine has received normal trade relations treatment since 1992 and has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974 since 1997.

(3) Since the establishment of an independent Ukraine in 1991, Ukraine has made substantial progress toward the creation of democratic institutions and a free-market economy.

(4) Ukraine has committed itself to ensuring freedom of religion, respect for rights of minorities, and eliminating intolerance and has been a paragon of inter-ethnic cooperation and harmony, as evidenced by the annual human rights reports of the Organization for Security and Cooperation in Europe (OSCE) and the United States Department of State.

(5) Ukraine has taken major steps toward global security by ratifying the Treaty on the Reduction and Limitation of Strategic Offensive Weapons (START I) and the Treaty on the Non-Proliferation of Nuclear Weapons, subsequently turning over the last of its Soviet-era nuclear warheads on June 1, 1996, and agreeing, in 1998, not to assist Iran with the completion of a program to develop and build nuclear breeding reactors, and has fully supported the United States in nullifying the Anti-Ballistic Missile (ABM) Treaty.

(6) At the Madrid Summit in 1997, Ukraine became a member of the North Atlantic Cooperation Council of the North Atlantic Treaty Organization (NATO), and has been a participant in the Partnership for Peace (PfP) program since 1994.

(7) Ukraine is a peaceful state which established exemplary relations with all neighboring countries, and consistently pursues a course of European integration with a commitment to ensuring democracy and prosperity for its citizens.

(8) Ukraine has built a broad and durable relationship with the United States and has been an unwavering ally in the struggle against international terrorism that has taken place since the attacks against the United States that occurred on September 11, 2001.

(9) Ukraine has concluded a bilateral trade agreement with the United States that entered into force on June 23, 1992, and is in the process of acceding to the World Trade Organization (WTO). On March 6, 2006, the United States and Ukraine signed a bilateral market access agreement as a part of the WTO accession process.

SEC. 2. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO THE PRODUCTS OF UKRAINE.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Ukraine; and

(2) after making a determination under paragraph (1) with respect to Ukraine, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(b) TERMINATION OF APPLICABILITY OF TITLE IV.—On and after the effective date under subsection (a) of the extension of nondiscriminatory treatment to the products of Ukraine, title IV of the Trade Act of 1974 shall cease to apply to that country.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

(Mr. THOMAS asked and was given permission to revise and extend his remarks.)

Mr. THOMAS. Mr. Speaker, this is really an exciting time in which we recognize the continuing maturation and involvement of a new nation, yet a nation of people who have deserved better over many decades and are now beginning to see the fruit of their struggle manifest itself. We are asking today in this legislation to recognize that the country of Ukraine that has entered into a series of agreements with the United States and other countries, and I include an exchange of letters between the United States Trade Representative Rob Portman and myself as chairman of the Ways and