

--H.R.4472--

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***One Hundred Ninth Congress***  
***of the***  
***United States of America***  
***AT THE SECOND SESSION***

Begun and held at the City of Washington on Tuesday,  
the third day of January, two thousand and six

An Act

To protect children from sexual exploitation and violent crime, to prevent child abuse and child pornography, to promote Internet safety, and to honor the memory of Adam Walsh and other child crime victims.

*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 `Adam Walsh Child Protection and Safety Act of 2006'.

(b) Table of Contents- The table of contents for this Act is as follows:

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## **SEC. 2. IN RECOGNITION OF JOHN AND REVE WALSH ON THE OCCASION OF THE 25TH ANNIVERSARY OF ADAM WALSH'S ABDUCTION AND MURDER.**

(a) Adam Walsh's Abduction and Murder- On July 27, 1981, in Hollywood, Florida, 6-year-old Adam Walsh was abducted at a mall. Two weeks later, some of Adam's remains were

discovered in a canal more than 100 miles from his home.

(b) John and Reve Walsh's Commitment to the Safety of Children- Since the abduction and murder of their son Adam, both John and Reve Walsh have dedicated themselves to protecting children from child predators, preventing attacks on our children, and bringing child predators to justice. Their commitment has saved the lives of numerous children. Congress, and the American people, honor John and Reve Walsh for their dedication to the well-being and safety of America's children.

## **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 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 old, 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.

(15) Elizabeth Smart, who was 14 years old, was abducted in Salt Lake City, Utah in June 2002.

(16) Molly Bish, who was 16 years old, was abducted in 2000 while working as a lifeguard in Warren, Massachusetts, where her remains were found 3 years later.

(17) Samantha Runnion, who was 5 years old, was abducted, sexually assaulted, and murdered in California on July 15, 2002.

### **SEC. 103. ESTABLISHMENT OF PROGRAM.**

This Act establishes the Jacob Wetterling, Megan Nicole Kanka, and Pam Lychner Sex Offender Registration and Notification Program.

#### **Subtitle A--Sex Offender Registration and Notification**

### **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- The term `sex offender' means an individual who was convicted of a sex offense.

(2) TIER I SEX OFFENDER- The term `tier I sex offender' means a sex offender other than a tier II or tier III sex offender.

(3) TIER II SEX OFFENDER- The term `tier II sex offender' means a sex offender other than a tier III sex offender whose offense is punishable by imprisonment for more than 1 year and--

(A) is comparable to or more severe than the following offenses, when

committed against a minor, or an attempt or conspiracy to commit such an offense against a minor:

(i) sex trafficking (as described in section 1591 of title 18, United States Code);

(ii) coercion and enticement (as described in section 2422(b) of title 18, United States Code);

(iii) transportation with intent to engage in criminal sexual activity (as described in section 2423(a)) of title 18, United States Code;

(iv) abusive sexual contact (as described in section 2244 of title 18, United States Code);

(B) involves--

(i) use of a minor in a sexual performance;

(ii) solicitation of a minor to practice prostitution; or

(iii) production or distribution of child pornography; or

(C) occurs after the offender becomes a tier I sex offender.

(4) TIER III SEX OFFENDER- The term 'tier III sex offender' means a sex offender whose offense is punishable by imprisonment for more than 1 year and--

(A) is comparable to or more severe than the following offenses, or an attempt or conspiracy to commit such an offense:

(i) aggravated sexual abuse or sexual abuse (as described in sections 2241 and 2242 of title 18, United States Code); or

(ii) abusive sexual contact (as described in section 2244 of title 18, United States Code) against a minor who has not attained the age of 13 years;

(B) involves kidnapping of a minor (unless committed by a parent or guardian); or

(C) occurs after the offender becomes a tier II sex offender.

(5) AMIE ZYLA EXPANSION OF SEX OFFENSE DEFINITION-

(A) GENERALLY- Except as limited by subparagraph (B) or (C), the term 'sex offense' means--

(i) a criminal offense that has an element involving a sexual act or sexual contact with another;

- (ii) a criminal offense that is a specified offense against a minor;
- (iii) a Federal offense (including an offense prosecuted under section 1152 or 1153 of title 18, United States Code) under section 1591, or chapter 109A, 110 (other than section 2257, 2257A, or 2258), or 117, of title 18, United States Code;
- (iv) 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); or
- (v) an attempt or conspiracy to commit an offense described in clauses (i) through (iv).

(B) FOREIGN CONVICTIONS- A foreign conviction is not a sex offense for the purposes of this title if it was not obtained with sufficient safeguards for fundamental fairness and due process for the accused under guidelines or regulations established under section 112.

(C) OFFENSES INVOLVING CONSENSUAL SEXUAL CONDUCT- An offense involving consensual sexual conduct is not a sex offense for the purposes of this title if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least 13 years old and the offender was not more than 4 years older than the victim.

(6) CRIMINAL OFFENSE- The term 'criminal offense' means a State, local, tribal, foreign, or military offense (to the extent specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (10 U.S.C. 951 note)) or other criminal offense.

(7) EXPANSION OF DEFINITION OF 'SPECIFIED OFFENSE AGAINST A MINOR' TO INCLUDE ALL OFFENSES BY 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 or guardian) involving kidnapping.
- (B) An offense (unless committed by a parent or guardian) involving false imprisonment.
- (C) Solicitation to engage in sexual conduct.
- (D) Use in a sexual performance.
- (E) Solicitation to practice prostitution.
- (F) Video voyeurism as described in section 1801 of title 18, United States Code.
- (G) Possession, production, or distribution of child pornography.

(H) Criminal sexual conduct involving a minor, or the use of the Internet to facilitate or attempt such conduct.

(I) Any conduct that by its nature is a sex offense against a minor.

(8) CONVICTED AS INCLUDING CERTAIN JUVENILE ADJUDICATIONS- The term `convicted' or a variant thereof, used with respect to a sex offense, includes adjudicated delinquent as a juvenile for that offense, but only if the offender is 14 years of age or older at the time of the offense and the offense adjudicated was comparable to or more severe than aggravated sexual abuse (as described in section 2241 of title 18, United States Code), or was an attempt or conspiracy to commit such an offense.

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

(10) 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 127, a federally recognized Indian tribe.

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

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

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

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

## **SEC. 112. REGISTRY REQUIREMENTS FOR JURISDICTIONS.**

(a) Jurisdiction To Maintain a Registry- Each jurisdiction shall maintain a jurisdiction-wide sex offender registry conforming to the requirements of this title.

(b) Guidelines and Regulations- 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 shall register, and keep the registration current, in each jurisdiction where the offender resides, where the offender is an employee, and where the offender is a student. For initial registration purposes only, a sex offender shall also register in the jurisdiction in which convicted if such jurisdiction is different from the jurisdiction of residence.

(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 3 business 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 shall, not later than 3 business days after each change of name, residence, employment, or student status, appear in person in at least 1 jurisdiction involved pursuant to subsection (a) and inform that jurisdiction of all changes in the information required for that offender in the sex offender registry. That jurisdiction shall immediately provide that information to all other jurisdictions in which the offender is required to register.

(d) Initial Registration of Sex Offenders Unable To Comply With Subsection (b)- The Attorney General shall have the authority to specify the applicability of the requirements of this title to sex offenders convicted before the enactment of this Act or its implementation in a particular jurisdiction, and to prescribe rules for the registration of any such sex offenders 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 1 year 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 shall provide the following information to the appropriate official for inclusion in the sex offender registry:

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

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

- (3) The address of each residence at which the sex offender resides or will reside.
- (4) The name and address of any place where the sex offender is an employee or will be an employee.
- (5) The name and address of any place where the sex offender is a student or will be a student.
- (6) The license plate number and a description of any vehicle owned or operated by the sex offender.
- (7) Any other information required by the Attorney General.

(b) Provided by the Jurisdiction- The jurisdiction in which the sex offender registers shall ensure that the following information is included in the registry for that sex offender:

- (1) A physical description of the sex offender.
- (2) The text of the provision of law defining the criminal offense for which the sex offender is registered.
- (3) The criminal history of the sex offender, including the date of all arrests and convictions; the status of parole, probation, or supervised release; registration status; and the existence of any outstanding arrest warrants for the sex offender.
- (4) A current photograph of the sex offender.
- (5) A set of fingerprints and palm prints of the sex offender.
- (6) A DNA sample of the sex offender.
- (7) A photocopy of a valid driver's license or identification card issued to the sex offender by a jurisdiction.
- (8) Any other information required by the Attorney General.

## **SEC. 115. DURATION OF REGISTRATION REQUIREMENT.**

(a) Full Registration Period- A sex offender shall keep the registration current for the full registration period (excluding any time the sex offender is in custody or civilly committed) unless the offender is allowed a reduction under subsection (b). The full registration period is--

- (1) 15 years, if the offender is a tier I sex offender;
- (2) 25 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.

(b) Reduced Period for Clean Record-

(1) CLEAN RECORD- The full registration period shall be reduced as described in paragraph (3) for a sex offender who maintains a clean record for the period described in paragraph (2) by--

(A) not being convicted of any offense for which imprisonment for more than 1 year may be imposed;

(B) not being convicted of any sex offense;

(C) successfully completing any periods of supervised release, probation, and parole; and

(D) successfully completing of an appropriate sex offender treatment program certified by a jurisdiction or by the Attorney General.

(2) PERIOD- In the case of--

(A) a tier I sex offender, the period during which the clean record shall be maintained is 10 years; and

(B) a tier III sex offender adjudicated delinquent for the offense which required registration in a sex registry under this title, the period during which the clean record shall be maintained is 25 years.

(3) REDUCTION- In the case of--

(A) a tier I sex offender, the reduction is 5 years;

(B) a tier III sex offender adjudicated delinquent, the reduction is from life to that period for which the clean record under paragraph (2) is maintained.

## **SEC. 116. PERIODIC IN PERSON VERIFICATION.**

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

(1) each year, if the offender is a tier I sex offender;

(2) every 6 months, if the offender is a tier II sex offender; and

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

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

(a) In General- An appropriate official shall, shortly before release of the sex offender

from custody, 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 duties of a sex offender under this title and explain those duties;
- (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.

(b) Notification of Sex Offenders Who Cannot Comply With Subsection (a)- The Attorney General shall prescribe rules for the notification of sex offenders who cannot be registered in accordance with subsection (a).

## **SEC. 118. PUBLIC ACCESS TO SEX OFFENDER INFORMATION THROUGH THE INTERNET.**

(a) In General- Except as provided in this section, each jurisdiction shall make available on the Internet, in a manner that is readily accessible to all jurisdictions and to the public, all information about each sex offender in the registry. The jurisdiction shall maintain the Internet site in a manner that will permit the public to obtain relevant information for each sex offender by a single query for any given zip code or geographic radius set by the user. The jurisdiction shall also include in the design of its Internet site all field search capabilities needed for full participation in the Dru Sjodin National Sex Offender Public Website and shall participate in that website as provided by the Attorney General.

(b) Mandatory Exemptions- A jurisdiction shall exempt from disclosure--

- (1) the identity of any victim of a sex offense;
- (2) the Social Security number of the sex offender;
- (3) any reference to arrests of the sex offender that did not result in conviction; and
- (4) any other information exempted from disclosure by the Attorney General.

(c) Optional Exemptions- A jurisdiction may exempt from disclosure--

- (1) any information about a tier I sex offender convicted of an offense other than a specified offense against a minor;
- (2) the name of an employer of the sex offender;
- (3) the name of an educational institution where the sex offender is a student; and
- (4) any other information exempted from disclosure by the Attorney General.

(d) Links- The site shall include, to the extent practicable, links to sex offender safety and education resources.

(e) Correction of Errors- The site shall include instructions on how to seek correction of information that an individual contends is erroneous.

(f) Warning- The site shall include a warning that information on the site should not be used to unlawfully injure, harass, or commit a crime against any individual named in the registry or residing or working at any reported address. The warning shall note that any such action could result in civil or criminal penalties.

## **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 any 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 in this section referred to as the `Website'), which the Attorney General shall maintain.

(b) Information To Be Provided- The Website shall include relevant information for each sex offender and other person listed on a jurisdiction's Internet site. The Website shall allow the public to obtain relevant information for each sex offender by a single query for any given zip code or geographical radius set by the user in a form and with such limitations as may be established by the Attorney General and shall have such other field search capabilities as the Attorney General may provide.

## **SEC. 121. 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 Notification Program (hereinafter in this section referred to as the `Program').

(b) Program Notification- Except as provided in subsection (c), immediately 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 databases.

(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 an employee or is a student.

(3) Each jurisdiction where the sex offender resides, is an employee, or is a student, and each jurisdiction from or to which a change of residence, employment, 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) Any organization, company, or individual who requests such notification pursuant to procedures established by the jurisdiction.

(c) Frequency- Notwithstanding subsection (b), an organization or individual described in subsection (b)(6) or (b)(7) may opt to receive the notification described in that subsection no less frequently than once every five business days.

## **SEC. 122. ACTIONS TO BE TAKEN WHEN SEX OFFENDER FAILS TO COMPLY.**

An appropriate official shall notify the Attorney General and appropriate law enforcement agencies of any failure by a sex offender to comply with the requirements of a registry and revise the jurisdiction's registry to reflect the nature of that failure. The appropriate official, the Attorney General, and each such law enforcement agency shall take any appropriate action to ensure compliance.

## **SEC. 123. DEVELOPMENT AND AVAILABILITY OF REGISTRY MANAGEMENT AND WEBSITE SOFTWARE.**

(a) Duty To Develop and Support- The Attorney General shall, in consultation with the jurisdictions, develop and support software to enable jurisdictions to establish and operate uniform sex offender registries and Internet sites.

(b) Criteria- The software should facilitate--

(1) immediate exchange of information among jurisdictions;

(2) public access over the Internet to appropriate information, including the number of registered sex offenders in each jurisdiction on a current basis;

(3) full compliance with the requirements of this title; and

(4) communication of information to community notification program participants as

required under section 121.

(c) Deadline- The Attorney General shall make the first complete edition of this software available to jurisdictions within 2 years of the date of the enactment of this Act.

## **SEC. 124. PERIOD FOR IMPLEMENTATION BY JURISDICTIONS.**

(a) Deadline- Each jurisdiction shall implement this title before the later of--

(1) 3 years after the date of the enactment of this Act; and

(2) 1 year after the date on which the software described in section 123 is available.

(b) Extensions- The Attorney General may authorize up to two 1-year extensions of the deadline.

## **SEC. 125. FAILURE OF JURISDICTION 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, to substantially 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. 3750 et seq.).

(b) State Constitutionality-

(1) IN GENERAL- When evaluating whether a jurisdiction has substantially implemented this title, the Attorney General shall consider whether the jurisdiction is unable to substantially implement this title because of a demonstrated inability to implement certain provisions that would place the jurisdiction in violation of its constitution, as determined by a ruling of the jurisdiction's highest court.

(2) EFFORTS- If the circumstances arise under paragraph (1), then the Attorney General and the jurisdiction shall make good faith efforts to accomplish substantial implementation of this title and to reconcile any conflicts between this title and the jurisdiction's constitution. In considering whether compliance with the requirements of this title would likely violate the jurisdiction's constitution or an interpretation thereof by the jurisdiction's highest court, the Attorney General shall consult with the chief executive and chief legal officer of the jurisdiction concerning the jurisdiction's interpretation of the jurisdiction's constitution and rulings thereon by the jurisdiction's highest court.

(3) ALTERNATIVE PROCEDURES- If the jurisdiction is unable to substantially implement this title because of a limitation imposed by the jurisdiction's constitution, the Attorney General may determine that the jurisdiction is in compliance with this Act if the jurisdiction has made, or is in the process of implementing reasonable alternative procedures or accommodations, which are consistent with the purposes of this Act.

(4) FUNDING REDUCTION- If a jurisdiction does not comply with paragraph (3), then the jurisdiction shall be subject to a funding reduction as specified in subsection (a).

(c) Reallocation- Amounts not allocated under a program referred to in this section to a jurisdiction for failure to substantially implement this title shall be reallocated under that program to jurisdictions that have not failed to substantially 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.

(d) 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. 126. 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 desiring a grant under this section 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 2 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 1 year after the date of enactment of this Act; and

(2) 5 percent of such total, if not later than 2 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 2007 through 2009.

## **SEC. 127. 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 substantially 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. 128. REGISTRATION OF SEX OFFENDERS ENTERING THE UNITED STATES.**

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. The Secretary of State and the Secretary of Homeland Security shall provide such information and carry out such functions as the Attorney General may direct in the operation of the system.

## **SEC. 129. REPEAL OF PREDECESSOR SEX OFFENDER PROGRAM.**

(a) Repeal- 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.

(b) Effective Date- Notwithstanding any other provision of this Act, this section shall take effect on the date of the deadline determined in accordance with section 124(a).

## **SEC. 130. LIMITATION ON LIABILITY FOR THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.**

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:

`(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, or from its efforts to identify child victims.

`(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. 131. 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.

### **Subtitle B--Improving Federal Criminal Law Enforcement To Ensure Sex Offender Compliance With Registration and Notification Requirements and Protection of Children From Violent Predators**

## **SEC. 141. AMENDMENTS TO TITLE 18, UNITED STATES CODE, RELATING TO SEX OFFENDER REGISTRATION.**

(a) Criminal Penalties for Nonregistration-

(1) IN GENERAL- 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.

### Sec. 2250. Failure to register

(a) In General- Whoever--

(1) is required to register under the Sex Offender Registration and Notification Act;

(2)(A) is a sex offender as defined for the purposes of the Sex Offender Registration and Notification Act by reason of a conviction under Federal law (including the Uniform Code of Military Justice), the law of the District of Columbia, Indian tribal law, or the law of any territory or possession of the United States; or

(B) travels in interstate or foreign commerce, or enters or leaves, or resides in, Indian country; and

(3) knowingly fails to register or update a registration as required by the Sex Offender Registration and Notification Act;

shall be fined under this title or imprisoned not more than 10 years, or both.

(b) Affirmative Defense- In a prosecution for a violation under subsection (a), it is an affirmative defense that--

(1) uncontrollable circumstances prevented the individual from complying;

(2) the individual did not contribute to the creation of such circumstances in reckless disregard of the requirement to comply; and

(3) the individual complied as soon as such circumstances ceased to exist.

(c) Crime of Violence-

(1) IN GENERAL- An individual described in subsection (a) who commits a crime of violence under Federal law (including the Uniform Code of Military Justice), the law of the District of Columbia, Indian tribal law, or the law of any territory or possession of the United States shall be imprisoned for not less than 5 years and not more than 30 years.

(2) ADDITIONAL PUNISHMENT- The punishment provided in paragraph (1) shall be in addition and consecutive to the punishment provided for the violation described in subsection (a).'

(2) 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:

--**2250'**.

(b) Directive to the United States Sentencing Commission- In promulgating guidelines for use of a sentencing court in determining the sentence to be imposed for the offense specified in subsection (a), the United States Sentencing Commission shall consider the following matters, in addition to the matters specified in section 994 of title 28, United States Code:

(1) Whether the person committed another sex offense in connection with, or during, the period for which the person failed to register.

(2) Whether the person committed an offense against a minor in connection with, or during, the period for which the person failed to register.

(3) Whether the person voluntarily attempted to correct the failure to register.

(4) The seriousness of the offense which gave rise to the requirement to register, including whether such offense is a tier I, tier II, or tier III offense, as those terms are defined in section 111.

(5) Whether the person has been convicted or adjudicated delinquent for any offense other than the offense which gave rise to the requirement to register.

(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 8 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 commits any criminal offense under chapter 109A, 110, or 117, or section 1201 or 1591, for which imprisonment for a term longer than 1 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.'.

(f) Duties of the 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- Section 4042(c) of title 18, United States Code, is amended--

(1) in paragraph (1), by striking `(4)' and inserting `(3), or any other person in a category specified by the Attorney General,'; and

(2) in paragraph (2)--

(A) in the first sentence, by striking `shall be subject to a registration requirement as a sex offender' and inserting `shall register as required by the Sex Offender Registration and Notification Act'; and

(B) in the fourth sentence, by striking `(4)' 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 by 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. 142. FEDERAL ASSISTANCE WITH RESPECT TO VIOLATIONS OF REGISTRATION REQUIREMENTS.**

(a) In General- The Attorney General shall use the resources of Federal law enforcement, including the United States Marshals Service, to assist jurisdictions in locating and apprehending sex offenders who violate sex offender registration requirements. For the purposes of section 566(e)(1)(B) of title 28, United States Code, a sex offender who violates a sex offender registration requirement shall be deemed a fugitive.

(b) Authorization of Appropriations- There are authorized to be appropriated such sums as may be necessary for fiscal years 2007 through 2009 to implement this section.

## **SEC. 143. PROJECT SAFE CHILDHOOD.**

(a) Establishment of Program- Not later than 6 months after the date of enactment of this Act, the Attorney General shall create and maintain a Project Safe Childhood program in accordance with this section.

(b) Initial Implementation- Except as authorized under subsection (c), funds authorized under this section may only be used for the following 5 purposes:

(1) Integrated Federal, State, and local efforts to investigate and prosecute child exploitation cases, including--

(A) the partnership by each United States Attorney with each Internet Crimes Against Children Task Force that is a part of the Internet Crimes Against Children Task Force Program authorized and funded under title IV of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5771 et seq.) (referred to in this section as the `ICAC Task Force Program') that exists within the district of such attorney;

(B) the partnership by each United States Attorney with other Federal, State, and local law enforcement partners working in the district of such attorney to implement the program described in subsection (a);

(C) the development by each United States Attorney of a district-specific strategic plan to coordinate the investigation and prosecution of child exploitation crimes;

(D) efforts to identify and rescue victims of child exploitation crimes; and

(E) local training, educational, and awareness programs of such crimes.

(2) Major case coordination by the Department of Justice (or other Federal agencies as appropriate), including specific integration or cooperation, as appropriate, of--

(A) the Child Exploitation and Obscenity Section within the Department of Justice;

(B) the Innocent Images Unit of the Federal Bureau of Investigation;

(C) any task forces established in connection with the Project Safe Childhood program set forth under subsection (a); and

(D) the High Tech Investigative Unit within the Criminal Division of the Department of Justice.

(3) Increased Federal involvement in child pornography and enticement cases by providing additional investigative tools and increased penalties under Federal law.

(4) Training of Federal, State, and local law enforcement through programs facilitated by--

(A) the National Center for Missing and Exploited Children;

(B) the ICAC Task Force Program; and

(C) any other ongoing program regarding the investigation and prosecution of computer-facilitated crimes against children, including training and coordination regarding leads from--

(i) Federal law enforcement operations; and

(ii) the CyberTipline and Child Victim-Identification programs managed and maintained by the National Center for Missing and Exploited Children.

(5) Community awareness and educational programs through partnerships to provide national public awareness and educational programs through--

(A) the National Center for Missing and Exploited Children;

(B) the ICAC Task Force Program; and

(C) any other ongoing programs that--

(i) raises national awareness about the threat of online sexual predators;  
or

(ii) provides information to parents and children seeking to report possible violations of computer-facilitated crimes against children.

(c) Expansion of Project Safe Childhood- Notwithstanding subsection (b), funds authorized under this section may be also be used for the following purposes:

(1) The addition of not less than 8 Assistant United States Attorneys at the

Department of Justice dedicated to the prosecution of cases in connection with the Project Safe Childhood program set forth under subsection (a).

(2) The creation, development, training, and deployment of not less than 10 new Internet Crimes Against Children task forces within the ICAC Task Force Program consisting of Federal, State, and local law enforcement personnel dedicated to the Project Safe Childhood program set forth under subsection (a), and the enhancement of the forensic capacities of existing Internet Crimes Against Children task forces.

(3) The development and enhancement by the Federal Bureau of Investigation of the Innocent Images task forces.

(4) Such other additional and related purposes as the Attorney General determines appropriate.

(d) Authorization of Appropriations- For the purpose of carrying out this section, there are authorized to be appropriated--

(1) for the activities described under subsection (b)--

(A) \$18,000,000 for fiscal year 2007; and

(B) such sums as may be necessary for each of the 5 succeeding fiscal years; and

(2) for the activities described under subsection (c)--

(A) for fiscal year 2007--

(i) \$15,000,000 for the activities under paragraph (1);

(ii) \$10,000,000 for activities under paragraph (2); and

(iii) \$4,000,000 for activities under paragraph (3); and

(B) such sums as may be necessary for each of the 5 succeeding fiscal years.

#### **SEC. 144. FEDERAL ASSISTANCE IN IDENTIFICATION AND LOCATION OF SEX OFFENDERS RELOCATED AS A RESULT OF A MAJOR DISASTER.**

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

#### **SEC. 145. EXPANSION OF TRAINING AND TECHNOLOGY EFFORTS.**

(a) Training- The Attorney General 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 involving 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 multidisciplinary 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 online solicitation of children by sex offenders.

(b) Technology- The Attorney General 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, 2007, the Attorney General, shall submit to Congress a report on the activities carried out under this section. The report shall include any recommendations that the Attorney General considers appropriate.

(d) Authorization of Appropriations- There are authorized to be appropriated to the Attorney General, for fiscal year 2007--

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

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

## **SEC. 146. OFFICE OF SEX OFFENDER SENTENCING, MONITORING, APPREHENDING, REGISTERING, AND TRACKING.**

(a) Establishment- There is established within the Department of Justice, under the general authority of the Attorney General, an Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (hereinafter in this section referred to as the 'SMART Office').

(b) Director- The SMART 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 SMART 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.

(c) Duties and Functions- The SMART Office is authorized to--

- (1) administer the standards for the sex offender registration and notification program set forth in this Act;
- (2) administer grant programs relating to sex offender registration and notification authorized by this Act and other grant programs authorized by this Act 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.

### **Subtitle C--Access to Information and Resources Needed To Ensure That Children Are Not Attacked or Abused**

## **SEC. 151. 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. 152. 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) 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. 153. SCHOOLS SAFE ACT.**

(a) Short Title- This section may be cited as the ` Schools Safely Acquiring Faculty

Excellence Act of 2006'.

(b) 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 as redesignated under subsection (e)) pursuant to a request 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 or public elementary school, a private or public secondary school, a local educational agency, or State educational agency in that State, on individuals employed by, under consideration for employment by, or otherwise in a position in which the individual would work with or around children in the school or agency.

(c) Fingerprint-Based Check- Where possible, the check shall include a fingerprint-based check of State criminal history databases.

(d) Fees- The Attorney General and the States may charge any applicable fees for the checks.

(e) Protection of Information- An individual having information derived as a result of a check under subsection (b) may release that information only to appropriate officers of child welfare agencies, public or private elementary or secondary schools, or educational agencies or other persons authorized by law to receive that information.

(f) Criminal Penalties- An individual who knowingly exceeds the authority in subsection (b), or knowingly releases information in violation of subsection (e), shall be imprisoned not more than 10 years or fined under title 18, United States Code, or both.

(g) 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.

(h) 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).

(i) Technical Correction- Section 534 of title 28, United States Code, is amended by redesignating the second subsection (e) as subsection (f).

## **SEC. 154. MISSING CHILD REPORTING REQUIREMENTS.**

(a) In General- Section 3702 of the Crime Control Act of 1990 (42 U.S.C. 5780) is amended--

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by inserting after paragraph (1) the following:

` (2) ensure that no law enforcement agency within the State establishes or maintains any policy that requires the removal of a missing person entry from its State law enforcement system or the National Crime Information Center computer database based solely on the age of the person; and'; and

(3) in paragraph (3), as redesignated, by striking `immediately' and inserting `within 2 hours of receipt'.

(b) Definitions- Section 403(1) of the Comprehensive Crime Control Act of 1984 (42 U.S.C. 5772) is amended by striking `if' through subparagraph (B) and inserting a semicolon.

## **SEC. 155. DNA FINGERPRINTING.**

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 `arrested' and inserting `arrested, facing charges, or convicted'.

## **TITLE II--FEDERAL CRIMINAL LAW ENHANCEMENTS NEEDED TO PROTECT CHILDREN FROM SEXUAL ATTACKS AND OTHER VIOLENT CRIMES**

### **SEC. 201. PROHIBITION ON INTERNET SALES OF DATE RAPE DRUGS.**

Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended by adding at the end the following:

`(g) Internet Sales of Date Rape Drugs-

`(1) Whoever knowingly uses the Internet to distribute a date rape drug to any person, knowing or with reasonable cause to believe that--

`(A) the drug would be used in the commission of criminal sexual conduct; or

`(B) the person is not an authorized purchaser;

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

`(2) As used in this subsection:

`(A) The term `date rape drug' means--

`(i) gamma hydroxybutyric acid (GHB) or any controlled substance analogue of GHB, including gamma butyrolactone (GBL) or 1,4-butanediol;

`(ii) ketamine;

`(iii) flunitrazepam; or

`(iv) any substance which the Attorney General designates, pursuant to the rulemaking procedures prescribed by section 553 of title 5, United States Code, to be used in committing rape or sexual assault.

The Attorney General is authorized to remove any substance from the list of date rape drugs pursuant to the same rulemaking authority.

`(B) The term `authorized purchaser' means any of the following persons, provided such person has acquired the controlled substance in accordance with this Act:

`(i) A person with a valid prescription that is issued for a legitimate medical purpose in the usual course of professional practice that is based upon a qualifying medical relationship by a practitioner registered by the Attorney General. A `qualifying medical relationship' means a medical relationship that exists when the practitioner has conducted at least 1 medical evaluation with the authorized purchaser in the physical presence of the practitioner, without regard to whether portions of the evaluation are conducted by other health professionals. The preceding sentence shall not be construed to imply that 1 medical evaluation demonstrates that a prescription has been issued for a legitimate medical purpose within the usual course of professional practice.

`(ii) Any practitioner or other registrant who is otherwise authorized by their registration to dispense, procure, purchase, manufacture, transfer, distribute, import, or export the substance under this Act.

`(iii) A person or entity providing documentation that establishes the name, address, and business of the person or entity and which provides a legitimate purpose for using any `date rape drug' for which a prescription is not required.

`(3) The Attorney General is authorized to promulgate regulations for record-keeping and reporting by persons handling 1,4-butanediol in order to implement and enforce the provisions of this section. Any record or report required by such regulations shall be considered a record or report required under this Act.'

## **SEC. 202. JETSETA GAGE ASSURED PUNISHMENT FOR VIOLENT CRIMES AGAINST CHILDREN.**

Section 3559 of title 18, United States Code, is amended--

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

`(f) Mandatory Minimum Terms of Imprisonment for Violent Crimes Against Children- A person who is convicted of a Federal offense that is a 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 is murder, be imprisoned for life or for any term of years not less than 30, except that such person shall be punished by death or life imprisonment if the circumstances satisfy any of subparagraphs (A) through (D) of section 3591(a)(2) of this title;

`(2) if the crime of violence is kidnapping (as defined in section 1201) or maiming (as defined in section 114), be imprisoned for life or any term of years not less than 25; and

`(3) if the crime of violence results in serious bodily injury (as defined in section 1365), or if a dangerous weapon was used during and in relation to the crime of violence, be imprisoned for life or for any term of years not less than 10.'.

## **SEC. 203. PENALTIES FOR COERCION AND ENTICEMENT BY SEX OFFENDERS.**

Section 2422(b) of title 18, United States Code, is amended by striking `not less than 5 years and not more than 30 years' and inserting `not less than 10 years or for life'.

## **SEC. 204. PENALTIES FOR CONDUCT RELATING TO CHILD PROSTITUTION.**

Section 2423(a) of title 18, United States Code, is amended by striking `5 years and not more than 30 years' and inserting `10 years or for life'.

## **SEC. 205. PENALTIES FOR 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 for any term of years or for life'.

## **SEC. 206. 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 to read as follows:

**` Sec. 2245. Offenses resulting in death**

` (a) In General- A person who, in the course of an offense under this chapter, or section 1591, 2251, 2251A, 2260, 2421, 2422, 2423, or 2425, murders an individual, shall be punished by death or imprisoned for any term of 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 (offenses 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 `10'.

(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 by inserting `1591 (relating to sex trafficking of children),' after `under section'.

**SEC. 207. 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. 208. 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 15' after `any term of years'; and
  - (C) by striking `, or both'; and
- (2) in paragraph (2)--
  - (A) by striking `or imprisonment for not more than 40 years, or both' and inserting `and imprisonment for not less than 10 years or for life'; and
  - (B) by striking `, or both'.

**SEC. 209. CHILD ABUSE REPORTING.**

Section 2258 of title 18, United States Code, is amended by striking `guilty of a Class B misdemeanor' and inserting `fined under this title or imprisoned not more than 1 year or both'.

**SEC. 210. SEX OFFENDER SUBMISSION TO SEARCH AS CONDITION OF RELEASE.**

(a) Conditions of Probation- Section 3563(b) of title 18, United States Code, is amended--

- (1) in paragraph (21), by striking `or' ;
- (2) in paragraph (22) by striking the period at the end and inserting `or;' and
- (3) by inserting after paragraph (22) the following:
  - (23) if required to register under the Sex Offender Registration and Notification Act, 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 and 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. 211. 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:

### **`Sec. 3299. 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 (except for section 2257 and 2257A), 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:

`3299. Child abduction and sex offenses'.

## **SEC. 212. VICTIMS' 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. 213. 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. 214. MARITAL COMMUNICATION AND ADVERSE SPOUSAL PRIVILEGE.**

The Committee on Rules, Practice, Procedure, and Evidence of the Judicial Conference of the United States shall study the necessity and desirability of amending the Federal Rules of Evidence to provide that the confidential marital communications 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.

## **SEC. 215. 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. 216. IMPROVEMENTS TO THE BAIL REFORM ACT TO ADDRESS SEX**

**CRIMES AND OTHER MATTERS.**

Section 3142 of title 18, United States Code, is amended--

(1) in subsection (c)(1)(B), by inserting at the end the following: `In any case that involves a minor victim under section 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423, or 2425 of this title, or a failure to register offense under section 2250 of this title, any release order shall contain, at a minimum, a condition of electronic monitoring and each of the conditions specified at subparagraphs (iv), (v), (vi), (vii), and (viii).`.

(2) in subsection (f)(1)--

(A) in subparagraph (C), by striking `or' at the end; and

(B) by adding at the end the following:

`(E) any felony that is not otherwise a crime of violence that involves a minor victim or that involves the possession or use of a firearm or destructive device (as those terms are defined in section 921), or any other dangerous weapon, or involves a failure to register under section 2250 of title 18, United States Code; or'; and

(3) in subsection (g), by striking paragraph (1) and inserting the following:

`(1) the nature and circumstances of the offense charged, including whether the offense is a crime of violence, a Federal crime of terrorism, or involves a minor victim or a controlled substance, firearm, explosive, or destructive device;`.

**TITLE III--CIVIL COMMITMENT OF DANGEROUS SEX OFFENDERS****SEC. 301. 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 location 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 shall, 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.

(3) RELEASE NOTICE-

(A) Each civil commitment program for which funding is required under this section shall require the issuance of timely notice to a State official responsible for considering whether to pursue civil commitment proceedings upon the impending release of any person incarcerated by the State who--

(i) has been convicted of a sexually violent offense; or

(ii) has been deemed by the State to be at high risk for recommitting any sexual offense against a minor.

(B) The program shall further require that upon receiving notice under subparagraph (A), the State official shall consider whether or not to pursue a civil commitment proceeding, or any equivalent proceeding required under State law.

(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 a person suffering from a serious mental illness, abnormality, or disorder, as a result of which the individual would have serious difficulty in refraining from 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 2007 through 2010.

## **SEC. 302. 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' with respect a person, means that the 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:

**` Sec. 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.'

#### **TITLE IV--IMMIGRATION LAW REFORMS TO PREVENT SEX OFFENDERS FROM ABUSING CHILDREN**

### **SEC. 401. FAILURE TO REGISTER A DEPORTABLE OFFENSE.**

Section 237(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(A)) is amended--

- (1) by redesignating clause (v) as clause (vi); and
- (2) by inserting after clause (iv) the following new clause:

` (v) FAILURE TO REGISTER AS A SEX OFFENDER- Any alien who is convicted under section 2250 of title 18, United States Code, is deportable.'.

**SEC. 402. BARRING CONVICTED SEX OFFENDERS FROM HAVING FAMILY-BASED PETITIONS APPROVED.**

(a) Immigrant Family Members- Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)), is amended--

(1) in subparagraph (A)(i), by striking `Any' and inserting `Except as provided in clause (viii), any';

(2) in subparagraph (A), by inserting after clause (vii) the following:

` (viii)(I) Clause (i) shall not apply to a citizen of the United States who has been convicted of a specified offense against a minor, unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that the citizen poses no risk to the alien with respect to whom a petition described in clause (i) is filed.

` (II) For purposes of subclause (I), the term `specified offense against a minor' is defined as in section 111 of the Adam Walsh Child Protection and Safety Act of 2006.'; and

(3) in subparagraph (B)(i)--

(A) by striking `(B)(i) Any alien' and inserting the following: `(B)(i)(I) Except as provided in subclause (II), any alien'; and

(B) by adding at the end the following:

` (I) Subclause (I) shall not apply in the case of an alien lawfully admitted for permanent residence who has been convicted of a specified offense against a minor (as defined in subparagraph (A)(viii)(II)), unless the Secretary of Homeland Security, in the Secretary's sole and unreviewable discretion, determines that such person poses no risk to the alien with respect to whom a petition described in subclause (I) is filed.'.

(b) Nonimmigrants- Section 101(a)(15)(K) (8 U.S.C. 1101(a)(15)(K)), is amended by inserting `(other than a citizen described in section 204(a)(1)(A)(viii)(I))' after `citizen of the United States' each place that phrase appears.

**TITLE V--CHILD PORNOGRAPHY PREVENTION**

## SEC. 501. FINDINGS.

Congress makes the following findings:

(1) The effect of the intrastate production, transportation, distribution, receipt, advertising, and possession of child pornography on the 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. 502. OTHER RECORD KEEPING REQUIREMENTS.**

(a) In General- Section 2257 of title 18, United States Code, is amended--

(1) in subsection (a), by inserting after `videotape,' the following: `digital image, digitally- or computer-manipulated image of an actual human being, picture,';

(2) in subsection (e)(1), by adding at the end the following: `In this paragraph, the term `copy' includes every page of a website on which matter described in subsection (a) appears.';

(3) in subsection (f), by--

(A) in paragraph (3), by striking `and' after the semicolon;

(B) in paragraph (4), by striking the period and inserting `; and'; and

(C) by adding at the end the following:

`(5) for any person to whom subsection (a) applies to refuse to permit the Attorney General or his or her designee to conduct an inspection under subsection (c).'; and

(4) by striking subsection (h) and inserting the following:

`(h) In this section--

`(1) the term `actual sexually explicit conduct' means actual but not simulated conduct as defined in clauses (i) through (v) of section 2256(2)(A) of this title;

`(2) the term `produces'--

`(A) means--

`(i) actually filming, videotaping, photographing, creating a picture, digital image, or digitally- or computer-manipulated image of an actual human being;

`(ii) digitizing an image, of a visual depiction of sexually explicit conduct; or, assembling, manufacturing, publishing, duplicating, reproducing, or reissuing a book, magazine, periodical, film, videotape, digital image, or picture, or other matter intended for commercial distribution, that contains a visual depiction of sexually explicit conduct; or

`(iii) inserting on a computer site or service a digital image of, or otherwise managing the sexually explicit content, of a computer site or service that contains a visual depiction of, sexually explicit conduct; and

`(B) does not include activities that are limited to--

` (i) photo or film processing, including digitization of previously existing visual depictions, as part of a commercial enterprise, with no other commercial interest in the sexually explicit material, printing, and video duplication;

` (ii) distribution;

` (iii) any activity, other than those activities identified in subparagraph (A), that does not involve the hiring, contracting for, managing, or otherwise arranging for the participation of the depicted performers;

` (iv) the provision of a telecommunications service, or of an Internet access service or Internet information location tool (as those terms are defined in section 231 of the Communications Act of 1934 (47 U.S.C. 231)); or

` (v) the transmission, storage, retrieval, hosting, formatting, or translation (or any combination thereof) of a communication, without selection or alteration of the content of the communication, except that deletion of a particular communication or material made by another person in a manner consistent with section 230(c) of the Communications Act of 1934 (47 U.S.C. 230(c)) shall not constitute such selection or alteration of the content of the communication; and

` (3) the term `performer' includes any person portrayed in a visual depiction engaging in, or assisting another person to engage in, sexually explicit conduct.'.

(b) Construction- The provisions of section 2257 shall not apply to any depiction of actual sexually explicit conduct as described in clause (v) of section 2256(2)(A) of title 18, United States Code, produced in whole or in part, prior to the effective date of this section unless that depiction also includes actual sexually explicit conduct as described in clauses (i) through (iv) of section 2256(2)(A) of title 18, United States Code.

### **SEC. 503. RECORD KEEPING REQUIREMENTS FOR SIMULATED SEXUAL CONDUCT.**

(a) In General- Chapter 110 of title 18, United States Code, is amended by inserting after section 2257 the following:

#### **` SEC. 2257A. RECORD KEEPING REQUIREMENTS FOR SIMULATED SEXUAL CONDUCT.**

` (a) Whoever produces any book, magazine, periodical, film, videotape, digital image, digitally- or computer-manipulated image of an actual human being, picture, or other matter that--

` (1) contains 1 or more visual depictions of simulated sexually explicit conduct; 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) Any person to whom subsection (a) applies shall, with respect to every performer portrayed in a visual depiction of simulated sexually explicit conduct--

`(1) ascertain, by examination of an identification document containing such information, the performer's name and date of birth, and require the performer to provide such other indicia of his or her identity as may be prescribed by regulations;

`(2) ascertain any name, other than the performer's present and correct name, ever used by the performer including maiden name, alias, nickname, stage, or professional name; and

`(3) record in the records required by subsection (a) the information required by paragraphs (1) and (2) and such other identifying information as may be prescribed by regulation.

`(c) Any person to whom subsection (a) applies shall maintain the records required by this section at their business premises, or at such other place as the Attorney General may by regulation prescribe and shall make such records available to the Attorney General for inspection at all reasonable times.

`(d)(1) No information or evidence obtained from records required to be created or maintained by this section shall, except as provided in this section, directly or indirectly, be used as evidence against any person with respect to any violation of law.

`(2) Paragraph (1) shall not preclude the use of such information or evidence in a prosecution or other action for a violation of this chapter or chapter 71, or for a violation of any applicable provision of law with respect to the furnishing of false information.

`(e)(1) Any person to whom subsection (a) applies shall cause to be affixed to every copy of any matter described in subsection (a)(1) in such manner and in such form as the Attorney General shall by regulations prescribe, a statement describing where the records required by this section with respect to all performers depicted in that copy of the matter may be located. In this paragraph, the term `copy' includes every page of a website on which matter described in subsection (a) appears.

`(2) If the person to whom subsection (a) applies is an organization the statement required by this subsection shall include the name, title, and business address of the individual employed by such organization responsible for maintaining the records required by this section.

`(f) It shall be unlawful--

`(1) for any person to whom subsection (a) applies to fail to create or maintain the

records as required by subsections (a) and (c) or by any regulation promulgated under this section;

`(2) for any person to whom subsection (a) applies knowingly to make any false entry in or knowingly to fail to make an appropriate entry in, any record required by subsection (b) or any regulation promulgated under this section;

`(3) for any person to whom subsection (a) applies knowingly to fail to comply with the provisions of subsection (e) or any regulation promulgated pursuant to that subsection; or

`(4) for any person knowingly to sell or otherwise transfer, or offer for sale or transfer, any book, magazine, periodical, film, video, or other matter, produced in whole or in part with materials which have been mailed or shipped in interstate or foreign commerce or which is intended for shipment in interstate or foreign commerce, that--

`(A) contains 1 or more visual depictions made after the date of enactment of this subsection of simulated sexually explicit conduct; and

`(B) 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;

which does not have affixed thereto, in a manner prescribed as set forth in subsection (e)(1), a statement describing where the records required by this section may be located, but such person shall have no duty to determine the accuracy of the contents of the statement or the records required to be kept.

`(5) for any person to whom subsection (a) applies to refuse to permit the Attorney General or his or her designee to conduct an inspection under subsection (c).

`(g) As used in this section, the terms `produces' and `performer' have the same meaning as in section 2257(h) of this title.

`(h)(1) The provisions of this section and section 2257 shall not apply to matter, or any image therein, containing one or more visual depictions of simulated sexually explicit conduct, or actual sexually explicit conduct as described in clause (v) of section 2256(2) (A), if such matter--

`(A)(i) is intended for commercial distribution;

`(ii) is created as a part of a commercial enterprise by a person who certifies to the Attorney General that such person regularly and in the normal course of business collects and maintains individually identifiable information regarding all performers, including minor performers, employed by that person, pursuant to Federal and State tax, labor, and other laws, labor agreements, or otherwise pursuant to industry standards, where such information includes the name, address, and date of birth of the performer; and

` (iii) is not produced, marketed or made available by the person described in clause (ii) to another in circumstances such than an ordinary person would conclude that the matter contains a visual depiction that is child pornography as defined in section 2256(8); or

` (B)(i) is subject to the authority and regulation of the Federal Communications Commission acting in its capacity to enforce section 1464 of this title, regarding the broadcast of obscene, indecent or profane programming; and

` (ii) is created as a part of a commercial enterprise by a person who certifies to the Attorney General that such person regularly and in the normal course of business collects and maintains individually identifiable information regarding all performers, including minor performers, employed by that person, pursuant to Federal and State tax, labor, and other laws, labor agreements, or otherwise pursuant to industry standards, where such information includes the name, address, and date of birth of the performer.

` (2) Nothing in subparagraphs (A) and (B) of paragraph (1) shall be construed to exempt any matter that contains any visual depiction that is child pornography, as defined in section 2256(8), or is actual sexually explicit conduct within the definitions in clauses (i) through (iv) of section 2256(2)(A).

` (i)(1) Whoever violates this section shall be imprisoned for not more than 1 year, and fined in accordance with the provisions of this title, or both.

` (2) Whoever violates this section in an effort to conceal a substantive offense involving the causing, transporting, permitting or offering or seeking by notice or advertisement, a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct in violation of this title, or to conceal a substantive offense that involved trafficking in material involving the sexual exploitation of a minor, including receiving, transporting, advertising, or possessing material involving the sexual exploitation of a minor with intent to traffic, in violation of this title, shall be imprisoned for not more than 5 years and fined in accordance with the provisions of this title, or both.

` (3) Whoever violates paragraph (2) after having been previously convicted of a violation punishable under that paragraph shall be imprisoned for any period of years not more than 10 years but not less than 2 years, and fined in accordance with the provisions of this title, or both.

` The provisions of this section shall not become effective until 90 days after the final regulations implementing this section are published in the Federal Register. The provisions of this section shall not apply to any matter, or image therein, produced, in whole or in part, prior to the effective date of this section.

` (k) On an annual basis, the Attorney General shall submit a report to Congress--

` (1) concerning the enforcement of this section and section 2257 by the Department of Justice during the previous 12-month period; and

` (2) including--

` (A) the number of inspections undertaken pursuant to this section and section 2257;

` (B) the number of open investigations pursuant to this section and section 2257;

` (C) the number of cases in which a person has been charged with a violation of this section and section 2257; and

` (D) for each case listed in response to subparagraph (C), the name of the lead defendant, the federal district in which the case was brought, the court tracking number, and a synopsis of the violation and its disposition, if any, including settlements, sentences, recoveries and penalties.'.

(b) Chapter Analysis- The chapter analysis for chapter 110 of title 18, United States Code, is amended by inserting after the item for section 2257 the following:

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

## **SEC. 504. 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) shall 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, and any individual the defendant may seek to qualify to furnish expert testimony at trial.'.

## **SEC. 505. 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 subsections (a) and (d), shall apply to the criminal forfeiture of property pursuant to subsection (a).

`(c) Any property subject to forfeiture 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 section 2252B 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, or 2260' 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 subsections (a) and (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:

**`Sec. 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. 506. 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. 507. 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 VI--GRANTS, STUDIES, AND PROGRAMS FOR CHILDREN AND COMMUNITY SAFETY**

### **Subtitle A--Mentoring Matches for Youth Act**

## **SEC. 601. SHORT TITLE.**

This subtitle may be cited as the `Mentoring Matches for Youth Act of 2006'.

## **SEC. 602. FINDINGS.**

Congress finds the following:

(1) Big Brothers Big Sisters of America, which was founded in 1904 and chartered by Congress in 1958, is the oldest and largest mentoring organization in the United States.

(2) There are over 450 Big Brothers Big Sisters of America local agencies providing mentoring programs for at-risk children in over 5,000 communities throughout every State, Guam, and Puerto Rico.

(3) Over the last decade, Big Brothers Big Sisters of America has raised a minimum

of 75 percent of its annual operating budget from private sources and is continually working to grow private sources of funding to maintain this ratio of private to Federal funds.

(4) In 2005, Big Brothers Big Sisters of America provided mentors for over 235,000 children.

(5) Big Brothers Big Sisters of America has a goal to provide mentors for 1,000,000 children per year.

### **SEC. 603. GRANT PROGRAM FOR EXPANDING BIG BROTHERS BIG SISTERS MENTORING PROGRAM.**

In each of fiscal years 2007 through 2012, the Administrator of the Office of Juvenile Justice and Delinquency Prevention (hereafter in this Act referred to as the 'Administrator') may make grants to Big Brothers Big Sisters of America to use for expanding the capacity of and carrying out the Big Brothers Big Sisters mentoring programs for at-risk youth.

### **SEC. 604. BIENNIAL REPORT.**

(a) In General- Big Brothers Big Sisters of America shall submit 2 reports to the Administrator in each of fiscal years 2007 through 2013. Big Brothers Big Sisters of America shall submit the first report in a fiscal year not later than April 1 of that fiscal year and the second report in a fiscal year not later than September 30 of that fiscal year.

(b) Required Content- Each such report shall include the following:

- (1) A detailed statement of the progress made by Big Brothers Big Sisters of America in expanding the capacity of and carrying out mentoring programs for at-risk youth.
- (2) A detailed statement of how the amounts received under this Act have been used.
- (3) A detailed assessment of the effectiveness of the mentoring programs.
- (4) Recommendations for continued grants and the appropriate amounts for such grants.

### **SEC. 605. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this Act--

- (1) \$9,000,000 for fiscal year 2007;
- (2) \$10,000,000 for fiscal year 2008;

- (3) \$11,500,000 for fiscal year 2009;
- (4) \$13,000,000 for fiscal year 2010; and
- (5) \$15,000,000 for fiscal year 2011.

### **Subtitle B--National Police Athletic League Youth Enrichment Act**

#### **SEC. 611. SHORT TITLE.**

This subtitle may be cited as the `National Police Athletic League Youth Enrichment Reauthorization Act of 2006'.

#### **SEC. 612. FINDINGS.**

Section 2 of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended--

(1) in paragraph (1)--

(A) by redesignating subparagraphs (C) through (G) as subparagraphs (D) through (H), respectively; and

(B) by inserting after subparagraph (B) the following:

`(C) develop life enhancing character and leadership skills in young people;';

(2) in paragraph (2) by striking `55-year' and inserting `90-year';

(3) in paragraph (3)--

(A) by striking `320 PAL chapters' and inserting `350 PAL chapters'; and

(B) by striking `1,500,000 youth' and inserting `2,000,000 youth';

(4) in paragraph (4), by striking `82 percent' and inserting `85 percent';

(5) in paragraph (5), in the second sentence, by striking `receive no' and inserting `rarely receive';

(6) in paragraph (6), by striking `17 are at risk' and inserting `18 are at risk'; and

(7) in paragraph (7), by striking `1999' and inserting `2005'.

#### **SEC. 613. PURPOSE.**

Section 3 of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended--

(1) in paragraph (1)--

(A) by striking `320 established PAL chapters' and inserting `342 established PAL chapters'; and

(B) by striking `and' at the end;

(2) in paragraph (2), by striking `2006.' and inserting `2010; and'; and

(3) by adding at the end the following:

`(3) support of an annual gathering of PAL chapters and designated youth leaders from such chapters to participate in a 3-day conference that addresses national and local issues impacting the youth of America and includes educational sessions to advance character and leadership skills.'.

## **SEC. 614. GRANTS AUTHORIZED.**

Section 5 of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended--

(1) in subsection (a), by striking `2001 through 2005' and inserting `2006 through 2010'; and

(2) in subsection (b)(1)(B), by striking `not less than 570 PAL chapters in operation before January 1, 2004' and inserting `not fewer than 500 PAL chapters in operation before January 1, 2010'.

## **SEC. 615. USE OF FUNDS.**

Section 6(a)(2) of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended--

(1) in the matter preceding subparagraph (A), by striking `four' and inserting `two'; and

(2) in subparagraph (A)--

(A) in the matter preceding clause (i), by striking `two programs' and inserting `one program';

(B) in clause (iii), by striking `or';

(C) in clause (iv), by striking `and' and inserting `or'; and

(D) by inserting after clause (iv) the following:

`(v) character development and leadership training; and'.

**SEC. 616. AUTHORIZATION OF APPROPRIATIONS.**

Section 8(a) of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended by striking `2001 through 2005' and inserting `2006 through 2010'.

**SEC. 617. NAME OF LEAGUE.**

(a) Definitions- Section 4(4) of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended in the paragraph heading, by striking `Athletic' and inserting `Athletic/activities'.

(b) Text- The National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended by striking `Police Athletic League' each place such term appears and inserting `Police Athletic/Activities League'.

**Subtitle C--Grants, Studies, and Other Provisions****SEC. 621. PILOT PROGRAM FOR MONITORING SEXUAL OFFENDERS.**

(a) Sex Offender Monitoring Program-

(1) GRANTS AUTHORIZED-

(A) IN GENERAL- The Attorney General is authorized to award grants (referred to as `Jessica Lunsford and Sarah Lunde Grants') to States, local governments, and Indian tribal governments to assist in--

- (i) carrying out programs to outfit sex offenders with electronic monitoring units; and
- (ii) the employment of law enforcement officials necessary to carry out such programs.

(B) DURATION- The Attorney General shall award grants under this section for a period not to exceed 3 years.

(C) MINIMUM STANDARDS- The electronic monitoring units used in the pilot program shall at a minimum--

- (i) provide a single-unit tracking device for each offender that--
  - (I) contains a central processing unit with global positioning system and cellular technology in a single unit; and
  - (II) provides two- and three-way voice communication; and
- (ii) permit active, real-time, and continuous monitoring of offenders 24 hours a day.

## (2) APPLICATION-

(A) IN GENERAL- Each State, local government, or Indian tribal government desiring a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(B) CONTENTS- Each application submitted pursuant to subparagraph (A) shall-

(i) describe the activities for which assistance under this section is sought; and

(ii) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this section.

(b) 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.

## (c) Authorization of Appropriations-

(1) IN GENERAL- There are authorized to be appropriated \$5,000,000 for each of the fiscal years 2007 through 2009 to carry out this section.

(2) REPORT- Not later than September 1, 2010, the Attorney General shall report to Congress--

(A) assessing the effectiveness and value of this section;

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

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

## **SEC. 622. 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 pre-release 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 1 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. 623. SEX OFFENDER APPREHENSION GRANTS; JUVENILE SEX OFFENDER TREATMENT 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 X--SEX OFFENDER APPREHENSION GRANTS; JUVENILE SEX OFFENDER TREATMENT GRANTS***

#### **SEC. 3011. SEX OFFENDER APPREHENSION GRANTS.**

`(a) Authority To Make Sex Offender Apprehension Grants-

`(1) 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 paragraph (2).

`(2) COVERED ACTIVITIES- An activity referred to in paragraph (1) is any program, project, or other activity to assist a State in enforcing sex offender registration requirements.

`(b) Authorization of Appropriations- There are authorized to be appropriated such sums as may be necessary for fiscal years 2007 through 2009 to carry out this part.

#### **SEC. 3012. JUVENILE SEX OFFENDER TREATMENT GRANTS.**

`(a) Authority To Make Juvenile Sex Offender Treatment Grants-

`(1) IN GENERAL- From amounts made available to carry out this part, the Attorney General may make grants to units of local government, Indian tribal governments, correctional facilities, other public and private entities, and multijurisdictional or

regional consortia thereof for activities specified in paragraph (2).

`(2) COVERED ACTIVITIES- An activity referred to in paragraph (1) is any program, project, or other activity to assist in the treatment of juvenile sex offenders.

`(b) Juvenile Sex Offender Defined- For purposes of this section, the term `juvenile sex offender' is a sex offender who had not attained the age of 18 years at the time of his or her offense.

`(c) Authorization of Appropriations- There are authorized to be appropriated \$10,000,000 for each of fiscal years 2007 through 2009 to carry out this part.'

## **SEC. 624. 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 2007 through 2011 to carry out this section.

## **SEC. 625. GRANTS TO COMBAT SEXUAL ABUSE OF CHILDREN.**

(a) In General- The Bureau of Justice Assistance is authorized to make grants under this section--

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

(2) to any 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) Criteria- The Attorney General shall give priority to law enforcement agencies making a showing of need.

(d) Authorization of Appropriations- There are authorized to be appropriated such sums as may be necessary for fiscal years 2007 through 2009 to carry out this section.

## **SEC. 626. CRIME PREVENTION CAMPAIGN GRANT.**

Subpart 2 of part E of title I of the Omnibus Crime Control and Safe Street Act of 1968 is amended by adding at the end the following new chapter:

### **` CHAPTER 4--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 2007, \$7,000,000;

`(2) for fiscal year 2008, \$8,000,000;

`(3) for fiscal year 2009, \$9,000,000; and

`(4) for fiscal year 2010, \$10,000,000.'.

## **SEC. 627. GRANTS FOR FINGERPRINTING PROGRAMS FOR CHILDREN.**

(a) In General- The Attorney General shall establish and implement a program under which the Attorney General may make grants to States, units of local government, and Indian tribal governments in accordance with this section.

(b) Use of Grant Amounts- A grant made to a State, unit of local government, or Indian tribal government under subsection (a) shall be distributed to law enforcement agencies within the jurisdiction of such State, unit, or tribal government to be used for any of the following activities:

(1) To establish a voluntary fingerprinting program for children, which may include the taking of palm prints of children.

(2) To hire additional law enforcement personnel, or train existing law enforcement personnel, to take fingerprints of children.

(3) To provide information within the community involved about the existence of such a fingerprinting program.

(4) To provide for computer hardware, computer software, or other materials necessary to carry out such a fingerprinting program.

(c) Limitation- Fingerprints of a child derived from a program funded under this section--

(1) may be released only to a parent or guardian of the child; and

(2) may not be copied or retained by any Federal, State, local, or tribal law enforcement officer unless written permission is given by the parent or guardian.

(d) Criminal Penalty- Any person who uses the fingerprints of a child derived from a program funded under this section for any purpose other than the purpose described in subsection (c)(1) shall be subject to imprisonment for not more than 1 year, a fine under title 18, United States Code, or both.

(e) Authorization of Appropriations- There is authorized to be appropriated \$20,000,000 to carry out this section for the 5-year period beginning on the first day of fiscal year 2007.

**SEC. 628. GRANTS FOR RAPE, ABUSE & INCEST NATIONAL NETWORK.**

(a) Findings- Congress finds as follows:

(1) More than 200,000 Americans each year are victims of sexual assault, according to the Department of Justice.

(2) In 2004, 1 American was sexually assaulted every 2.5 minutes.

(3) One of every 6 women, and 1 of every 133 men, in America has been the victim of a completed or attempted rape, according to the Department of Justice.

(4) The Federal Bureau of Investigation ranks rape second in the hierarchy of violent crimes for its Uniform Crime Reports, trailing only murder.

(5) The Federal Government, through the Victims of Crime Act, Violence Against Women Act, and other laws, has long played a role in providing services to sexual assault victims and in seeking policies to increase the number of rapists brought to justice.

(6) Research suggests that sexual assault victims who receive counseling support are more likely to report their attack to the police and to participate in the prosecution of the offender.

(7) Due in part to the combined efforts of law enforcement officials at the local, State, and Federal level, as well as the efforts of the Rape, Abuse & Incest National Network (RAINN) and its affiliated rape crisis centers across the United States, sexual violence in America has fallen by more than half since 1994.

(8) RAINN, a 501(c)(3) nonprofit corporation headquartered in the District of Columbia, has since 1994 provided help to victims of sexual assault and educated the public about sexual assault prevention, prosecution, and recovery.

(9) RAINN established and continues to operate the National Sexual Assault Hotline, a free, confidential telephone hotline that provides help, 24 hours a day, to victims nationally.

(10) More than 1,100 local rape crisis centers in the 50 States and the District of Columbia partner with RAINN and are members of the National Sexual Assault Hotline network (which has helped more than 970,000 people since its inception in 1994).

(11) To better serve victims of sexual assault, 80 percent of whom are under age 30 and 44 percent of whom are under age 18, RAINN will soon launch the National Sexual Assault Online Hotline, the web's first secure hotline service offering live help 24 hours a day.

(12) Congress and the Department of Justice have given RAINN funding to conduct its crucial work.

(13) RAINN is a national model of public/private partnership, raising private sector funds to match congressional appropriations and receiving extensive private in-kind support, including advanced technology provided by the communications and technology industries to launch the National Sexual Assault Hotline and the National Sexual Assault Online Hotline.

(14) Worth magazine selected RAINN as one of 'America's 100 Best Charities', in recognition of the organization's 'efficiency and effectiveness.'

(15) In fiscal year 2005, RAINN spent more than 91 cents of every dollar received directly on program services.

(16) The demand for RAINN's services is growing dramatically, as evidenced by the fact that, in 2005, the National Sexual Assault Hotline helped 137,039 people, an all-time record.

(17) The programs sponsored by RAINN and its local affiliates have contributed to the increase in the percentage of victims who report their rape to law enforcement.

(18) According to a recent poll, 92 percent of American women said that fighting sexual and domestic violence should be a top public policy priority (a higher percentage than chose health care, child care, or any other issue).

(19) Authorizing Federal funds for RAINN's national programs would promote continued progress with this interstate problem and would make a significant difference in the prosecution of rapists and the overall incidence of sexual violence.

(b) Duties and Functions of the Administrator-

(1) DESCRIPTION OF ACTIVITIES- The Administrator shall--

(A) issue such rules as the Administrator considers necessary or appropriate to carry out this section;

(B) make such arrangements as may be necessary and appropriate to facilitate effective coordination among all Federally funded programs relating to victims of sexual assault; and

(C) provide adequate staff and agency resources which are necessary to properly carry out the responsibilities pursuant to this section.

(2) ANNUAL GRANT TO RAPE, ABUSE & INCEST NATIONAL NETWORK- The Administrator shall annually make a grant to RAINN, which shall be used for the performance of the organization's national programs, which may include--

(A) operation of the National Sexual Assault Hotline, a 24-hour toll-free telephone line by which individuals may receive help and information from trained volunteers;

(B) operation of the National Sexual Assault Online Hotline, a 24-hour free online service by which individuals may receive help and information from trained volunteers;

(C) education of the media, the general public, and populations at risk of sexual assault about the incidence of sexual violence and sexual violence prevention, prosecution, and recovery;

(D) dissemination, on a national basis, of information relating to innovative and model programs, services, laws, legislation, and policies that benefit victims of sexual assault; and

(E) provision of technical assistance to law enforcement agencies, State and local governments, the criminal justice system, public and private nonprofit agencies, and individuals in the investigation and prosecution of cases involving victims of sexual assault.

(c) Definitions- For the purposes of this section:

(1) ADMINISTRATOR- The term `Administrator' means the Administrator of the Office of Juvenile Justice and Delinquency Prevention.

(2) RAINN- The term `RAINN' means the Rape, Abuse & Incest National Network, a 501(c)(3) nonprofit corporation headquartered in the District of Columbia.

(d) Authorization of Appropriations- There is authorized to be appropriated to the Administrator to carry out this section, \$3,000,000 for each of fiscal years 2007 through 2010.

## **SEC. 629. CHILDREN'S SAFETY ONLINE AWARENESS CAMPAIGNS.**

(a) Awareness Campaign for Children's Safety Online-

(1) IN GENERAL- The Attorney General, in consultation with the National Center for Missing and Exploited Children, is authorized to develop and carry out a public awareness campaign to demonstrate, explain, and encourage children, parents, and community leaders to better protect children when such children are on the Internet.

(2) REQUIRED COMPONENTS- The public awareness campaign described under paragraph (1) shall include components that compliment and reinforce the campaign message in a variety of media, including the Internet, television, radio, and billboards.

(b) Awareness Campaign Regarding the Accessibility and Utilization of Sex Offender Registries- The Attorney General, in consultation with the National Center for Missing and Exploited Children, is authorized to develop and carry out a public awareness campaign to demonstrate, explain, and encourage parents and community leaders to better access and utilize the Federal and State sex offender registries.

(c) Authorization of Appropriations- There are authorized to be appropriated to carry out this section such sums as are necessary for fiscal years 2007 through 2011.

### **SEC. 630. GRANTS FOR ONLINE CHILD SAFETY PROGRAMS.**

(a) In General- The Attorney General shall, subject to the availability of appropriations, make grants to States, units of local government, and nonprofit organizations for the purposes of establishing and maintaining programs with respect to improving and educating children and parents in the best ways for children to be safe when on the Internet.

(b) Definition of State- 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 to carry out this section such sums as are necessary for fiscal years 2007 through 2011.

### **SEC. 631. JESSICA LUNSFORD ADDRESS VERIFICATION GRANT PROGRAM.**

(a) Establishment- There is established the Jessica Lunsford Address Verification Grant Program (hereinafter in this section referred to as the `Program').

(b) Grants Authorized- Under the Program, the Attorney General is authorized to award grants to State, local governments, and Indian tribal governments to assist in carrying out programs requiring an appropriate official to verify, at appropriate intervals, the residence of all or some registered sex offenders.

(c) Application-

(1) IN GENERAL- Each State or local government seeking a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(2) CONTENTS- Each application submitted pursuant to paragraph (1) shall--

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this section.

(d) Innovation- In making grants under this section, the Attorney General shall ensure that different approaches to address verification are funded to allow an assessment of effectiveness.

(e) Authorization of Appropriations-

(1) IN GENERAL- There are authorized to be appropriated for each of the fiscal years

2007 through 2009 such sums as may be necessary to carry out this section.

(2) REPORT- Not later than April 1, 2009, the Attorney General shall report to Congress--

(A) assessing the effectiveness and value of this section;

(B) comparing the cost effectiveness of address verification to reduce sex offenses compared to other alternatives; and

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

## **SEC. 632. FUGITIVE SAFE SURRENDER.**

(a) Findings- Congress finds the following:

(1) Fugitive Safe Surrender is a program of the United States Marshals Service, in partnership with public, private, and faith-based organizations, which temporarily transforms a church into a courthouse, so fugitives can turn themselves in, in an atmosphere where they feel more comfortable to do so, and have nonviolent cases adjudicated immediately.

(2) In the 4-day pilot program in Cleveland, Ohio, over 800 fugitives turned themselves in. By contrast, a successful Fugitive Task Force sweep, conducted for 3 days after Fugitive Safe Surrender, resulted in the arrest of 65 individuals.

(3) Fugitive Safe Surrender is safer for defendants, law enforcement, and innocent bystanders than needing to conduct a sweep.

(4) Based upon the success of the pilot program, Fugitive Safe Surrender should be expanded to other cities throughout the United States.

(b) Establishment- The United States Marshals Service shall establish, direct, and coordinate a program (to be known as the 'Fugitive Safe Surrender Program'), under which the United States Marshals Service shall apprehend Federal, State, and local fugitives in a safe, secure, and peaceful manner to be coordinated with law enforcement and community leaders in designated cities throughout the United States.

(c) Authorization of Appropriations- There are authorized to be appropriated to the United States Marshals Service to carry out this section--

(1) \$3,000,000 for fiscal year 2007;

(2) \$5,000,000 for fiscal year 2008; and

(3) \$8,000,000 for fiscal year 2009.

(d) Other Existing Applicable Law- Nothing in this section shall be construed to limit any

existing authority under any other provision of Federal or State law for law enforcement agencies to locate or apprehend fugitives through task forces or any other means.

### **SEC. 633. 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 section 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 section 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 section shall be coextensive with that in such register.

(2) FORM- Information provided to the Secretary of Health and Human Services under this section--

(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 section 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)).

(g) Study-

(1) IN GENERAL- The Secretary of Health and Human Services shall conduct a study on the feasibility of establishing data collection standards for a national child abuse and neglect registry with recommendations and findings concerning--

(A) costs and benefits of such data collection standards;

(B) data collection standards currently employed by each State, Indian tribe, or political subdivision of a State;

(C) data collection standards that should be considered to establish a model of promising practices; and

(D) a due process procedure for a national registry.

(2) REPORT- Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on the Judiciary in the House of Representatives and the United States Senate and the Senate Committee on Health, Education, Labor and Pensions and the House Committee on Education and the Workforce a report containing the recommendations and findings of the study on data collection standards for a national child abuse registry authorized under this subsection.

(3) AUTHORIZATION OF APPROPRIATIONS- There is authorized to be appropriated \$500,000 for the period of fiscal years 2006 and 2007 to carry out the study required by this subsection.

## **SEC. 634. COMPREHENSIVE EXAMINATION OF SEX OFFENDER ISSUES.**

(a) In General- The National Institute of Justice shall conduct a comprehensive study to examine the control, prosecution, treatment, and monitoring of sex offenders, with a particular focus on--

(1) the effectiveness of the Sex Offender Registration and Notification Act in increasing compliance with sex offender registration and notification requirements, and the costs and burdens associated with such compliance;

(2) the effectiveness of sex offender registration and notification requirements in increasing public safety, and the costs and burdens associated with such requirements;

(3) the effectiveness of public dissemination of sex offender information on the Internet in increasing public safety, and the costs and burdens associated with such dissemination; and

(4) the effectiveness of treatment programs in reducing recidivism among sex offenders, and the costs and burdens associated with such programs.

(b) Recommendations- The study described in subsection (a) shall include recommendations for reducing the number of sex crimes against children and adults and increasing the effectiveness of registration requirements.

(c) Reports-

(1) IN GENERAL- Not later than 5 years after the date of enactment of this Act, the National Institute of Justice shall report the results of the study conducted under subsection (a) together with findings to Congress, through the Internet to the public, to each of the 50 governors, to the Mayor of the District of Columbia, to territory heads, and to the top official of the various Indian tribes.

(2) INTERIM REPORTS- The National Institute of Justice shall submit yearly interim reports.

(d) Appropriations- There are authorized to be appropriated \$3,000,000 to carry out this section.

## **SEC. 635. ANNUAL REPORT ON ENFORCEMENT OF REGISTRATION REQUIREMENTS.**

Not later than July 1 of each year, the Attorney General shall submit a report to Congress describing--

(1) the use by the Department of Justice of the United States Marshals Service to assist jurisdictions in locating and apprehending sex offenders who fail to comply with sex offender registration requirements, as authorized by this Act;

(2) the use of section 2250 of title 18, United States Code (as added by section 151 of this Act), to punish offenders for failure to register;

(3) a detailed explanation of each jurisdiction's compliance with the Sex Offender Registration and Notification Act;

(4) a detailed description of Justice Department efforts to ensure compliance and any funding reductions, the basis for any decision to reduce funding or not to reduce funding under section 125; and

(5) the denial or grant of any extensions to comply with the Sex Offender Registration and Notification Act, and the reasons for such denial or grant.

### **SEC. 636. GOVERNMENT ACCOUNTABILITY OFFICE 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 Senate and 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 February 1, 2007, 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) how those provisions might be modified to improve compliance by registered sex offenders.

**SEC. 637. 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. 638. 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, through conditions imposed as part of supervised release or probation conditions. 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; and

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

(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.

## **SEC. 639. 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 6 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--

(1) outlining what measures are needed to improve the performance of Federal, State, and local criminal investigators of homicide; and

(2) including an examination of--

(A) the benefits of increasing training and resources for such investigators, with respect to investigative techniques, best practices, and forensic services;

(B) the existence of any uniformity among State and local jurisdictions in the measurement of homicide rates and clearance of homicide cases;

(C) the coordination in the sharing of information among Federal, State, and local law enforcement and coroners and medical examiners; and

(D) 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 6 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--

- (1) evaluating measures to improve the ability of Federal, State, and local criminal investigators of homicide to solve homicides involving missing persons and unidentified human remains; and
- (2) including an examination of--
  - (A) measures to expand national criminal records databases with accurate information relating to missing persons and unidentified human remains;
  - (B) the collection of DNA samples from potential `high-risk' missing persons;
  - (C) the benefits of increasing access to national criminal records databases for medical examiners and coroners;
  - (D) any improvement in the performance of postmortem examinations, autopsies, and reporting procedures of unidentified persons or remains;
  - (E) any coordination between the National Center for Missing Children and the National Center for Missing Adults;
  - (F) 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
  - (G) any improvement with respect to--
    - (i) the collection of DNA information for missing persons and unidentified human remains; and
    - (ii) entering such information into the Combined DNA Index System of the Federal Bureau of Investigation and national criminal records databases.

## **TITLE VII--INTERNET SAFETY ACT**

### **SEC. 701. CHILD EXPLOITATION ENTERPRISES.**

Section 2252A of title 18, United States Code, is amended by adding at the end the following:

`(g) Child Exploitation Enterprises-

- `(1) Whoever engages in a child exploitation enterprise shall be fined under this title and imprisoned for any term of years not less than 20 or for life.
- `(2) A person engages in a child exploitation enterprise for the purposes of this

section if the person violates section 1591, section 1201 if the victim is a minor, or chapter 109A (involving a minor victim), 110 (except for sections 2257 and 2257A), or 117 (involving a minor victim), as a part of a series of felony violations constituting three or more separate incidents and involving more than one victim, and commits those offenses in concert with three or more other persons.'

## **SEC. 702. INCREASED PENALTIES FOR REGISTERED SEX OFFENDERS.**

(a) Offense- Chapter 110 of title 18, United States Code, is amended by adding at the end the following:

### **` Sec. 2260A. Penalties for registered sex offenders**

` Whoever, being required by Federal or other law to register as a sex offender, commits a felony offense involving a minor under section 1201, 1466A, 1470, 1591, 2241, 2242, 2243, 2244, 2245, 2251, 2251A, 2260, 2421, 2422, 2423, or 2425, shall be sentenced to a term of imprisonment of 10 years in addition to the imprisonment imposed for the offense under that provision. The sentence imposed under this section shall be consecutive to any sentence imposed for the offense under that provision.'

(b) Clerical Amendment- The table of sections at the beginning of chapter 110 of title 18, United States Code, is amended by adding at the end the following new item:

` 2260A. Increased penalties for registered sex offenders.'

## **SEC. 703. DECEPTION BY EMBEDDED WORDS OR IMAGES.**

(a) In General- Chapter 110 of title 18, United States Code, is amended by inserting after section 2252B the following:

### **` Sec. 2252C. Misleading words or digital images on the Internet**

` (a) In General- Whoever knowingly embeds words or digital images into the source code of a website with the intent to deceive a person into viewing material constituting obscenity shall be fined under this title and imprisoned for not more than 10 years.

` (b) Minors- Whoever knowingly embeds words or digital images into the source code of a website with the intent to deceive a minor into viewing material harmful to minors on the Internet shall be fined under this title and imprisoned for not more than 20 years.

` (c) Construction- For the purposes of this section, a word or digital image that clearly indicates the sexual content of the site, such as `sex' or `porn', is not misleading.

` (d) Definitions- As used in this section--

` (1) the terms `material that is harmful to minors' and `sex' have the meaning given such terms in section 2252B; and

` (2) the term `source code' means the combination of text and other characters

comprising the content, both viewable and nonviewable, of a web page, including any website publishing language, programming language, protocol or functional content, as well as any successor languages or protocols.'

(b) Table of Sections- The table of sections for chapter 110 of title 18, United States Code, is amended by inserting after the item relating to section 2252B the following:

` 2252C. Misleading words or digital images on the Internet.'

## **SEC. 704. ADDITIONAL PROSECUTORS FOR OFFENSES RELATING TO THE SEXUAL EXPLOITATION OF CHILDREN.**

(a) Definition- In this section, the term `offenses relating to the sexual exploitation of children' shall include any offense committed in violation of--

- (1) chapter 71 of title 18, United States Code, involving an obscene visual depiction of a minor, or transfer of obscene materials to a minor;
- (2) chapter 109A of title 18, United States Code, involving a victim who is a minor;
- (3) chapter 109B of title 18, United States Code;
- (4) chapter 110 of title 18, United States Code;
- (5) chapter 117 of title 18, United States Code involving a victim who is a minor; and
- (6) section 1591 of title 18, United States Code.

(b) Additional Prosecutors- In fiscal year 2007, the Attorney General shall, subject to the availability of appropriations for such purposes, increase by not less than 200 the number of attorneys in United States Attorneys' Offices. The additional attorneys shall be assigned to prosecute offenses relating to the sexual exploitation of children.

(c) Authorization of Appropriations- There are authorized to be appropriated to the Department of Justice for fiscal year 2007 such sums as may be necessary to carry out this section.

## **SEC. 705. ADDITIONAL COMPUTER-RELATED RESOURCES.**

(a) Department of Justice Resources- In fiscal year 2007, the Attorney General shall, subject to the availability of appropriations for such purposes, increase by not less than 30 the number of computer forensic examiners within the Regional Computer Forensic Laboratories (RCFL). The additional computer forensic examiners shall be dedicated to investigating crimes involving the sexual exploitation of children and related offenses.

(b) Department of Homeland Security Resources- In fiscal year 2007, the Secretary of Homeland Security shall, subject to the availability of appropriations for such purposes, increase by not less than 15 the number of computer forensic examiners within the Cyber

Crimes Center (C3). The additional computer forensic examiners shall be dedicated to investigating crimes involving the sexual exploitation of children and related offenses.

(c) Authorization of Appropriations- There are authorized to be appropriated to the Department of Justice and the Department of Homeland Security for fiscal year 2007 such sums as may be necessary to carry out this section.

## **SEC. 706. ADDITIONAL ICAC TASK FORCES.**

(a) Additional Task Forces- In fiscal year 2007, the Administrator of the Office of Juvenile Justice and Delinquency Prevention shall, subject to the availability of appropriations for such purpose, increase by not less than 10 the number of Internet Crimes Against Children Task Forces that are part of the Internet Crimes Against Children Task Force Program authorized and funded under title IV of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5771 et seq.). These Task Forces shall be in addition to the ones authorized in section 143 of this Act.

(b) Authorization of Appropriations- There are authorized to be appropriated to the Administrator of the Office of Juvenile Justice and Delinquency Prevention for fiscal year 2007 such sums as may be necessary to carry out this section.

## **SEC. 707. MASHA'S LAW.**

(a) Short Title- This section may be cited as `Masha's Law'.

(b) In General- Section 2255(a) of title 18, United States Code, is amended--

(1) in the first sentence--

(A) by striking `(a) Any minor who is' and inserting the following:

`(a) In General- Any person who, while a minor, was';

(B) by inserting after `such violation' the following: `, regardless of whether the injury occurred while such person was a minor,'; and

(C) by striking `such minor' and inserting `such person'; and

(2) in the second sentence--

(A) by striking `Any minor' and inserting `Any person'; and

(B) by striking `\$50,000' and inserting `\$150,000'.

(c) Conforming Amendment- Section 2255(b) of title 18, United States Code, is amended by striking `(b) Any action' and inserting the following:

`(b) Statute of Limitations- Any action'.

Speaker of the House of Representatives.

Vice President of the United States and

President of the Senate.

*END*