

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To provide a complete substitute.

**IN THE SENATE OF THE UNITED STATES—109th Cong., 2d Sess.**

**H. R. 4472**

To improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH (for himself, Mr. SPECTER, Mr. FRIST, Mr. BIDEN, and Mr. NELSON of Florida)

Viz:

1       Strike all after the enacting clause and insert the fol-  
2   lowing:

3   **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5   “Adam Walsh Child Protection and Safety Act of 2006”.

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

Sec. 1. Short title; table of contents.

Sec. 2. In recognition of John and Revé Walsh on the occasion of the 25th anniversary of Adam Walsh’s abduction and murder.

## 2

TITLE I—SEX OFFENDER REGISTRATION AND NOTIFICATION  
ACT

- Sec. 101. Short title.
- Sec. 102. Declaration of purpose.
- Sec. 103. Establishment of 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.
- Sec. 112. Registry requirements for jurisdictions.
- Sec. 113. Registry requirements for sex offenders.
- Sec. 114. Information required in registration.
- Sec. 115. Duration of registration requirement.
- Sec. 116. Periodic in person verification.
- Sec. 117. Duty to notify sex offenders of registration requirements and to register.
- Sec. 118. Public access to sex offender information through the Internet.
- Sec. 119. National Sex Offender Registry.
- Sec. 120. Dru Sjodin National Sex Offender Public Website.
- Sec. 121. Megan Nicole Kanka and Alexandra Nicole Zapp Community Notification Program.
- Sec. 122. Actions to be taken when sex offender fails to comply.
- Sec. 123. Development and availability of registry management and website software.
- Sec. 124. Period for implementation by jurisdictions.
- Sec. 125. Failure of jurisdiction to comply.
- Sec. 126. Sex Offender Management Assistance (SOMA) Program.
- Sec. 127. Election by Indian tribes.
- Sec. 128. Registration of sex offenders entering the United States.
- Sec. 129. Repeal of predecessor sex offender program.
- Sec. 130. Limitation on liability for the national center for missing and exploited children.
- Sec. 131. Immunity for good faith conduct.

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.
- Sec. 142. Federal assistance with respect to violations of registration requirements.
- Sec. 143. Project Safe Childhood.
- Sec. 144. Federal assistance in identification and location of sex offenders relocated as a result of a major disaster.
- Sec. 145. Expansion of training and technology efforts.
- Sec. 146. Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking.

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.

## 3

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.

Sec. 153. Schools Safe Act.

Sec. 154. Missing child reporting requirements.

Sec. 155. DNA fingerprinting.

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.

Sec. 202. Jetseta Gage assured punishment for violent crimes against children.

Sec. 203. Penalties for coercion and enticement by sex offenders.

Sec. 204. Penalties for conduct relating to child prostitution.

Sec. 205. Penalties for sexual abuse.

Sec. 206. Increased penalties for sexual offenses against children.

Sec. 207. Sexual abuse of wards.

Sec. 208. Mandatory penalties for sex-trafficking of children.

Sec. 209. Child abuse reporting.

Sec. 210. Sex offender submission to search as condition of release.

Sec. 211. No limitation for prosecution of felony sex offenses.

Sec. 212. Victims' rights associated with habeas corpus proceedings.

Sec. 213. Kidnapping jurisdiction.

Sec. 214. Marital communication and adverse spousal privilege.

Sec. 215. Abuse and neglect of Indian children.

Sec. 216. Improvements to the Bail Reform Act to address sex crimes and other matters.

TITLE III—CIVIL COMMITMENT OF DANGEROUS SEX OFFENDERS

Sec. 301. Jimmy Ryce State civil commitment programs for sexually dangerous persons.

Sec. 302. Jimmy Ryce civil commitment program.

TITLE IV—IMMIGRATION LAW REFORMS TO PREVENT SEX  
OFFENDERS FROM ABUSING CHILDREN

Sec. 401. Failure to register a deportable offense.

Sec. 402. Barring convicted sex offenders from having family-based petitions approved.

TITLE V—CHILD PORNOGRAPHY PREVENTION

Sec. 501. Findings.

Sec. 502. Other record keeping requirements.

Sec. 503. Record keeping requirements for simulated sexual conduct.

Sec. 504. Prevention of distribution of child pornography used as evidence in prosecutions.

Sec. 505. Authorizing civil and criminal asset forfeiture in child exploitation and obscenity cases.

Sec. 506. Prohibiting the production of obscenity as well as transportation, distribution, and sale.

Sec. 507. Guardians ad litem.

## 4

TITLE VI—GRANTS, STUDIES, AND PROGRAMS FOR CHILDREN  
AND COMMUNITY SAFETY

## Subtitle A—Mentoring Matches for Youth Act

- Sec. 601. Short title.
- Sec. 602. Findings.
- Sec. 603. Grant program for expanding Big Brothers Big Sisters mentoring program.
- Sec. 604. Biannual report.
- Sec. 605. Authorization of appropriations.

## Subtitle B—National Police Athletic League Youth Enrichment Act

- Sec. 611. Short title.
- Sec. 612. Findings.
- Sec. 613. Purpose.
- Sec. 614. Grants authorized.
- Sec. 615. Use of funds.
- Sec. 616. Authorization of appropriations.
- Sec. 617. Name of League.

## Subtitle C—Grants, Studies, and Other Provisions

- Sec. 621. Pilot program for monitoring sexual offenders.
- Sec. 622. Treatment and management of sex offenders in the Bureau of Prisons.
- Sec. 623. Sex offender apprehension grants; juvenile sex offender treatment grants.
- Sec. 624. Assistance for prosecution of cases cleared through use of DNA backlog clearance funds.
- Sec. 625. Grants to combat sexual abuse of children.
- Sec. 626. Crime prevention campaign grant.
- Sec. 627. Grants for fingerprinting programs for children.
- Sec. 628. Grants for Rape, Abuse & Incest National Network.
- Sec. 629. Children's safety online awareness campaigns.
- Sec. 630. Grants for online child safety programs.
- Sec. 631. Jessica Lunsford Address Verification Grant Program.
- Sec. 632. Fugitive safe surrender.
- Sec. 633. National registry of substantiated cases of child abuse.
- Sec. 634. Comprehensive examination of sex offender issues.
- Sec. 635. Annual report on enforcement of registration requirements.
- Sec. 636. Government Accountability Office studies on feasibility of using driver's license registration processes as additional registration requirements for sex offenders.
- Sec. 637. Sex offender risk classification study.
- Sec. 638. Study of the effectiveness of restricting the activities of sex offenders to reduce the occurrence of repeat offenses.
- Sec. 639. The justice for Crime Victims Family Act.

## TITLE VII—INTERNET SAFETY ACT

- Sec. 701. Child exploitation enterprises.
- Sec. 702. Increased penalties for registered sex offenders.
- Sec. 703. Deception by embedded words or images.
- Sec. 704. Additional prosecutors for offenses relating to the sexual exploitation of children.

Sec. 705. Additional computer-related resources.  
Sec. 706. Additional ICAC Task Forces.  
Sec. 707. Masha's Law.

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

4 (a) ADAM WALSH'S ABDUCTION AND MURDER.—On  
5 July 27, 1981, in Hollywood, Florida, 6-year-old Adam  
6 Walsh was abducted at a mall. Two weeks later, some of  
7 Adam's remains were discovered in a canal more than 100  
8 miles from his home.

9 (b) JOHN AND REVÉ WALSH'S COMMITMENT TO THE  
10 SAFETY OF CHILDREN.—Since the abduction and murder  
11 of their son Adam, both John and Revé Walsh have dedi-  
12 cated themselves to protecting children from child preda-  
13 tors, preventing attacks on our children, and bringing  
14 child predators to justice. Their commitment has saved the  
15 lives of numerous children. Congress, and the American  
16 people, honor John and Revé Walsh for their dedication  
17 to the well-being and safety of America's children.

18 **TITLE I—SEX OFFENDER REG-**  
19 **ISTRATION AND NOTIFICA-**  
20 **TION ACT**

21 **SEC. 101. SHORT TITLE.**

22 This title may be cited as the “Sex Offender Reg-  
23 istration and Notification Act”.

1   **SEC. 102. DECLARATION OF PURPOSE.**

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

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

10          (2) Megan Nicole Kanka, who was 7 years old,  
11 was abducted, sexually assaulted, and murdered in  
12 1994, in New Jersey.

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

15          (4) Jetseta Gage, who was 10 years old, was  
16 kidnapped, sexually assaulted, and murdered in  
17 2005, in Cedar Rapids, Iowa.

18          (5) Dru Sjodin, who was 22 years old, was sex-  
19 ually assaulted and murdered in 2003, in North Da-  
20 kota.

21          (6) Jessica Lunsford, who was 9 years old, was  
22 abducted, sexually assaulted, buried alive, and mur-  
23 dered in 2005, in Homosassa, Florida.

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

1           (8) Amie Zyla, who was 8 years old, was sexu-  
2 ally assaulted in 1996 by a juvenile offender in  
3 Waukesha, Wisconsin, and has become an advocate  
4 for child victims and protection of children from ju-  
5 venile sex offenders.

6           (9) Christy Ann Fornoff, who was 13 years old,  
7 was abducted, sexually assaulted, and murdered in  
8 1984, in Tempe, Arizona.

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

13           (11) Polly Klaas, who was 12 years old, was ab-  
14 ducted, sexually assaulted, and murdered in 1993 by  
15 a career offender in California.

16           (12) Jimmy Ryce, who was 9 years old, was  
17 kidnapped and murdered in Florida on September  
18 11, 1995.

19           (13) Carlie Brucia, who was 11 years old, was  
20 abducted and murdered in Florida in February,  
21 2004.

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

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

1           (16) Molly Bish, who was 16 years old, was ab-  
2           ducted in 2000 while working as a lifeguard in War-  
3           ren, Massachusetts, where her remains were found 3  
4           years later.

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

8   **SEC. 103. ESTABLISHMENT OF PROGRAM.**

9           This Act establishes the Jacob Wetterling, Megan Ni-  
10          cole Kanka, and Pam Lychner Sex Offender Registration  
11          and Notification Program.

12                   **Subtitle A—Sex Offender**  
13                   **Registration and Notification**

14   **SEC. 111. RELEVANT DEFINITIONS, INCLUDING AMIE ZYLA**  
15                   **EXPANSION OF SEX OFFENDER DEFINITION**  
16                   **AND EXPANDED INCLUSION OF CHILD PRED-**  
17                   **ATORS.**

18          In this title the following definitions apply:

19           (1) SEX OFFENDER.—The term “sex offender”  
20          means an individual who was convicted of a sex of-  
21          fense.

22           (2) TIER I SEX OFFENDER.—The term “tier I  
23          sex offender” means a sex offender other than a tier  
24          II or tier III sex offender.



1           (3) TIER II SEX OFFENDER.—The term “tier II  
2           sex offender” means a sex offender other than a tier  
3           III sex offender whose offense is punishable by im-  
4           prisonment for more than 1 year and—

5                   (A) is comparable to or more severe than  
6           the following offenses, when committed against  
7           a minor, or an attempt or conspiracy to commit  
8           such an offense against a minor:

9                           (i) sex trafficking (as described in sec-  
10                          tion 1591 of title 18, United States Code);

11                          (ii) coercion and enticement (as de-  
12                          scribed in section 2422(b) of title 18,  
13                          United States Code);

14                          (iii) transportation with intent to en-  
15                          gage in criminal sexual activity (as de-  
16                          scribed in section 2423(a)) of title 18,  
17                          United States Code;

18                          (iv) abusive sexual contact (as de-  
19                          scribed in section 2244 of title 18, United  
20                          States Code);

21                   (B) involves—

22                           (i) use of a minor in a sexual perform-  
23                          ance;

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

1 (iii) production or distribution of child  
2 pornography; or

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

5 (4) TIER III SEX OFFENDER.—The term “tier  
6 III sex offender” means a sex offender whose offense  
7 is punishable by imprisonment for more than 1 year  
8 and—

9 (A) is comparable to or more severe than  
10 the following offenses, or an attempt or con-  
11 spiracy to commit such an offense:

12 (i) aggravated sexual abuse or sexual  
13 abuse (as described in sections 2241 and  
14 2242 of title 18, United States Code); or

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

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

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

23 (5) AMIE ZYLA EXPANSION OF SEX OFFENSE  
24 DEFINITION.—

1 (A) GENERALLY.—Except as limited by  
2 subparagraph (B) or (C), the term “sex of-  
3 fense” means—

4 (i) a criminal offense that has an ele-  
5 ment involving a sexual act or sexual con-  
6 tact with another;

7 (ii) a criminal offense that is a speci-  
8 fied offense against a minor;

9 (iii) a Federal offense (including an  
10 offense prosecuted under section 1152 or  
11 1153 of title 18, United States Code)  
12 under section 1591, or chapter 109A, 110  
13 (other than section 2257, 2257A, or  
14 2258), or 117, of title 18, United States  
15 Code;

16 (iv) a military offense specified by the  
17 Secretary of Defense under section  
18 115(a)(8)(C)(i) of Public Law 105–119  
19 (10 U.S.C. 951 note); or

20 (v) an attempt or conspiracy to com-  
21 mit an offense described in clauses (i)  
22 through (iv).

23 (B) FOREIGN CONVICTIONS.—A foreign  
24 conviction is not a sex offense for the purposes  
25 of this title if it was not obtained with sufficient

1           safeguards for fundamental fairness and due  
2           process for the accused under guidelines or reg-  
3           ulations established under section 112.

4                   (C) OFFENSES INVOLVING CONSENSUAL  
5           SEXUAL CONDUCT.—An offense involving con-  
6           sensual sexual conduct is not a sex offense for  
7           the purposes of this title if the victim was an  
8           adult, unless the adult was under the custodial  
9           authority of the offender at the time of the of-  
10          fense, or if the victim was at least 13 years old  
11          and the offender was not more than 4 years  
12          older than the victim.

13                   (6) CRIMINAL OFFENSE.—The term “criminal  
14          offense” means a State, local, tribal, foreign, or mili-  
15          tary offense (to the extent specified by the Secretary  
16          of Defense under section 115(a)(8)(C)(i) of Public  
17          Law 105–119 (10 U.S.C. 951 note)) or other crimi-  
18          nal offense.

19                   (7) EXPANSION OF DEFINITION OF “SPECIFIED  
20          OFFENSE AGAINST A MINOR” TO INCLUDE ALL OF-  
21          FENSES BY CHILD PREDATORS.—The term “speci-  
22          fied offense against a minor” means an offense  
23          against a minor that involves any of the following:

24                           (A) An offense (unless committed by a  
25                           parent or guardian) involving kidnapping.

1 (B) An offense (unless committed by a  
2 parent or guardian) involving false imprison-  
3 ment.

4 (C) Solicitation to engage in sexual con-  
5 duct.

6 (D) Use in a sexual performance.

7 (E) Solicitation to practice prostitution.

8 (F) Video voyeurism as described in sec-  
9 tion 1801 of title 18, United States Code.

10 (G) Possession, production, or distribution  
11 of child pornography.

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

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

17 (8) CONVICTED AS INCLUDING CERTAIN JUE-  
18 NILE ADJUDICATIONS.—The term “convicted” or a  
19 variant thereof, used with respect to a sex offense,  
20 includes adjudicated delinquent as a juvenile for that  
21 offense, but only if the offender is 14 years of age  
22 or older at the time of the offense and the offense  
23 adjudicated was comparable to or more severe than  
24 aggravated sexual abuse (as described in section

1       2241 of title 18, United States Code), or was an at-  
2       tempt or conspiracy to commit such an offense.

3           (9) SEX OFFENDER REGISTRY.—The term “sex  
4       offender registry” means a registry of sex offenders,  
5       and a notification program, maintained by a juris-  
6       diction.

7           (10) JURISDICTION.—The term “jurisdiction”  
8       means any of the following:

9           (A) A State.

10          (B) The District of Columbia.

11          (C) The Commonwealth of Puerto Rico.

12          (D) Guam.

13          (E) American Samoa.

14          (F) The Northern Mariana Islands.

15          (G) The United States Virgin Islands.

16          (H) To the extent provided and subject to  
17       the requirements of section 127, a federally rec-  
18       ognized Indian tribe.

19          (11) STUDENT.—The term “student” means an  
20       individual who enrolls in or attends an educational  
21       institution, including (whether public or private) a  
22       secondary school, trade or professional school, and  
23       institution of higher education.

1           (12) EMPLOYEE.—The term “employee” in-  
2           cludes an individual who is self-employed or works  
3           for any other entity, whether compensated or not.

4           (13) RESIDES.—The term “resides” means,  
5           with respect to an individual, the location of the in-  
6           dividual’s home or other place where the individual  
7           habitually lives.

8           (14) MINOR.—The term “minor” means an in-  
9           dividual who has not attained the age of 18 years.

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

11           (a) JURISDICTION TO MAINTAIN A REGISTRY.—Each  
12           jurisdiction shall maintain a jurisdiction-wide sex offender  
13           registry conforming to the requirements of this title.

14           (b) GUIDELINES AND REGULATIONS.—The Attorney  
15           General shall issue guidelines and regulations to interpret  
16           and implement this title.

17 **SEC. 113. REGISTRY REQUIREMENTS FOR SEX OFFENDERS.**

18           (a) IN GENERAL.—A sex offender shall register, and  
19           keep the registration current, in each jurisdiction where  
20           the offender resides, where the offender is an employee,  
21           and where the offender is a student. For initial registra-  
22           tion purposes only, a sex offender shall also register in  
23           the jurisdiction in which convicted if such jurisdiction is  
24           different from the jurisdiction of residence.

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

3 (1) before completing a sentence of imprison-  
4 ment with respect to the offense giving rise to the  
5 registration requirement; or

6 (2) not later than 3 business days after being  
7 sentenced for that offense, if the sex offender is not  
8 sentenced to a term of imprisonment.

9 (c) KEEPING THE REGISTRATION CURRENT.—A sex  
10 offender shall, not later than 3 business days after each  
11 change of name, residence, employment, or student status,  
12 appear in person in at least 1 jurisdiction involved pursu-  
13 ant to subsection (a) and inform that jurisdiction of all  
14 changes in the information required for that offender in  
15 the sex offender registry. That jurisdiction shall imme-  
16 diately provide that information to all other jurisdictions  
17 in which the offender is required to register.

18 (d) INITIAL REGISTRATION OF SEX OFFENDERS UN-  
19 ABLE TO COMPLY WITH SUBSECTION (b).—The Attorney  
20 General shall have the authority to specify the applica-  
21 bility of the requirements of this title to sex offenders con-  
22 victed before the enactment of this Act or its implementa-  
23 tion in a particular jurisdiction, and to prescribe rules for  
24 the registration of any such sex offenders and for other



1 categories of sex offenders who are unable to comply with  
2 subsection (b).

3 (e) STATE PENALTY FOR FAILURE TO COMPLY.—  
4 Each jurisdiction, other than a Federally recognized In-  
5 dian tribe, shall provide a criminal penalty that includes  
6 a maximum term of imprisonment that is greater than 1  
7 year for the failure of a sex offender to comply with the  
8 requirements of this title.

9 **SEC. 114. INFORMATION REQUIRED IN REGISTRATION.**

10 (a) PROVIDED BY THE OFFENDER.—The sex of-  
11 fender shall provide the following information to the ap-  
12 propriate official for inclusion in the sex offender registry:

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

15 (2) The Social Security number of the sex of-  
16 fender.

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

19 (4) The name and address of any place where  
20 the sex offender is an employee or will be an em-  
21 ployee.

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

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

1           (7) Any other information required by the At-  
2       torney General.

3       (b) PROVIDED BY THE JURISDICTION.—The jurisdic-  
4       tion in which the sex offender registers shall ensure that  
5       the following information is included in the registry for  
6       that sex offender:

7           (1) A physical description of the sex offender.

8           (2) The text of the provision of law defining the  
9       criminal offense for which the sex offender is reg-  
10      istered.

11          (3) The criminal history of the sex offender, in-  
12      cluding the date of all arrests and convictions; the  
13      status of parole, probation, or supervised release;  
14      registration status; and the existence of any out-  
15      standing arrest warrants for the sex offender.

16          (4) A current photograph of the sex offender.

17          (5) A set of fingerprints and palm prints of the  
18      sex offender.

19          (6) A DNA sample of the sex offender.

20          (7) A photocopy of a valid driver's license or  
21      identification card issued to the sex offender by a ju-  
22      risdiction.

23          (8) Any other information required by the At-  
24      torney General.

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

2 (a) FULL REGISTRATION PERIOD.—A sex offender  
3 shall keep the registration current for the full registration  
4 period (excluding any time the sex offender is in custody  
5 or civilly committed) unless the offender is allowed a re-  
6 duction under subsection (b). The full registration period  
7 is—

8 (1) 15 years, if the offender is a tier I sex of-  
9 fender;

10 (2) 25 years, if the offender is a tier II sex of-  
11 fender; and

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

14 (b) REDUCED PERIOD FOR CLEAN RECORD.—

15 (1) CLEAN RECORD.—The full registration pe-  
16 riod shall be reduced as described in paragraph (3)  
17 for a sex offender who maintains a clean record for  
18 the period described in paragraph (2) by—

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

22 (B) not being convicted of any sex offense;

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

1 (D) successfully completing of an appro-  
2 priate sex offender treatment program certified  
3 by a jurisdiction or by the Attorney General.

4 (2) PERIOD.—In the case of—

5 (A) a tier I sex offender, the period during  
6 which the clean record shall be maintained is  
7 10 years; and

8 (B) a tier III sex offender adjudicated de-  
9 linquent for the offense which required registra-  
10 tion in a sex registry under this title, the period  
11 during which the clean record shall be main-  
12 tained is 25 years.

13 (3) REDUCTION.—In the case of—

14 (A) a tier I sex offender, the reduction is  
15 5 years;

16 (B) a tier III sex offender adjudicated de-  
17 linquent, the reduction is from life to that pe-  
18 riod for which the clean record under paragraph  
19 (2) is maintained.

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

21 A sex offender shall appear in person, allow the juris-  
22 diction to take a current photograph, and verify the infor-  
23 mation in each registry in which that offender is required  
24 to be registered not less frequently than—

1 (1) each year, if the offender is a tier I sex of-  
2 fender;

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

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

7 **SEC. 117. DUTY TO NOTIFY SEX OFFENDERS OF REGISTRA-**  
8 **TION REQUIREMENTS AND TO REGISTER.**

9 (a) IN GENERAL.—An appropriate official shall,  
10 shortly before release of the sex offender from custody,  
11 or, if the sex offender is not in custody, immediately after  
12 the sentencing of the sex offender, for the offense giving  
13 rise to the duty to register—

14 (1) inform the sex offender of the duties of a  
15 sex offender under this title and explain those du-  
16 ties;

17 (2) require the sex offender to read and sign a  
18 form stating that the duty to register has been ex-  
19 plained and that the sex offender understands the  
20 registration requirement; and

21 (3) ensure that the sex offender is registered.

22 (b) NOTIFICATION OF SEX OFFENDERS WHO CAN-  
23 NOT COMPLY WITH SUBSECTION (a).—The Attorney Gen-  
24 eral shall prescribe rules for the notification of sex offend-

1 ers who cannot be registered in accordance with subsection  
2 (a).

3 **SEC. 118. PUBLIC ACCESS TO SEX OFFENDER INFORMA-**  
4 **TION THROUGH THE INTERNET.**

5 (a) IN GENERAL.—Except as provided in this section,  
6 each jurisdiction shall make available on the Internet, in  
7 a manner that is readily accessible to all jurisdictions and  
8 to the public, all information about each sex offender in  
9 the registry. The jurisdiction shall maintain the Internet  
10 site in a manner that will permit the public to obtain rel-  
11 evant information for each sex offender by a single query  
12 for any given zip code or geographic radius set by the user.  
13 The jurisdiction shall also include in the design of its  
14 Internet site all field search capabilities needed for full  
15 participation in the Dru Sjodin National Sex Offender  
16 Public Website and shall participate in that website as  
17 provided by the Attorney General.

18 (b) MANDATORY EXEMPTIONS.—A jurisdiction shall  
19 exempt from disclosure—

- 20 (1) the identity of any victim of a sex offense;  
21 (2) the Social Security number of the sex of-  
22 fender;  
23 (3) any reference to arrests of the sex offender  
24 that did not result in conviction; and

1           (4) any other information exempted from disclo-  
2           sure by the Attorney General.

3           (c) OPTIONAL EXEMPTIONS.—A jurisdiction may ex-  
4           empt from disclosure—

5           (1) any information about a tier I sex offender  
6           convicted of an offense other than a specified offense  
7           against a minor;

8           (2) the name of an employer of the sex of-  
9           fender;

10          (3) the name of an educational institution  
11          where the sex offender is a student; and

12          (4) any other information exempted from disclo-  
13          sure by the Attorney General.

14          (d) LINKS.—The site shall include, to the extent  
15          practicable, links to sex offender safety and education re-  
16          sources.

17          (e) CORRECTION OF ERRORS.—The site shall include  
18          instructions on how to seek correction of information that  
19          an individual contends is erroneous.

20          (f) WARNING.—The site shall include a warning that  
21          information on the site should not be used to unlawfully  
22          injure, harass, or commit a crime against any individual  
23          named in the registry or residing or working at any re-  
24          ported address. The warning shall note that any such ac-  
25          tion could result in civil or criminal penalties.

1   **SEC. 119. NATIONAL SEX OFFENDER REGISTRY.**

2           (a) INTERNET.—The Attorney General shall main-  
3   tain a national database at the Federal Bureau of Inves-  
4   tigation for each sex offender and any other person re-  
5   quired to register in a jurisdiction’s sex offender registry.  
6   The database shall be known as the National Sex Offender  
7   Registry.

8           (b) ELECTRONIC FORWARDING.—The Attorney Gen-  
9   eral shall ensure (through the National Sex Offender Reg-  
10   istry or otherwise) that updated information about a sex  
11   offender is immediately transmitted by electronic for-  
12   warding to all relevant jurisdictions.

13   **SEC. 120. DRU SJODIN NATIONAL SEX OFFENDER PUBLIC**  
14                           **WEBSITE.**

15           (a) ESTABLISHMENT.—There is established the Dru  
16   Sjodin National Sex Offender Public Website (hereinafter  
17   in this section referred to as the “Website”), which the  
18   Attorney General shall maintain.

19           (b) INFORMATION TO BE PROVIDED.—The Website  
20   shall include relevant information for each sex offender  
21   and other person listed on a jurisdiction’s Internet site.  
22   The Website shall allow the public to obtain relevant infor-  
23   mation for each sex offender by a single query for any  
24   given zip code or geographical radius set by the user in  
25   a form and with such limitations as may be established



1 by the Attorney General and shall have such other field  
2 search capabilities as the Attorney General may provide.

3 **SEC. 121. MEGAN NICOLE KANKA AND ALEXANDRA NICOLE**  
4 **ZAPP COMMUNITY NOTIFICATION PROGRAM.**

5 (a) ESTABLISHMENT OF PROGRAM.—There is estab-  
6 lished the Megan Nicole Kanka and Alexandra Nicole  
7 Zapp Community Notification Program (hereinafter in  
8 this section referred to as the “Program”).

9 (b) PROGRAM NOTIFICATION.—Except as provided in  
10 subsection (c), immediately after a sex offender registers  
11 or updates a registration, an appropriate official in the  
12 jurisdiction shall provide the information in the registry  
13 (other than information exempted from disclosure by the  
14 Attorney General) about that offender to the following:

15 (1) The Attorney General, who shall include  
16 that information in the National Sex Offender Reg-  
17 istry or other appropriate databases.

18 (2) Appropriate law enforcement agencies (in-  
19 cluding probation agencies, if appropriate), and each  
20 school and public housing agency, in each area in  
21 which the individual resides, is an employee or is a  
22 student.

23 (3) Each jurisdiction where the sex offender re-  
24 sides, is an employee, or is a student, and each juris-

1 diction from or to which a change of residence, em-  
2 ployment, 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.

9 (6) Volunteer organizations in which contact  
10 with minors or other vulnerable individuals might  
11 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.

20 SEC. 122. ACTIONS TO BE TAKEN WHEN SEX OFFENDER  
21 FAILS TO COMPLY.

22 An appropriate official shall notify the Attorney Gen-  
23 eral and appropriate law enforcement agencies of any fail-  
24 ure by a sex offender to comply with the requirements of  
25 a registry and revise the jurisdiction's registry to reflect

1 the nature of that failure. The appropriate official, the At-  
2 torney General, and each such law enforcement agency  
3 shall take any appropriate action to ensure compliance.

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

6 (a) DUTY TO DEVELOP AND SUPPORT.—The Attor-  
7 ney General shall, in consultation with the jurisdictions,  
8 develop and support software to enable jurisdictions to es-  
9 tablish and operate uniform sex offender registries and  
10 Internet sites.

11 (b) CRITERIA.—The software should facilitate—

12 (1) immediate exchange of information among  
13 jurisdictions;

14 (2) public access over the Internet to appro-  
15 priate information, including the number of reg-  
16 istered sex offenders in each jurisdiction on a cur-  
17 rent basis;

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

20 (4) communication of information to community  
21 notification program participants as required under  
22 section 121.

23 (c) DEADLINE.—The Attorney General shall make  
24 the first complete edition of this software available to ju-

1 jurisdictions within 2 years of the date of the enactment of  
2 this Act.

3 **SEC. 124. PERIOD FOR IMPLEMENTATION BY JURISDIC-**  
4 **TIONS.**

5 (a) DEADLINE.—Each jurisdiction shall implement  
6 this title before the later of—

7 (1) 3 years after the date of the enactment of  
8 this Act; and

9 (2) 1 year after the date on which the software  
10 described in section 123 is available.

11 (b) EXTENSIONS.—The Attorney General may au-  
12 thorize up to two 1-year extensions of the deadline.

13 **SEC. 125. FAILURE OF JURISDICTION TO COMPLY.**

14 (a) IN GENERAL.—For any fiscal year after the end  
15 of the period for implementation, a jurisdiction that fails,  
16 as determined by the Attorney General, to substantially  
17 implement this title shall not receive 10 percent of the  
18 funds that would otherwise be allocated for that fiscal year  
19 to the jurisdiction under subpart 1 of part E of title I  
20 of the Omnibus Crime Control and Safe Streets Act of  
21 1968 (42 U.S.C. 3750 et seq.).

22 (b) STATE CONSTITUTIONALITY.—

23 (1) IN GENERAL.—When evaluating whether a  
24 jurisdiction has substantially implemented this title,  
25 the Attorney General shall consider whether the ju-

1 jurisdiction is unable to substantially implement this  
2 title because of a demonstrated inability to imple-  
3 ment certain provisions that would place the juris-  
4 diction in violation of its constitution, as determined  
5 by a ruling of the jurisdiction's highest court.

6 (2) EFFORTS.—If the circumstances arise  
7 under paragraph (1), then the Attorney General and  
8 the jurisdiction shall make good faith efforts to ac-  
9 complish substantial implementation of this title and  
10 to reconcile any conflicts between this title and the  
11 jurisdiction's constitution. In considering whether  
12 compliance with the requirements of this title would  
13 likely violate the jurisdiction's constitution or an in-  
14 terpretation thereof by the jurisdiction's highest  
15 court, the Attorney General shall consult with the  
16 chief executive and chief legal officer of the jurisdic-  
17 tion concerning the jurisdiction's interpretation of  
18 the jurisdiction's constitution and rulings thereon by  
19 the jurisdiction's highest court.

20 (3) ALTERNATIVE PROCEDURES.—If the juris-  
21 diction is unable to substantially implement this title  
22 because of a limitation imposed by the jurisdiction's  
23 constitution, the Attorney General may determine  
24 that the jurisdiction is in compliance with this Act  
25 if the jurisdiction has made, or is in the process of

1 implementing reasonable alternative procedures or  
2 accommodations, which are consistent with the pur-  
3 poses of this Act.

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

8 (c) REALLOCATION.—Amounts not allocated under a  
9 program referred to in this section to a jurisdiction for  
10 failure to substantially implement this title shall be reallo-  
11 cated under that program to jurisdictions that have not  
12 failed to substantially implement this title or may be re-  
13 allocated to a jurisdiction from which they were withheld  
14 to be used solely for the purpose of implementing this title.

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

20 **SEC. 126. SEX OFFENDER MANAGEMENT ASSISTANCE**  
21 **(SOMA) PROGRAM.**

22 (a) IN GENERAL.—The Attorney General shall estab-  
23 lish and implement a Sex Offender Management Assist-  
24 ance program (in this title referred to as the “SOMA pro-  
25 gram”), under which the Attorney General may award a

1 grant to a jurisdiction to offset the costs of implementing  
2 this title.

3 (b) APPLICATION.—The chief executive of a jurisdic-  
4 tion desiring a grant under this section shall, on an annual  
5 basis, submit to the Attorney General an application in  
6 such form and containing such information as the Attor-  
7 ney General may require.

8 (c) BONUS PAYMENTS FOR PROMPT COMPLIANCE.—  
9 A jurisdiction that, as determined by the Attorney Gen-  
10 eral, has substantially implemented this title not later  
11 than 2 years after the date of the enactment of this Act  
12 is eligible for a bonus payment. The Attorney General may  
13 make such a payment under the SOMA program for the  
14 first fiscal year beginning after that determination. The  
15 amount of the payment shall be—

16 (1) 10 percent of the total received by the juris-  
17 diction under the SOMA program for the preceding  
18 fiscal year, if that implementation is not later than  
19 1 year after the date of enactment of this Act; and

20 (2) 5 percent of such total, if not later than 2  
21 years after that date.

22 (d) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
23 tion to any amounts otherwise authorized to be appro-  
24 priated, there are authorized to be appropriated such sums  
25 as may be necessary to the Attorney General, to be avail-

1 able only for the SOMA program, for fiscal years 2007  
2 through 2009.

3 **SEC. 127. ELECTION BY INDIAN TRIBES.**

4 (a) ELECTION.—

5 (1) IN GENERAL.—A federally recognized In-  
6 dian tribe may, by resolution or other enactment of  
7 the tribal council or comparable governmental  
8 body—

9 (A) elect to carry out this subtitle as a ju-  
10 risdiction subject to its provisions; or

11 (B) elect to delegate its functions under  
12 this subtitle to another jurisdiction or jurisdic-  
13 tions within which the territory of the tribe is  
14 located and to provide access to its territory  
15 and such other cooperation and assistance as  
16 may be needed to enable such other jurisdiction  
17 or jurisdictions to carry out and enforce the re-  
18 quirements of this subtitle.

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

22 (A) it is a tribe subject to the law enforce-  
23 ment jurisdiction of a State under section 1162  
24 of title 18, United States Code;



1 (B) the tribe does not make an election  
2 under paragraph (1) within 1 year of the enact-  
3 ment of this Act or rescinds an election under  
4 paragraph (1)(A); or

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

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

12 (1) NONDUPLICATION.—A tribe subject to this  
13 subtitle is not required to duplicate functions under  
14 this subtitle which are fully carried out by another  
15 jurisdiction or jurisdictions within which the terri-  
16 tory of the tribe is located.

17 (2) COOPERATIVE AGREEMENTS.—A tribe may,  
18 through cooperative agreements with such a jurisdic-  
19 tion or jurisdictions—

20 (A) arrange for the tribe to carry out any  
21 function of such a jurisdiction under this sub-  
22 title with respect to sex offenders subject to the  
23 tribe's jurisdiction; and

24 (B) arrange for such a jurisdiction to carry  
25 out any function of the tribe under this subtitle

1           with respect to sex offenders subject to the  
2           tribe's jurisdiction.

3   **SEC. 128. REGISTRATION OF SEX OFFENDERS ENTERING**  
4           **THE UNITED STATES.**

5           The Attorney General, in consultation with the Sec-  
6   retary of State and the Secretary of Homeland Security,  
7   shall establish and maintain a system for informing the  
8   relevant jurisdictions about persons entering the United  
9   States who are required to register under this title. The  
10   Secretary of State and the Secretary of Homeland Secu-  
11   rity shall provide such information and carry out such  
12   functions as the Attorney General may direct in the oper-  
13   ation of the system.

14   **SEC. 129. REPEAL OF PREDECESSOR SEX OFFENDER PRO-**  
15           **GRAM.**

16           (a) REPEAL.—Sections 170101 (42 U.S.C. 14071)  
17   and 170102 (42 U.S.C. 14072) of the Violent Crime Con-  
18   trol and Law Enforcement Act of 1994, and section 8 of  
19   the Pam Lychner Sexual Offender Tracking and Identi-  
20   fication Act of 1996 (42 U.S.C. 14073), are repealed.

21           (b) EFFECTIVE DATE.—Notwithstanding any other  
22   provision of this Act, this section shall take effect on the  
23   date of the deadline determined in accordance with section  
24   124(a).

1   **SEC. 130. LIMITATION ON LIABILITY FOR THE NATIONAL**  
2                   **CENTER FOR MISSING AND EXPLOITED CHIL-**  
3                   **DREN.**

4       Section 227 of the Victims of Child Abuse Act of  
5   1990 (42 U.S.C. 13032) is amended by adding at the end  
6   the following:

7       “(g) LIMITATION ON LIABILITY.—

8           “(1) IN GENERAL.—Except as provided in para-  
9       graphs (2) and (3), the National Center for Missing  
10      and Exploited Children, including any of its direc-  
11      tors, officers, employees, or agents, is not liable in  
12      any civil or criminal action arising from the perform-  
13      ance of its CyberTipline responsibilities and func-  
14      tions, as defined by this section, or from its efforts  
15      to identify child victims.

16          “(2) INTENTIONAL, RECKLESS, OR OTHER MIS-  
17      CONDUCT.—Paragraph (1) does not apply in an ac-  
18      tion in which a party proves that the National Cen-  
19      ter for Missing and Exploited Children, or its offi-  
20      cer, employee, or agent as the case may be, engaged  
21      in intentional misconduct or acted, or failed to act,  
22      with actual malice, with reckless disregard to a sub-  
23      stantial risk of causing injury without legal justifica-  
24      tion, or for a purpose unrelated to the performance  
25      of responsibilities or functions under this section.

1           “(3) ORDINARY BUSINESS ACTIVITIES.—Para-  
2       graph (1) does not apply to an act or omission re-  
3       lated to an ordinary business activity, such as an ac-  
4       tivity involving general administration or operations,  
5       the use of motor vehicles, or personnel manage-  
6       ment.”.

7   **SEC. 131. IMMUNITY FOR GOOD FAITH CONDUCT.**

8       The Federal Government, jurisdictions, political sub-  
9       divisions of jurisdictions, and their agencies, officers, em-  
10      ployees, and agents shall be immune from liability for good  
11      faith conduct under this title.

12   **Subtitle    B—Improving    Federal**  
13       **Criminal Law Enforcement To**  
14       **Ensure Sex Offender Compli-**  
15       **ance With Registration and No-**  
16       **tification Requirements and**  
17       **Protection of Children From**  
18       **Violent Predators**

19   **SEC. 141. AMENDMENTS TO TITLE 18, UNITED STATES**  
20               **CODE, RELATING TO SEX OFFENDER REG-**  
21               **ISTRATION.**

22       (a) CRIMINAL PENALTIES FOR NONREGISTRATION.—  
23           (1) IN GENERAL.—Part I of title 18, United  
24       States Code, is amended by inserting after chapter  
25       109A the following:

1       **“CHAPTER 109B—SEX OFFENDER AND**  
2       **CRIMES AGAINST CHILDREN REGISTRY**

“Sec  
“2250. Failure to register

3       **“§ 2250. Failure to register**

4           “(a) IN GENERAL.—Whoever—

5               “(1) is required to register under the Sex Of-  
6       fender Registration and Notification Act;

7               “(2)(A) is a sex offender as defined for the pur-  
8       poses of the Sex Offender Registration and Notifica-  
9       tion Act by reason of a conviction under Federal law  
10      (including the Uniform Code of Military Justice),  
11      the law of the District of Columbia, Indian tribal  
12      law, or the law of any territory or possession of the  
13      United States; or

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

17              “(3) knowingly fails to register or update a reg-  
18      istration as required by the Sex Offender Registra-  
19      tion and Notification Act;

20      shall be fined under this title or imprisoned not more than  
21      10 years, or both.

22              “(b) AFFIRMATIVE DEFENSE.—In a prosecution for  
23      a violation under subsection (a), it is an affirmative de-  
24      fense that—

1           “(1) uncontrollable circumstances prevented the  
2 individual from complying;

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

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

8           “(c) CRIME OF VIOLENCE.—

9           “(1) IN GENERAL.—An individual described in  
10 subsection (a) who commits a crime of violence  
11 under Federal law (including the Uniform Code of  
12 Military Justice), the law of the District of Colum-  
13 bia, Indian tribal law, or the law of any territory or  
14 possession of the United States shall be imprisoned  
15 for not less than 5 years and not more than 30  
16 years.

17           “(2) ADDITIONAL PUNISHMENT.—The punish-  
18 ment provided in paragraph (1) shall be in addition  
19 and consecutive to the punishment provided for the  
20 violation described in subsection (a).”.

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

**“109B. Sex offender and crimes against children registry 2250”.**

1       (b) DIRECTIVE TO THE UNITED STATES SEN-  
2 TENCING COMMISSION.—In promulgating guidelines for  
3 use of a sentencing court in determining the sentence to  
4 be imposed for the offense specified in subsection (a), the  
5 United States Sentencing Commission shall consider the  
6 following matters, in addition to the matters specified in  
7 section 994 of title 28, United States Code:

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

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

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

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

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

24       (c) FALSE STATEMENT OFFENSE.—Section 1001(a)  
25 of title 18, United States Code, is amended by adding at

1 the end the following: “If the matter relates to an offense  
2 under chapter 109A, 109B, 110, or 117, or section 1591,  
3 then the term of imprisonment imposed under this section  
4 shall be not more than 8 years.”.

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

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

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

14 (1) in subsection (d), in the sentence beginning  
15 with “The court shall order, as an explicit condition  
16 of supervised release for a person described in sec-  
17 tion 4042(c)(4)”, by striking “described in section  
18 4042(c)(4)” and all that follows through the end of  
19 the sentence and inserting “required to register  
20 under the Sex Offender Registration and Notifica-  
21 tion Act, that the person comply with the require-  
22 ments of that Act.”.

23 (2) in subsection (k)—

24 (A) by striking “2244(a)(1), 2244(a)(2)”  
25 and inserting “2243, 2244, 2245, 2250”;



1 (B) by inserting “not less than 5,” after  
2 “any term of years”; and

3 (C) by adding at the end the following: “If  
4 a defendant required to register under the Sex  
5 Offender Registration and Notification Act  
6 commits any criminal offense under any of  
7 chapters 109A, 110, or 117, or sections 1201  
8 or 1591, for which imprisonment for a term  
9 longer than 1 year can be imposed, the court  
10 shall revoke the term of supervised release and  
11 require the defendant to serve a term of impris-  
12 onment under subsection (e)(3) without regard  
13 to the exception contained therein. Such term  
14 shall be not less than 5 years.”.

15 (f) DUTIES OF THE BUREAU OF PRISONS.—Para-  
16 graph (3) of section 4042(c) of title 18, United States  
17 Code, is amended to read as follows:

18 “(3) The Director of the Bureau of Prisons shall in-  
19 form a person who is released from prison and required  
20 to register under the Sex Offender Registration and Noti-  
21 fication Act of the requirements of that Act as they apply  
22 to that person and the same information shall be provided  
23 to a person sentenced to probation by the probation officer  
24 responsible for supervision of that person.”.

1 (g) CONFORMING AMENDMENTS TO CROSS REF-  
2 ERENCES.—Section 4042(c) of title 18, United States  
3 Code, is amended—

4 (1) in paragraph (1), by striking “(4)” and in-  
5 serting “(3), or any other person in a category speci-  
6 fied by the Attorney General,”; and

7 (2) in paragraph (2)—

8 (A) in the first sentence, by striking “shall  
9 be subject to a registration requirement as a  
10 sex offender” and inserting “shall register as  
11 required by the Sex Offender Registration and  
12 Notification Act”; and

13 (B) in the fourth sentence, by striking  
14 “(4)” and inserting “(3)”.

15 (h) CONFORMING REPEAL OF DEADWOOD.—Para-  
16 graph (4) of section 4042(c) of title 18, United States  
17 Code, is repealed.

18 (i) MILITARY OFFENSES.—

19 (1) Section 115(a)(8)(C)(i) of Public Law 105–  
20 119 (111 Stat. 2466) is amended by striking “which  
21 encompass” and all that follows through “and (B))”  
22 and inserting “which are sex offenses as that term  
23 is defined in the Sex Offender Registration and No-  
24 tification Act”.

1           (2) Section 115(a)(8)(C)(iii) of Public Law  
2       105–119 (111 Stat. 2466; 10 U.S.C. 951 note) is  
3       amended by striking “the amendments made by sub-  
4       paragraphs (A) and (B)” and inserting “the Sex Of-  
5       fender Registration and Notification Act”.

6       (j) CONFORMING AMENDMENT RELATING TO PA-  
7       ROLE.—Section 4209(a) of title 18, United States Code,  
8       is amended in the second sentence by striking “described”  
9       and all that follows through the end of the sentence and  
10      inserting “required to register under the Sex Offender  
11      Registration and Notification Act that the person comply  
12      with the requirements of that Act.”.

13   **SEC. 142. FEDERAL ASSISTANCE WITH RESPECT TO VIOLA-**  
14                   **TIONS OF REGISTRATION REQUIREMENTS.**

15       (a) IN GENERAL.—The Attorney General shall use  
16      the resources of Federal law enforcement, including the  
17      United States Marshals Service, to assist jurisdictions in  
18      locating and apprehending sex offenders who violate sex  
19      offender registration requirements. For the purposes of  
20      section 566(e)(1)(B) of title 28, United States Code, a sex  
21      offender who violates a sex offender registration require-  
22      ment shall be deemed a fugitive.

23       (b) AUTHORIZATION OF APPROPRIATIONS.—There  
24      are authorized to be appropriated such sums as may be

1 necessary for fiscal years 2007 through 2009 to implement  
2 this section.

3 **SEC. 143. PROJECT SAFE CHILDHOOD.**

4 (a) ESTABLISHMENT OF PROGRAM.—Not later than  
5 6 months after the date of enactment of this Act, the At-  
6 torney General shall create and maintain a Project Safe  
7 Childhood program in accordance with this section.

8 (b) INITIAL IMPLEMENTATION.—Except as author-  
9 ized under subsection (c), funds authorized under this sec-  
10 tion may only be used for the following 5 purposes:

11 (1) Integrated Federal, State, and local efforts  
12 to investigate and prosecute child exploitation cases,  
13 including—

14 (A) the partnership by each United States  
15 Attorney with each Internet Crimes Against  
16 Children Task Force that is a part of the Inter-  
17 net Crimes Against Children Task Force Pro-  
18 gram authorized and funded under title IV of  
19 the Juvenile Justice and Delinquency Preven-  
20 tion Act of 1974 (42 U.S.C. 5771 et seq.) (re-  
21 ferred to in this section as the “ICAC Task  
22 Force Program”) that exists within the district  
23 of such attorney;

24 (B) the partnership by each United States  
25 Attorney with other Federal, State, and local

1 law enforcement partners working in the dis-  
2 trict of such attorney to implement the program  
3 described in subsection (a);

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

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

10 (E) local training, educational, and aware-  
11 ness programs of such crimes.

12 (2) Major case coordination by the Department  
13 of Justice (or other Federal agencies as appro-  
14 priate), including specific integration or cooperation,  
15 as appropriate, of—

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

18 (B) the Innocent Images Unit of the Fed-  
19 eral Bureau of Investigation;

20 (C) any task forces established in connec-  
21 tion with the Project Safe Childhood program  
22 set forth under subsection (a); and

23 (D) the High Tech Investigative Unit with-  
24 in the Criminal Division of the Department of  
25 Justice.

1           (3) Increased Federal involvement in child por-  
2           nography and enticement cases by providing addi-  
3           tional investigative tools and increased penalties  
4           under Federal law.

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

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

9                   (B) the ICAC Task Force Program; and

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

15                          (i) Federal law enforcement oper-  
16                          ations; and

17                          (ii) the CyberTipline and Child Vic-  
18                          tim-Identification programs managed and  
19                          maintained by the National Center for  
20                          Missing and Exploited Children.

21           (5) Community awareness and educational pro-  
22           grams through partnerships to provide national pub-  
23           lic awareness and educational programs through—

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

- 1 (B) the ICAC Task Force Program; and  
2 (C) any other ongoing programs that—  
3 (i) raises national awareness about  
4 the threat of online sexual predators; or  
5 (ii) provides information to parents  
6 and children seeking to report possible vio-  
7 lations of computer-facilitated crimes  
8 against children.

9 (c) EXPANSION OF PROJECT SAFE CHILDHOOD.—  
10 Notwithstanding subsection (b), funds authorized under  
11 this section may be also be used for the following pur-  
12 poses:

13 (1) The addition of not less than 8 Assistant  
14 United States Attorneys at the Department of Jus-  
15 tice dedicated to the prosecution of cases in connec-  
16 tion with the Project Safe Childhood program set  
17 forth under subsection (a).

18 (2) The creation, development, training, and de-  
19 ployment of not less than 10 new Internet Crimes  
20 Against Children task forces within the ICAC Task  
21 Force Program consisting of Federal, State, and  
22 local law enforcement personnel dedicated to the  
23 Project Safe Childhood program set forth under sub-  
24 section (a), and the enhancement of the forensic ca-

1        pacities of existing Internet Crimes Against Children  
2        task forces.

3            (3) The development and enhancement by the  
4        Federal Bureau of Investigation of the Innocent Im-  
5        ages task forces.

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

8        (d) AUTHORIZATION OF APPROPRIATIONS.—For the  
9        purpose of carrying out this section, there are authorized  
10       to be appropriated—

11            (1) for the activities described under subsection  
12        (b)—

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

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

16            (2) for the activities described under subsection  
17        (c)—

18                    (A) for fiscal year 2007—

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

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

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



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

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

6 The Attorney General shall provide assistance to ju-  
7 risdictions in the identification and location of a sex of-  
8 fender relocated as a result of a major disaster.

9 **SEC. 145. EXPANSION OF TRAINING AND TECHNOLOGY EF-**  
10 **FORTS.**

11 (a) TRAINING.—The Attorney General shall—

12 (1) expand training efforts with Federal, State,  
13 and local law enforcement officers and prosecutors  
14 to effectively respond to the threat to children and  
15 the public posed by sex offenders who use the Inter-  
16 net and technology to solicit or otherwise exploit  
17 children;

18 (2) facilitate meetings involving corporations  
19 that sell computer hardware and software or provide  
20 services to the general public related to use of the  
21 Internet, to identify problems associated with the  
22 use of technology for the purpose of exploiting chil-  
23 dren;

24 (3) host national conferences to train Federal,  
25 State, and local law enforcement officers, probation

1 and parole officers, and prosecutors regarding pro-  
2 active approaches to monitoring sex offender activity  
3 on the Internet;

4 (4) develop and distribute, for personnel listed  
5 in paragraph (3), information regarding multidisci-  
6 plinary approaches to holding offenders accountable  
7 to the terms of their probation, parole, and sex of-  
8 fender registration laws; and

9 (5) partner with other agencies to improve the  
10 coordination of joint investigations among agencies  
11 to effectively combat online solicitation of children  
12 by sex offenders.

13 (b) TECHNOLOGY.—The Attorney General shall—

14 (1) deploy, to all Internet Crimes Against Chil-  
15 dren Task Forces and their partner agencies, tech-  
16 nology modeled after the Canadian Child Exploi-  
17 tation Tracking System; and

18 (2) conduct training in the use of that tech-  
19 nology.

20 (c) REPORT.—Not later than July 1, 2007, the Attor-  
21 ney General, shall submit to Congress a report on the ac-  
22 tivities carried out under this section. The report shall in-  
23 clude any recommendations that the Attorney General  
24 considers appropriate.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to the Attorney General,  
3 for fiscal year 2007—

4 (1) \$1,000,000 to carry out subsection (a); and

5 (2) \$2,000,000 to carry out subsection (b).

6 **SEC. 146. OFFICE OF SEX OFFENDER SENTENCING, MONI-**  
7 **TORING, APPREHENDING, REGISTERING, AND**  
8 **TRACKING.**

9 (a) ESTABLISHMENT.—There is established within  
10 the Department of Justice, under the general authority  
11 of the Attorney General, an Office of Sex Offender Sen-  
12 tencing, Monitoring, Apprehending, Registering, and  
13 Tracking (hereinafter in this section referred to as the  
14 “SMART Office”).

15 (b) DIRECTOR.—The SMART Office shall be headed  
16 by a Director who shall be appointed by the President.  
17 The Director shall report to the Attorney General through  
18 the Assistant Attorney General for the Office of Justice  
19 Programs and shall have final authority for all grants, co-  
20 operative agreements, and contracts awarded by the  
21 SMART Office. The Director shall not engage in any em-  
22 ployment other than that of serving as the Director, nor  
23 shall the Director hold any office in, or act in any capacity  
24 for, any organization, agency, or institution with which the  
25 Office makes any contract or other arrangement.

1       (c) DUTIES AND FUNCTIONS.—The SMART Office  
2 is authorized to—

3           (1) administer the standards for the sex of-  
4 fender registration and notification program set  
5 forth in this Act;

6           (2) administer grant programs relating to sex  
7 offender registration and notification authorized by  
8 this Act and other grant programs authorized by  
9 this Act as directed by the Attorney General;

10          (3) cooperate with and provide technical assist-  
11 ance to States, units of local government, tribal gov-  
12 ernments, and other public and private entities in-  
13 volved in activities related to sex offender registra-  
14 tion or notification or to other measures for the pro-  
15 tection of children or other members of the public  
16 from sexual abuse or exploitation; and

17          (4) perform such other functions as the Attor-  
18 ney General may delegate.

1 **Subtitle C—Access to Information**  
2 **and Resources Needed To En-**  
3 **sure That Children Are Not At-**  
4 **tacked or Abused**

5 **SEC. 151 ACCESS TO NATIONAL CRIME INFORMATION**  
6 **DATABASES.**

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

11 (1) the National Center for Missing and Ex-  
12 ploited Children, to be used only within the scope of  
13 the Center’s duties and responsibilities under Fed-  
14 eral law to assist or support law enforcement agen-  
15 cies in administration of criminal justice functions;  
16 and

17 (2) governmental social service agencies with  
18 child protection responsibilities, to be used by such  
19 agencies only in investigating or responding to re-  
20 ports of child abuse, neglect, or exploitation.

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

24 (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.

5 SEC. 152. REQUIREMENT TO COMPLETE BACKGROUND  
6 CHECKS BEFORE APPROVAL OF ANY FOSTER  
7 OR ADOPTIVE PLACEMENT AND TO CHECK  
8 NATIONAL CRIME INFORMATION DATABASES  
9 AND STATE CHILD ABUSE REGISTRIES; SUS-  
10 PENSION AND SUBSEQUENT ELIMINATION OF  
11 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—

21 (A) in subparagraph (A)—

22 (i) in the matter preceding clause

23 (I)—

24 (I) by inserting “, including fin-  
25 gerprint-based checks of national

1 crime information databases (as de-  
2 fined in section 534(e)(3)(A) of title  
3 28, United States Code),” after  
4 “criminal records checks”; and

5 (II) by striking “on whose behalf  
6 foster care maintenance payments or  
7 adoption assistance payments are to  
8 be made” and inserting “regardless of  
9 whether foster care maintenance pay-  
10 ments or adoption assistance pay-  
11 ments are to be made on behalf of the  
12 child”; and

13 (ii) in each of clauses (i) and (ii), by  
14 inserting “involving a child on whose be-  
15 half such payments are to be so made”  
16 after “in any case”; and

17 (B) by adding at the end the following:

18 “(C) provides that the State shall—

19 “(i) check any child abuse and neglect reg-  
20 istry maintained by the State for information  
21 on any prospective foster or adoptive parent  
22 and on any other adult living in the home of  
23 such a prospective parent, and request any  
24 other State in which any such prospective par-  
25 ent or other adult has resided in the preceding

1           5 years, to enable the State to check any child  
2           abuse and neglect registry maintained by such  
3           other State for such information, before the  
4           prospective foster or adoptive parent may be fi-  
5           nally approved for placement of a child, regard-  
6           less of whether foster care maintenance pay-  
7           ments or adoption assistance payments are to  
8           be made on behalf of the child under the State  
9           plan under this part;

10           “(ii) comply with any request described in  
11           clause (i) that is received from another State;  
12           and

13           “(iii) have in place safeguards to prevent  
14           the unauthorized disclosure of information in  
15           any child abuse and neglect registry maintained  
16           by the State, and to prevent any such informa-  
17           tion obtained pursuant to this subparagraph  
18           from being used for a purpose other than the  
19           conducting of background checks in foster or  
20           adoptive placement cases;”.

21           (2)    SUSPENSION    OF    OPT-OUT.—Section  
22           471(a)(20)(B)   of   such   Act   (42   U.S.C.  
23           671(a)(20)(B)) is amended—

24                   (A) by inserting “, on or before September  
25                   30, 2005,” after “plan if”; and



1 (B) by inserting “, on or before such  
2 date,” after “or if”.

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

6 (1) in subparagraph (A), in the matter pre-  
7 ceding clause (i), by striking “unless an election pro-  
8 vided for in subparagraph (B) is made with respect  
9 to the State,”; and

10 (2) by striking subparagraph (B) and redesign-  
11 ating subparagraph (C) as subparagraph (B).

12 (c) EFFECTIVE DATE.—

13 (1) GENERAL.—The amendments made by sub-  
14 section (a) shall take effect on October 1, 2006, and  
15 shall apply with respect to payments under part E  
16 of title IV of the Social Security Act for calendar  
17 quarters beginning on or after such date, without re-  
18 gard to whether regulations to implement the  
19 amendments are promulgated by such date.

20 (2) ELIMINATION OF OPT-OUT.—The amend-  
21 ments made by subsection (b) shall take effect on  
22 October 1, 2008, and shall apply with respect to  
23 payments under part E of title IV of the Social Se-  
24 curity Act for calendar quarters beginning on or  
25 after such date, without regard to whether regula-

1        tions to implement the amendments are promulgated  
2        by such date.

3            (3) DELAY PERMITTED IF STATE LEGISLATION  
4        REQUIRED.—If the Secretary of Health and Human  
5        Services determines that State legislation (other  
6        than legislation appropriating funds) is required in  
7        order for a State plan under section 471 of the So-  
8        cial Security Act to meet the additional requirements  
9        imposed by the amendments made by a subsection  
10       of this section, the plan shall not be regarded as fail-  
11       ing to meet any of the additional requirements be-  
12       fore the first day of the first calendar quarter begin-  
13       ning after the first regular session of the State legis-  
14       lature that begins after the otherwise applicable ef-  
15       fective date of the amendments. If the State has a  
16       2-year legislative session, each year of the session is  
17       deemed to be a separate regular session of the State  
18       legislature.

19    **SEC. 153. SCHOOLS SAFE ACT.**

20        (a) SHORT TITLE.—This section may be cited as the  
21        “Schools Safely Acquiring Faculty Excellence Act of  
22        2006”.

23        (b) IN GENERAL.—The Attorney General of the  
24        United States shall, upon request of the chief executive  
25        officer of a State, conduct fingerprint-based checks of the

1 national crime information databases (as defined in sec-  
2 tion 534(f)(3)(A) of title 28, United States Code as redes-  
3 ignated under subsection (e)) pursuant to a request sub-  
4 mitted by—

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

6 (A) conducting a background check re-  
7 quired under section 471(a)(20) of the Social  
8 Security Act on individuals under consideration  
9 as prospective foster or adoptive parents; or

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

12 (2) a private or public elementary school, a pri-  
13 vate or public secondary school, a local educational  
14 agency, or State educational agency in that State,  
15 on individuals employed by, under consideration for  
16 employment by, or otherwise in a position in which  
17 the individual would work with or around children in  
18 the school or agency.

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

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

24 (e) PROTECTION OF INFORMATION.—An individual  
25 having information derived as a result of a check under

1 subsection (b) may release that information only to appro-  
2 priate officers of child welfare agencies, private elementary  
3 or secondary schools, or educational agencies or other per-  
4 sons authorized by law to receive that information.

5 (f) CRIMINAL PENALTIES.—An individual who know-  
6 ingly exceeds the authority in subsection (b), or knowingly  
7 releases information in violation of subsection (e), shall be  
8 imprisoned not more than 10 years or fined under title  
9 18, United States Code, or both.

10 (g) CHILD WELFARE AGENCY DEFINED.—In this  
11 section, the term “child welfare agency” means—

12 (1) the State or local agency responsible for ad-  
13 ministering the plan under part B or part E of title  
14 IV of the Social Security Act; and

15 (2) any other public agency, or any other pri-  
16 vate agency under contract with the State or local  
17 agency responsible for administering the plan under  
18 part B or part E of title IV of the Social Security  
19 Act, that is responsible for the licensing or approval  
20 of foster or adoptive parents.

21 (h) DEFINITION OF EDUCATION TERMS.—In this  
22 section, the terms “elementary school”, “local educational  
23 agency”, “secondary school”, and “State educational  
24 agency” have the meanings given to those terms in section

1 9101 of the Elementary and Secondary Education Act of  
2 1965 (20 U.S.C. 7801).

3 (i) TECHNICAL CORRECTION.—Section 534 of title  
4 28, United States Code, is amended by redesignating the  
5 second subsection (e) as subsection (f).

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

7 (a) IN GENERAL.—Section 3702 of the Crime Con-  
8 trol Act of 1990 (42 U.S.C. 5780) is amended—

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

11 (2) by inserting after paragraph (1) the fol-  
12 lowing:

13 “(2) ensure that no law enforcement agency  
14 within the State establishes or maintains any policy  
15 that requires the removal of a missing person entry  
16 from its State law enforcement system or the Na-  
17 tional Crime Information Center computer database  
18 based solely on the age of the person; and”; and

19 (3) in paragraph (3), as redesignated, by strik-  
20 ing “immediately” and inserting “within 2 hours of  
21 receipt”.

22 (b) DEFINITIONS.—Section 403(1) of the Com-  
23 prehensive Crime Control Act of 1984 (42 U.S.C. 5772)  
24 is amended by striking “if” through subparagraph (B)  
25 and inserting a semicolon.

1   **SEC. 155. DNA FINGERPRINTING.**

2           The first sentence of section 3(a)(1)(A) of the DNA  
3   Analysis Backlog Elimination Act of 2000 (42 U.S.C.  
4   14135a(a)(1)(A)) is amended by striking “arrested” and  
5   inserting “arrested, facing charges, or convicted”.

6   **TITLE II—FEDERAL CRIMINAL**  
7       **LAW ENHANCEMENTS NEED-**  
8       **ED TO PROTECT CHILDREN**  
9       **FROM SEXUAL ATTACKS AND**  
10      **OTHER VIOLENT CRIMES**

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

13           Section 401 of the Controlled Substances Act (21  
14   U.S.C. 841) is amended by adding at the end the fol-  
15   lowing:

16           “(g) INTERNET SALES OF DATE RAPE DRUGS.—

17                   “(1) Whoever knowingly uses the Internet to  
18           distribute a date rape drug to any person, knowing  
19           or with reasonable cause to believe that—

20                           “(A) the drug would be used in the com-  
21                   mission of criminal sexual conduct; or

22                           “(B) the person is not an authorized pur-  
23                   chaser;

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

26                   “(2) As used in this subsection:

1 “(A) The term ‘date rape drug’ means—

2 “(i) gamma hydroxybutyric acid  
3 (GHB) or any controlled substance ana-  
4 logue of GHB, including gamma butyro-  
5 lactone (GBL) or 1,4-butanediol;

6 “(ii) ketamine;

7 “(iii) flunitrazepam; or

8 “(iv) any substance which the Attor-  
9 ney General designates, pursuant to the  
10 rulemaking procedures prescribed by sec-  
11 tion 553 of title 5, United States Code, to  
12 be used in committing rape or sexual as-  
13 sault.

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

17 “(B) The term ‘authorized purchaser’  
18 means any of the following persons, provided  
19 such person has acquired the controlled sub-  
20 stance in accordance with this Act:

21 “(i) A person with a valid prescription  
22 that is issued for a legitimate medical pur-  
23 pose in the usual course of professional  
24 practice that is based upon a qualifying  
25 medical relationship by a practitioner reg-

1           istered by the Attorney General. A ‘quali-  
2           fying medical relationship’ means a med-  
3           ical relationship that exists when the prac-  
4           titioner has conducted at least 1 medical  
5           evaluation with the authorized purchaser  
6           in the physical presence of the practitioner,  
7           without regard to whether portions of the  
8           evaluation are conducted by other health  
9           professionals. The preceding sentence shall  
10          not be construed to imply that 1 medical  
11          evaluation demonstrates that a prescription  
12          has been issued for a legitimate medical  
13          purpose within the usual course of profes-  
14          sional practice.

15               “(ii) Any practitioner or other reg-  
16              istrant who is otherwise authorized by  
17              their registration to dispense, procure, pur-  
18              chase, manufacture, transfer, distribute,  
19              import, or export the substance under this  
20              Act.

21               “(iii) A person or entity providing  
22              documentation that establishes the name,  
23              address, and business of the person or en-  
24              tity and which provides a legitimate pur-



1                   pose for using any ‘date rape drug’ for  
2                   which a prescription is not required.

3                   “(3) The Attorney General is authorized to pro-  
4                   mulgate regulations for record-keeping and reporting  
5                   by persons handling 1,4-butanediol in order to im-  
6                   plement and enforce the provisions of this section.  
7                   Any record or report required by such regulations  
8                   shall be considered a record or report required under  
9                   this Act.”.

10 **SEC. 202. JETSETA GAGE ASSURED PUNISHMENT FOR VIO-**  
11 **LENT CRIMES AGAINST CHILDREN.**

12                   Section 3559 of title 18, United States Code, is  
13 amended—

14                   (1) by redesignating subsection (f) as sub-  
15                   section (g); and

16                   (2) by inserting after subsection (e) the fol-  
17                   lowing:

18                   “(f) MANDATORY MINIMUM TERMS OF IMPRISON-  
19 MENT FOR VIOLENT CRIMES AGAINST CHILDREN.—A  
20 person who is convicted of a Federal offense that is a  
21 crime of violence against the person of an individual who  
22 has not attained the age of 18 years shall, unless a greater  
23 mandatory minimum sentence of imprisonment is other-  
24 wise provided by law and regardless of any maximum term  
25 of imprisonment otherwise provided for the offense—

1           “(1) if the crime of violence is murder, be im-  
2           prisoned for life or for any term of years not less  
3           than 30, except that such person shall be punished  
4           by death or life imprisonment if the circumstances  
5           satisfy any of subparagraphs (A) through (D) of sec-  
6           tion 3591(a)(2) of this title;

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

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

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

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

1   **SEC. 204. PENALTIES FOR CONDUCT RELATING TO CHILD**  
2                   **PROSTITUTION.**

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

6   **SEC. 205. PENALTIES FOR SEXUAL ABUSE.**

7           Section 2242 of title 18, United States Code, is  
8 amended by striking “, imprisoned not more than 20  
9 years, or both” and inserting “and imprisoned for any  
10 term of years or for life”.

11   **SEC. 206. INCREASED PENALTIES FOR SEXUAL OFFENSES**  
12                   **AGAINST CHILDREN.**

13           (a) SEXUAL ABUSE AND CONTACT.—

14                   (1) AGGRAVATED SEXUAL ABUSE OF CHIL-  
15 DREN.—Section 2241(c) of title 18, United States  
16 Code, is amended by striking “, imprisoned for any  
17 term of years or life, or both” and inserting “and  
18 imprisoned for not less than 30 years or for life”.

19                   (2) ABUSIVE SEXUAL CONTACT WITH CHIL-  
20 DREN.—Section 2244 of chapter 109A of title 18,  
21 United States Code, is amended—

22                           (A) in subsection (a)—

23                                   (i) in paragraph (1), by inserting  
24 “subsection (a) or (b) of” before “section  
25 2241”;

1 (ii) by striking “or” at the end of  
2 paragraph (3);

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

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

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

11 (B) in subsection (c), by inserting “(other  
12 than subsection (a)(5))” after “violates this sec-  
13 tion”.

14 (3) SEXUAL ABUSE OF CHILDREN RESULTING  
15 IN DEATH.—Section 2245 of title 18, United States  
16 Code, is amended to read as follows:

17 **“§ 2245. Offenses resulting in death**

18 “(a) IN GENERAL.—A person who, in the course of  
19 an offense under this chapter, or sections 1591, 2251,  
20 2251A, 2260, 2421, 2422, 2423, or 2425, murders an in-  
21 dividual, shall be punished by death or imprisoned for any  
22 term of years or for life.”.

23 (4) DEATH PENALTY AGGRAVATING FACTOR.—  
24 Section 3592(c)(1) of title 18, United States Code,

1 is amended by inserting “section 2245 (offenses re-  
2 sulting in death),” after “(wrecking trains),”.

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

5 (1) SEXUAL EXPLOITATION OF CHILDREN.—

6 Section 2251(e) of title 18, United States Code, is  
7 amended—

8 (A) by inserting “section 1591,” after  
9 “this chapter,” the first place it appears;

10 (B) by striking “the sexual exploitation of  
11 children” the first place it appears and insert-  
12 ing “aggravated sexual abuse, sexual abuse,  
13 abusive sexual contact involving a minor or  
14 ward, or sex trafficking of children, or the pro-  
15 duction, possession, receipt, mailing, sale, dis-  
16 tribution, shipment, or transportation of child  
17 pornography”; and

18 (C) by striking “any term of years or for  
19 life” and inserting “not less than 30 years or  
20 for life”.

21 (2) ACTIVITIES RELATING TO MATERIAL IN-  
22 VOLVING THE SEXUAL EXPLOITATION OF CHIL-  
23 DREN.—Section 2252(b) of title 18, United States  
24 Code, is amended in paragraph (1)—

1 (A) by striking “paragraphs (1)” and in-  
2 serting “paragraph (1)”;

3 (B) by inserting “section 1591,” after  
4 “this chapter,”; and

5 (C) by inserting “, or sex trafficking of  
6 children” after “pornography”.

7 (3) ACTIVITIES RELATING TO MATERIAL CON-  
8 STITUTING OR CONTAINING CHILD PORNOGRAPHY.—  
9 Section 2252A(b) of title 18, United States Code, is  
10 amended in paragraph (1)—

11 (A) by inserting “section 1591,” after  
12 “this chapter,”; and

13 (B) by inserting “, or sex trafficking of  
14 children” after “pornography”.

15 (4) USING MISLEADING DOMAIN NAMES TO DI-  
16 RECT CHILDREN TO HARMFUL MATERIAL ON THE  
17 INTERNET.—Section 2252B(b) of title 18, United  
18 States Code, is amended by striking “4” and insert-  
19 ing “10”.

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

23 “(c) PENALTIES.—

24 “(1) A person who violates subsection (a), or  
25 attempts or conspires to do so, shall be subject to

1 the penalties provided in subsection (e) of section  
2 2251 for a violation of that section, including the  
3 penalties provided for such a violation by a person  
4 with a prior conviction or convictions as described in  
5 that subsection.

6 “(2) A person who violates subsection (b), or  
7 attempts or conspires to do so, shall be subject to  
8 the penalties provided in subsection (b)(1) of section  
9 2252 for a violation of paragraph (1), (2), or (3) of  
10 subsection (a) of that section, including the penalties  
11 provided for such a violation by a person with a  
12 prior conviction or convictions as described in sub-  
13 section (b)(1) of section 2252.”.

14 (c) MANDATORY LIFE IMPRISONMENT FOR CERTAIN  
15 REPEATED SEX OFFENSES AGAINST CHILDREN.—Sec-  
16 tion 3559(e)(2)(A) of title 18, United States Code, is  
17 amended by inserting “1591 (relating to sex trafficking  
18 of children),” after “under section”.

19 **SEC. 207. SEXUAL ABUSE OF WARDS.**

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

22 (1) in section 2243(b), by striking “five years”  
23 and inserting “15 years”; and

24 (2) by inserting a comma after “Attorney Gen-  
25 eral” each place it appears.

1   **SEC. 208. MANDATORY PENALTIES FOR SEX-TRAFFICKING**  
2                   **OF CHILDREN.**

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

5           (1) in paragraph (1)—

6                   (A) by striking “or imprisonment” and in-  
7 serting “and imprisonment”;

8                   (B) by inserting “not less than 15” after  
9 “any term of years”; and

10                  (C) by striking “, or both”; and

11           (2) in paragraph (2)—

12                   (A) by striking “or imprisonment for not  
13 more than 40 years, or both” and inserting  
14 “and imprisonment for not less than 10 years  
15 or for life”; and

16                   (B) by striking “, or both”.

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

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

22   **SEC. 210. SEX OFFENDER SUBMISSION TO SEARCH AS CON-**  
23                   **DITION OF RELEASE.**

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

26           (1) in paragraph (21), by striking “or” ;



1           (2) in paragraph (22) by striking the period at  
2           the end and inserting “or;” and

3           (3) by inserting after paragraph (22) the fol-  
4           lowing:

5           “(23) if required to register under the Sex Of-  
6           fender Registration and Notification Act, submit his  
7           person, and any property, house, residence, vehicle,  
8           papers, computer, other electronic communication or  
9           data storage devices or media, and effects to search  
10          at any time, with or without a warrant, by any law  
11          enforcement or probation officer with reasonable  
12          suspicion concerning a violation of a condition of  
13          probation or unlawful conduct by the person, and by  
14          any probation officer in the lawful discharge of the  
15          officer’s supervision functions.”.

16          (b) SUPERVISED RELEASE.—Section 3583(d) of title  
17          18, United States Code, is amended by adding at the end  
18          the following: “The court may order, as an explicit condi-  
19          tion of supervised release for a person who is a felon or  
20          required to register under the Sex Offender Registration  
21          and Notification Act, that the person submit his person,  
22          and any property, house, residence, vehicle, papers, com-  
23          puter, other electronic communications or data storage de-  
24          vices or media, and effects to search at any time, with  
25          or without a warrant, by any law enforcement or probation

1 officer with reasonable suspicion concerning a violation of  
2 a condition of supervised release or unlawful conduct by  
3 the person, and by any probation officer in the lawful dis-  
4 charge of the officer's supervision functions.”.

5 **SEC. 211. NO LIMITATION FOR PROSECUTION OF FELONY**  
6 **SEX OFFENSES.**

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

9 (1) by adding at the end the following:

10 **“§ 3299. Child abduction and sex offenses**

11 “Notwithstanding any other law, an indictment may  
12 be found or an information instituted at any time without  
13 limitation for any offense under section 1201 involving a  
14 minor victim, and for any felony under chapter 109A, 110  
15 (except for section 2257 and 2257A), or 117, or section  
16 1591.”; and

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

“3299. Child abduction and sex offenses”.

20 **SEC. 212. VICTIMS' RIGHTS ASSOCIATED WITH HABEAS**  
21 **CORPUS PROCEEDINGS.**

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

24 (1) by striking “In any court proceeding” and  
25 inserting the following:

1 “(1) IN GENERAL.—In any court proceeding”;

2 and

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

4 “(2) HABEAS CORPUS PROCEEDINGS.—

5 “(A) IN GENERAL.—In a Federal habeas  
6 corpus proceeding arising out of a State conviction,  
7 the court shall ensure that a crime victim  
8 is afforded the rights described in paragraphs  
9 (3), (4), (7), and (8) of subsection (a).

10 “(B) ENFORCEMENT.—

11 “(i) IN GENERAL.—These rights may  
12 be enforced by the crime victim or the  
13 crime victim’s lawful representative in the  
14 manner described in paragraphs (1) and  
15 (3) of subsection (d).

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

19 “(C) LIMITATION.—This paragraph relates  
20 to the duties of a court in relation to the rights  
21 of a crime victim in Federal habeas corpus proceedings  
22 arising out of a State conviction, and  
23 does not give rise to any obligation or requirement  
24 applicable to personnel of any agency of

1 the Executive Branch of the Federal Govern-  
2 ment.

3 “(D) DEFINITION.—For purposes of this  
4 paragraph, the term ‘crime victim’ means the  
5 person against whom the State offense is com-  
6 mitted or, if that person is killed or incapac-  
7 itated, that person’s family member or other  
8 lawful representative.”.

9 **SEC. 213. KIDNAPPING JURISDICTION.**

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

12 (1) in subsection (a)(1), by striking “if the per-  
13 son was alive when the transportation began” and  
14 inserting “, or the offender travels in interstate or  
15 foreign commerce or uses the mail or any means, fa-  
16 cility, or instrumentality of interstate or foreign  
17 commerce in committing or in furtherance of the  
18 commission of the offense”; and

19 (2) in subsection (b), by striking “to interstate”  
20 and inserting “in interstate”.

21 **SEC. 214. MARITAL COMMUNICATION AND ADVERSE SPOUS-**  
22 **AL PRIVILEGE.**

23 The Committee on Rules, Practice, Procedure, and  
24 Evidence of the Judicial Conference of the United States  
25 shall study the necessity and desirability of amending the

1 Federal Rules of Evidence to provide that the confidential  
2 marital communications privilege and the adverse spousal  
3 privilege shall be inapplicable in any Federal proceeding  
4 in which a spouse is charged with a crime against—

5 (1) a child of either spouse; or

6 (2) a child under the custody or control of ei-  
7 ther spouse.

8 **SEC. 215. ABUSE AND NEGLECT OF INDIAN CHILDREN.**

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

12 **SEC. 216. IMPROVEMENTS TO THE BAIL REFORM ACT TO**  
13 **ADDRESS SEX CRIMES AND OTHER MATTERS.**

14 Section 3142 of title 18, United States Code, is  
15 amended—

16 (1) in subsection (c)(1)(B), by inserting at the  
17 end the following: “In any case that involves a minor  
18 victim under section 1201, 1591, 2241, 2242,  
19 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1),  
20 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2),  
21 2252A(a)(3), 2252A(a)(4), 2260, 2421, 2422, 2423,  
22 or 2425 of this title, or a failure to register offense  
23 under section 2250 of this title, any release order  
24 shall contain, at a minimum, a condition of elec-

1       tronic monitoring and each of the conditions speci-  
2       fied at subparagraphs (iv), (v), (vi), (vii), and (viii).”

3       (2) in subsection (f)(1)—

4               (A) in subparagraph (C), by striking “or”  
5       at the end; and

6               (B) by adding at the end the following:

7               “(E) any felony that is not otherwise a  
8       crime of violence that involves a minor victim or  
9       that involves the possession or use of a firearm  
10       or destructive device (as those terms are de-  
11       fined in section 921), or any other dangerous  
12       weapon, or involves a failure to register under  
13       section 2250 of title 18, United States Code;  
14       or”; and

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

17               “(1) the nature and circumstances of the of-  
18       fense charged, including whether the offense is a  
19       crime of violence, a Federal crime of terrorism, or  
20       involves a minor victim or a controlled substance,  
21       firearm, explosive, or destructive device;”.

1 **TITLE III—CIVIL COMMITMENT**  
2 **OF DANGEROUS SEX OFFEND-**  
3 **ERS**

4 **SEC. 301. JIMMY RYCE STATE CIVIL COMMITMENT PRO-**  
5 **GRAMS FOR SEXUALLY DANGEROUS PER-**  
6 **SONS.**

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

12 (b) LIMITATION.—The Attorney General shall not  
13 make any grant under this section for the purpose of es-  
14 tablishing, enhancing, or operating any transitional hous-  
15 ing for a sexually dangerous person in or near a location  
16 where minors or other vulnerable persons are likely to  
17 come into contact with that person.

18 (c) ELIGIBILITY.—

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

22 (A) have established a civil commitment  
23 program for sexually dangerous persons that is  
24 consistent with guidelines issued by the Attor-  
25 ney General; or

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

3 (2) COMPLIANCE PERIOD.—The compliance pe-  
4 riod referred to in paragraph (1) expires on the date  
5 that is 2 years after the date of the enactment of  
6 this Act. However, the Attorney General may, on a  
7 case-by-case basis, extend the compliance period that  
8 applies to a jurisdiction if the Attorney General con-  
9 siders such an extension to be appropriate.

10 (3) RELEASE NOTICE.—

11 (A) Each civil commitment program for  
12 which funding is required under this section  
13 shall require the issuance of timely notice to a  
14 State official responsible for considering wheth-  
15 er to pursue civil commitment proceedings upon  
16 the impending release of any person incarcerated  
17 ated by the State who—

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

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

23 (B) The program shall further require that  
24 upon receiving notice under subparagraph (A),  
25 the State official shall consider whether or not



1           to pursue a civil commitment proceeding, or any  
2           equivalent proceeding required under State law.

3           (d) ATTORNEY GENERAL REPORTS.—Not later than  
4   January 31 of each year, beginning with 2008, the Attor-  
5   ney General shall submit to the Committee on the Judici-  
6   ary of the Senate and the Committee on the Judiciary of  
7   the House of Representatives a report on the progress of  
8   jurisdictions in implementing this section and the rate of  
9   sexually violent offenses for each jurisdiction.

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

11           (1) The term “civil commitment program”  
12          means a program that involves—

13           (A) secure civil confinement, including ap-  
14          propriate control, care, and treatment during  
15          such confinement; and

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

19           (2) The term “sexually dangerous person”  
20          means a person suffering from a serious mental ill-  
21          ness, abnormality, or disorder, as a result of which  
22          the individual would have serious difficulty in re-  
23          fraining from sexually violent conduct or child mo-  
24          lestation.

1           (3) The term “jurisdiction” has the meaning  
2           given such term in section 111.

3           (f) AUTHORIZATION OF APPROPRIATIONS.—There  
4           are authorized to be appropriated to carry out this section  
5           \$10,000,000 for each of fiscal years 2007 through 2010.

6   **SEC. 302. JIMMY RYCE CIVIL COMMITMENT PROGRAM.**

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

9           (1) in the chapter analysis—

10                   (A) in the item relating to section 4241, by  
11                   inserting “or to undergo postrelease pro-  
12                   ceedings” after “trial”; and

13                   (B) by inserting at the end the following:  
                  “4248. Civil commitment of a sexually dangerous person”;

14           (2) in section 4241—

15                   (A) in the heading, by inserting or “**TO**  
16                   **UNDERGO POSTRELEASE PROCEEDINGS**”  
17                   after “**TRIAL**”;

18                   (B) in the first sentence of subsection (a),  
19                   by inserting “or at any time after the com-  
20                   mencement of probation or supervised release  
21                   and prior to the completion of the sentence,”  
22                   after “defendant,”;

23                   (C) in subsection (d)—

1 (i) by striking “trial to proceed” each  
2 place it appears and inserting “proceedings  
3 to go forward”; and

4 (ii) by striking “section 4246” and in-  
5 serting “sections 4246 and 4248”; and

6 (D) in subsection (e)—

7 (i) by inserting “or other proceedings”  
8 after “trial”; and

9 (ii) by striking “chapter 207” and in-  
10 serting “chapters 207 and 227”;

11 (3) in section 4247—

12 (A) by striking “, or 4246” each place it  
13 appears and inserting “, 4246, or 4248”;

14 (B) in subsections (g) and (i), by striking  
15 “4243 or 4246” each place it appears and in-  
16 serting “4243, 4246, or 4248”;

17 (C) in subsection (a)—

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

20 “(C) drug, alcohol, and sex offender treat-  
21 ment programs, and other treatment programs  
22 that will assist the individual in overcoming a  
23 psychological or physical dependence or any  
24 condition that makes the individual dangerous  
25 to others; and”;

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

3 (iii) in paragraph (3), by striking the  
4 period at the end and inserting a semi-  
5 colon; and

6 (iv) by inserting at the end the fol-  
7 lowing:

8 “(4) ‘bodily injury’ includes sexual abuse;

9 “(5) ‘sexually dangerous person’ means a per-  
10 son who has engaged or attempted to engage in sex-  
11 ually violent conduct or child molestation and who is  
12 sexually dangerous to others; and

13 “(6) ‘sexually dangerous to others’ with respect  
14 a person, means that the person suffers from a seri-  
15 ous mental illness, abnormality, or disorder as a re-  
16 sult of which he would have serious difficulty in re-  
17 fraining from sexually violent conduct or child mo-  
18 lestation if released.”;

19 (D) in subsection (b), by striking “4245 or  
20 4246” and inserting “4245, 4246, or 4248”;

21 (E) in subsection (c)(4)—

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

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

3 “(D) if the examination is ordered under  
4 section 4248, whether the person is a sexually  
5 dangerous person;”; and

6 (F) in subsections (e) and (h)—

7 (i) by striking “hospitalized” each  
8 place it appears and inserting “com-  
9 mitted”; and

10 (ii) by striking “hospitalization” each  
11 place it appears and inserting “commit-  
12 ment” ; and

13 (4) by inserting at the end the following:

14 **“§ 4248. Civil commitment of a sexually dangerous**  
15 **person**

16 “(a) INSTITUTION OF PROCEEDINGS.—In relation to  
17 a person who is in the custody of the Bureau of Prisons,  
18 or who has been committed to the custody of the Attorney  
19 General pursuant to section 4241(d), or against whom all  
20 criminal charges have been dismissed solely for reasons  
21 relating to the mental condition of the person, the Attor-  
22 ney General or any individual authorized by the Attorney  
23 General or the Director of the Bureau of Prisons may cer-  
24 tify that the person is a sexually dangerous person, and  
25 transmit the certificate to the clerk of the court for the

1 district in which the person is confined. The clerk shall  
2 send a copy of the certificate to the person, and to the  
3 attorney for the Government, and, if the person was com-  
4 mitted pursuant to section 4241(d), to the clerk of the  
5 court that ordered the commitment. The court shall order  
6 a hearing to determine whether the person is a sexually  
7 dangerous person. A certificate filed under this subsection  
8 shall stay the release of the person pending completion of  
9 procedures contained in this section.

10 “(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINA-  
11 TION AND REPORT.—Prior to the date of the hearing, the  
12 court may order that a psychiatric or psychological exam-  
13 ination of the defendant be conducted, and that a psy-  
14 chiatric or psychological report be filed with the court,  
15 pursuant to the provisions of section 4247(b) and (c).

16 “(c) HEARING.—The hearing shall be conducted pur-  
17 suant to the provisions of section 4247(d).

18 “(d) DETERMINATION AND DISPOSITION.—If, after  
19 the hearing, the court finds by clear and convincing evi-  
20 dence that the person is a sexually dangerous person, the  
21 court shall commit the person to the custody of the Attor-  
22 ney General. The Attorney General shall release the per-  
23 son to the appropriate official of the State in which the  
24 person is domiciled or was tried if such State will assume  
25 responsibility for his custody, care, and treatment. The

1 Attorney General shall make all reasonable efforts to  
2 cause such a State to assume such responsibility. If, not-  
3 withstanding such efforts, neither such State will assume  
4 such responsibility, the Attorney General shall place the  
5 person for treatment in a suitable facility, until—

6 “(1) such a State will assume such responsi-  
7 bility; or

8 “(2) the person’s condition is such that he is no  
9 longer sexually dangerous to others, or will not be  
10 sexually dangerous to others if released under a pre-  
11 scribed regimen of medical, psychiatric, or psycho-  
12 logical care or treatment;

13 whichever is earlier.

14 “(e) DISCHARGE.—When the Director of the facility  
15 in which a person is placed pursuant to subsection (d) de-  
16 termines that the person’s condition is such that he is no  
17 longer sexually dangerous to others, or will not be sexually  
18 dangerous to others if released under a prescribed regimen  
19 of medical, psychiatric, or psychological care or treatment,  
20 he shall promptly file a certificate to that effect with the  
21 clerk of the court that ordered the commitment. The clerk  
22 shall send a copy of the certificate to the person’s counsel  
23 and to the attorney for the Government. The court shall  
24 order the discharge of the person or, on motion of the at-  
25 torney for the Government or on its own motion, shall hold

1 a hearing, conducted pursuant to the provisions of section  
2 4247(d), to determine whether he should be released. If,  
3 after the hearing, the court finds by a preponderance of  
4 the evidence that the person's condition is such that—

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

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

12 “(A) order that he be conditionally dis-  
13 charged under a prescribed regimen of medical,  
14 psychiatric, or psychological care or treatment  
15 that has been prepared for him, that has been  
16 certified to the court as appropriate by the Di-  
17 rector of the facility in which he is committed,  
18 and that has been found by the court to be ap-  
19 propriate; and

20 “(B) order, as an explicit condition of re-  
21 lease, that he comply with the prescribed regi-  
22 men of medical, psychiatric, or psychological  
23 care or treatment.

24 The court at any time may, after a hearing employ-  
25 ing the same criteria, modify or eliminate the regi-



1       men of medical, psychiatric, or psychological care or  
2       treatment.

3       “(f) REVOCATION OF CONDITIONAL DISCHARGE.—  
4       The director of a facility responsible for administering a  
5       regimen imposed on a person conditionally discharged  
6       under subsection (e) shall notify the Attorney General and  
7       the court having jurisdiction over the person of any failure  
8       of the person to comply with the regimen. Upon such no-  
9       tice, or upon other probable cause to believe that the per-  
10      son has failed to comply with the prescribed regimen of  
11      medical, psychiatric, or psychological care or treatment,  
12      the person may be arrested, and, upon arrest, shall be  
13      taken without unnecessary delay before the court having  
14      jurisdiction over him. The court shall, after a hearing, de-  
15      termine whether the person should be remanded to a suit-  
16      able facility on the ground that he is sexually dangerous  
17      to others in light of his failure to comply with the pre-  
18      scribed regimen of medical, psychiatric, or psychological  
19      care or treatment.

20      “(g) RELEASE TO STATE OF CERTAIN OTHER PER-  
21      SONS.—If the director of the facility in which a person  
22      is hospitalized or placed pursuant to this chapter certifies  
23      to the Attorney General that a person, against whom all  
24      charges have been dismissed for reasons not related to the  
25      mental condition of the person, is a sexually dangerous

1 person, the Attorney General shall release the person to  
2 the appropriate official of the State in which the person  
3 is domiciled or was tried for the purpose of institution of  
4 State proceedings for civil commitment. If neither such  
5 State will assume such responsibility, the Attorney Gen-  
6 eral shall release the person upon receipt of notice from  
7 the State that it will not assume such responsibility, but  
8 not later than 10 days after certification by the director  
9 of the facility.”.

10 **TITLE IV—IMMIGRATION LAW**  
11 **REFORMS TO PREVENT SEX**  
12 **OFFENDERS FROM ABUSING**  
13 **CHILDREN**

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

15 Section 237(a)(2)(A) of the Immigration and Nation-  
16 ality Act (8 U.S.C. 1227(a)(2)(A)) is amended—

17 (1) by redesignating clause (v) as clause (vi);

18 and

19 (2) by inserting after clause (iv) the following  
20 new clause:

21 “(v) FAILURE TO REGISTER AS A SEX  
22 OFFENDER.—Any alien who is convicted  
23 under section 2250 of title 18, United  
24 States Code, is deportable.”.

1 **SEC. 402. BARRING CONVICTED SEX OFFENDERS FROM**  
2 **HAVING FAMILY-BASED PETITIONS AP-**  
3 **PROVED.**

4 (a) IMMIGRANT FAMILY MEMBERS.—Section  
5 204(a)(1) of the Immigration and Nationality Act (8  
6 U.S.C. 1154(a)(1)), is amended—

7 (1) in subparagraph (A)(i), by striking “Any”  
8 and inserting “Except as provided in clause (viii),  
9 any”;

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

12 “(viii)(I) Clause (i) shall not apply to  
13 a citizen of the United States who has  
14 been convicted of a specified offense  
15 against a minor, unless the Secretary of  
16 Homeland Security, in the Secretary’s sole  
17 and unreviewable discretion, determines  
18 that the citizen poses no risk to the alien  
19 with respect to whom a petition described  
20 in clause (i) is filed.

21 “(II) For purposes of subclause (I),  
22 the term ‘specified offense against a minor’  
23 is defined as in section 111 of the Adam  
24 Walsh Child Protection and Safety Act of  
25 2006.”; and

26 (3) in subparagraph (B)(i)—

1 (A) by striking “(B)(i) Any alien” and in-  
2 serting the following: “(B)(i)(I) Except as pro-  
3 vided in subclause (II), any alien”; and

4 (B) by adding at the end the following:

5 “(I) Subclause (I) shall not apply  
6 in the case of an alien lawfully admit-  
7 ted for permanent residence who has  
8 been convicted of a specified offense  
9 against a minor (as defined in sub-  
10 paragraph (A)(viii)(II)), unless the  
11 Secretary of Homeland Security, in  
12 the Secretary’s sole and unreviewable  
13 discretion, determines that such per-  
14 son poses no risk to the alien with re-  
15 spect to whom a petition described in  
16 subclause (I) is filed.”.

17 (b) NONIMMIGRANTS.—Section 101(a)(15)(K) (8  
18 U.S.C. 1101(a)(15)(K)), is amended by inserting “(other  
19 than a citizen described in section 204(a)(1)(A)(viii)(I))”  
20 after “citizen of the United States” each place that phrase  
21 appears.

## 22 **TITLE V—CHILD PORNOGRAPHY** 23 **PREVENTION**

### 24 **SEC. 501. FINDINGS.**

25 Congress makes the following findings:

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

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

15          (B) A substantial interstate market in  
16          child pornography exists, including not only a  
17          multimillion dollar industry, but also a nation-  
18          wide network of individuals openly advertising  
19          their desire to exploit children and to traffic in  
20          child pornography. Many of these individuals  
21          distribute child pornography with the expecta-  
22          tion of receiving other child pornography in re-  
23          turn.

24          (C) The interstate market in child pornog-  
25          raphy is carried on to a substantial extent

1 through the mails and other instrumentalities  
2 of interstate and foreign commerce, such as the  
3 Internet. The advent of the Internet has greatly  
4 increased the ease of transporting, distributing,  
5 receiving, and advertising child pornography in  
6 interstate commerce. The advent of digital cam-  
7 eras and digital video cameras, as well as video-  
8 tape cameras, has greatly increased the ease of  
9 producing child pornography. The advent of in-  
10 expensive computer equipment with the capacity  
11 to store large numbers of digital images of child  
12 pornography has greatly increased the ease of  
13 possessing child pornography. Taken together,  
14 these technological advances have had the un-  
15 fortunate result of greatly increasing the inter-  
16 state market in child pornography.

17 (D) Intrastate incidents of production,  
18 transportation, distribution, receipt, advertising,  
19 and possession of child pornography, as well as  
20 the transfer of custody of children for the pro-  
21 duction of child pornography, have a substantial  
22 and direct effect upon interstate commerce be-  
23 cause:

24 (i) Some persons engaged in the pro-  
25 duction, transportation, distribution, re-

1            ceipt, advertising, and possession of child  
2            pornography conduct such activities en-  
3            tirely within the boundaries of one state.  
4            These persons are unlikely to be content  
5            with the amount of child pornography they  
6            produce, transport, distribute, receive, ad-  
7            vertise, or possess. These persons are  
8            therefore likely to enter the interstate mar-  
9            ket in child pornography in search of addi-  
10          tional child pornography, thereby stimu-  
11          lating demand in the interstate market in  
12          child pornography.

13            (ii) When the persons described in  
14            subparagraph (D)(i) enter the interstate  
15            market in search of additional child por-  
16            nography, they are likely to distribute the  
17            child pornography they already produce,  
18            transport, distribute, receive, advertise, or  
19            possess to persons who will distribute addi-  
20            tional child pornography to them, thereby  
21            stimulating supply in the interstate market  
22            in child pornography.

23            (iii) Much of the child pornography  
24            that supplies the interstate market in child  
25            pornography is produced entirely within

1           the boundaries of one state, is not trace-  
2           able, and enters the interstate market sur-  
3           reptitiously. This child pornography sup-  
4           ports demand in the interstate market in  
5           child pornography and is essential to its  
6           existence.

7           (E) Prohibiting the intrastate production,  
8           transportation, distribution, receipt, advertising,  
9           and possession of child pornography, as well as  
10          the intrastate transfer of custody of children for  
11          the production of child pornography, will cause  
12          some persons engaged in such intrastate activi-  
13          ties to cease all such activities, thereby reducing  
14          both supply and demand in the interstate mar-  
15          ket for child pornography.

16          (F) Federal control of the intrastate inci-  
17          dents of the production, transportation, dis-  
18          tribution, receipt, advertising, and possession of  
19          child pornography, as well as the intrastate  
20          transfer of children for the production of child  
21          pornography, is essential to the effective control  
22          of the interstate market in child pornography.

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



1           (A) The vast majority of child pornography  
2           prosecutions today involve images contained on  
3           computer hard drives, computer disks, and re-  
4           lated media.

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

8           (C) The government has a compelling  
9           State interest in protecting children from those  
10          who sexually exploit them, and this interest ex-  
11          tends to stamping out the vice of child pornog-  
12          raphy at all levels in the distribution chain.

13          (D) Every instance of viewing images of  
14          child pornography represents a renewed viola-  
15          tion of the privacy of the victims and a repeti-  
16          tion of their abuse.

17          (E) Child pornography constitutes prima  
18          facie contraband, and as such should not be dis-  
19          tributed to, or copied by, child pornography de-  
20          fendants or their attorneys.

21          (F) It is imperative to prohibit the repro-  
22          duction of child pornography in criminal cases  
23          so as to avoid repeated violation and abuse of  
24          victims, so long as the government makes rea-  
25          sonable accommodations for the inspection,

1 viewing, and examination of such material for  
2 the purposes of mounting a criminal defense.

3 **SEC. 502. OTHER RECORD KEEPING REQUIREMENTS.**

4 (a) IN GENERAL.—Section 2257 of title 18, United  
5 States Code, is amended—

6 (1) in subsection (a), by inserting after “video-  
7 tape,” the following: “digital image, digitally- or  
8 computer-manipulated image of an actual human  
9 being, picture,”;

10 (2) in subsection (e)(1), by adding at the end  
11 the following: “In this paragraph, the term ‘copy’ in-  
12 cludes every page of a website on which matter de-  
13 scribed in subsection (a) appears.”;

14 (3) in subsection (f), by—

15 (A) in paragraph (3), by striking “and”  
16 after the semicolon;

17 (B) in paragraph (4), by striking the pe-  
18 riod and inserting “; and”; and

19 (C) by adding at the end the following:

20 “(5) for any person to whom subsection (a) ap-  
21 plies to refuse to permit the Attorney General or his  
22 or her designee to conduct an inspection under sub-  
23 section (c).”; and

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

1 “(h) In this section—

2 “(1) the term ‘actual sexually explicit conduct’  
3 means actual but not simulated conduct as defined  
4 in clauses (i) through (v) of section 2256(2)(A) of  
5 this title;

6 “(2) the term ‘produces’—

7 “(A) means—

8 “(i) actually filming, videotaping,  
9 photographing, creating a picture, digital  
10 image, or digitally- or computer-manipu-  
11 lated image of an actual human being;

12 “(ii) digitizing an image, of a visual  
13 depiction of sexually explicit conduct; or,  
14 assembling, manufacturing, publishing, du-  
15 plicating, reproducing, or reissuing a book,  
16 magazine, periodical, film, videotape, dig-  
17 ital image, or picture, or other matter in-  
18 tended for commercial distribution, that  
19 contains a visual depiction of sexually ex-  
20 plicit conduct; or

21 “(iii) inserting on a computer site or  
22 service a digital image of, or otherwise  
23 managing the sexually explicit content, of a  
24 computer site or service that contains a

1 visual depiction of, sexually explicit con-  
2 duct; and

3 “(B) does not include activities that are  
4 limited to—

5 “(i) photo or film processing, includ-  
6 ing digitization of previously existing visual  
7 depictions, as part of a commercial enter-  
8 prise, with no other commercial interest in  
9 the sexually explicit material, printing, and  
10 video duplication;

11 “(ii) distribution;

12 “(iii) any activity, other than those  
13 activities identified in subparagraph (A),  
14 that does not involve the hiring, con-  
15 tracting for, managing, or otherwise ar-  
16 ranging for the participation of the de-  
17 picted performers;

18 “(iv) the provision of a telecommuni-  
19 cations service, or of an Internet access  
20 service or Internet information location  
21 tool (as those terms are defined in section  
22 231 of the Communications Act of 1934  
23 (47 U.S.C. 231)); or

24 “(v) the transmission, storage, re-  
25 trieval, hosting, formatting, or translation

1 (or any combination thereof) of a commu-  
2 nication, without selection or alteration of  
3 the content of the communication, except  
4 that deletion of a particular communica-  
5 tion or material made by another person in  
6 a manner consistent with section 230(c) of  
7 the Communications Act of 1934 (47  
8 U.S.C. 230(c)) shall not constitute such se-  
9 lection or alteration of the content of the  
10 communication; and

11 “(3) the term ‘performer’ includes any person  
12 portrayed in a visual depiction engaging in, or as-  
13 sisting another person to engage in, sexually explicit  
14 conduct.”.

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

1   **SEC. 503. RECORD KEEPING REQUIREMENTS FOR SIMU-**  
2                   **LATED SEXUAL CONDUCT.**

3           (a) IN GENERAL.—Chapter 110 of title 18, United  
4 States Code, is amended by inserting after section 2257  
5 the following:

6   **“SEC. 2257A. RECORD KEEPING REQUIREMENTS FOR SIMU-**  
7                   **LATED SEXUAL CONDUCT.**

8           “(a) Whoever produces any book, magazine, peri-  
9 odical, film, videotape, digital image, digitally- or com-  
10 puter-manipulated image of an actual human being, pic-  
11 ture, or other matter that—

12               “(1) contains 1 or more visual depictions of  
13 simulated sexually explicit conduct; and

14               “(2) is produced in whole or in part with mate-  
15 rials which have been mailed or shipped in interstate  
16 or foreign commerce, or is shipped or transported or  
17 is intended for shipment or transportation in inter-  
18 state or foreign commerce;

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

22           “(b) Any person to whom subsection (a) applies shall,  
23 with respect to every performer portrayed in a visual de-  
24 piction of simulated sexually explicit conduct—

25               “(1) ascertain, by examination of an identifica-  
26 tion document containing such information, the per-

1       former’s name and date of birth, and require the  
2       performer to provide such other indicia of his or her  
3       identity as may be prescribed by regulations;

4               “(2) ascertain any name, other than the per-  
5       former’s present and correct name, ever used by the  
6       performer including maiden name, alias, nickname,  
7       stage, or professional name; and

8               “(3) record in the records required by sub-  
9       section (a) the information required by paragraphs  
10      (1) and (2) and such other identifying information  
11      as may be prescribed by regulation.

12      “(c) Any person to whom subsection (a) applies shall  
13      maintain the records required by this section at their busi-  
14      ness premises, or at such other place as the Attorney Gen-  
15      eral may by regulation prescribe and shall make such  
16      records available to the Attorney General for inspection  
17      at all reasonable times.

18      “(d)(1) No information or evidence obtained from  
19      records required to be created or maintained by this sec-  
20      tion shall, except as provided in this section, directly or  
21      indirectly, be used as evidence against any person with re-  
22      spect to any violation of law.

23      “(2) Paragraph (1) shall not preclude the use of such  
24      information or evidence in a prosecution or other action  
25      for a violation of this chapter or chapter 71, or for a viola-

1 tion of any applicable provision of law with respect to the  
2 furnishing of false information.

3 “(e)(1) Any person to whom subsection (a) applies  
4 shall cause to be affixed to every copy of any matter de-  
5 scribed in subsection (a)(1) in such manner and in such  
6 form as the Attorney General shall by regulations pre-  
7 scribe, a statement describing where the records required  
8 by this section with respect to all performers depicted in  
9 that copy of the matter may be located. In this paragraph,  
10 the term ‘copy’ includes every page of a website on which  
11 matter described in subsection (a) appears.

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

17 “(f) It shall be unlawful—

18 “(1) for any person to whom subsection (a) ap-  
19 plies to fail to create or maintain the records as re-  
20 quired by subsections (a) and (c) or by any regula-  
21 tion promulgated under this section;

22 “(2) for any person to whom subsection (a) ap-  
23 plies knowingly to make any false entry in or know-  
24 ingly to fail to make an appropriate entry in, any



1 record required by subsection (b) or any regulation  
2 promulgated under this section;

3 “(3) for any person to whom subsection (a) ap-  
4 plies knowingly to fail to comply with the provisions  
5 of subsection (e) or any regulation promulgated pur-  
6 suant to that subsection; or

7 “(4) for any person knowingly to sell or other-  
8 wise transfer, or offer for sale or transfer, any book,  
9 magazine, periodical, film, video, or other matter,  
10 produced in whole or in part with materials which  
11 have been mailed or shipped in interstate or foreign  
12 commerce or which is intended for shipment in  
13 interstate or foreign commerce, that—

14 “(A) contains 1 or more visual depictions  
15 made after the date of enactment of this sub-  
16 section of simulated sexually explicit conduct;  
17 and

18 “(B) is produced in whole or in part with  
19 materials which have been mailed or shipped in  
20 interstate or foreign commerce, or is shipped or  
21 transported or is intended for shipment or  
22 transportation in interstate or foreign com-  
23 merce;

24 which does not have affixed thereto, in a manner  
25 prescribed as set forth in subsection (e)(1), a state-

1       ment describing where the records required by this  
2       section may be located, but such person shall have  
3       no duty to determine the accuracy of the contents of  
4       the statement or the records required to be kept.

5           “(5) for any person to whom subsection (a) ap-  
6       plies to refuse to permit the Attorney General or his  
7       or her designee to conduct an inspection under sub-  
8       section (c).

9           “(g) As used in this section, the terms ‘produces’ and  
10      ‘performer’ have the same meaning as in section 2257(h)  
11      of this title.

12          “(h)(1) The provisions of this section and section  
13      2257 shall not apply to matter, or any image therein, con-  
14      taining one or more visual depictions of simulated sexually  
15      explicit conduct, or actual sexually explicit conduct as de-  
16      scribed in clause (v) of section 2256(2)(A), if such mat-  
17      ter—

18           “(A)(i) is intended for commercial distribution;

19           “(ii) is created as a part of a commercial enter-  
20      prise by a person who certifies to the Attorney Gen-  
21      eral that such person regularly and in the normal  
22      course of business collects and maintains individually  
23      identifiable information regarding all performers, in-  
24      cluding minor performers, employed by that person,  
25      pursuant to Federal and State tax, labor, and other

1 laws, labor agreements, or otherwise pursuant to in-  
2 dustry standards, where such information includes  
3 the name, address, and date of birth of the per-  
4 former; and

5 “(iii) is not produced, marketed or made avail-  
6 able by the person described in clause (ii) to another  
7 in circumstances such than an ordinary person  
8 would conclude that the matter contains a visual de-  
9 picition that is child pornography as defined in sec-  
10 tion 2256(8); or

11 “(B)(i) is subject to the authority and regula-  
12 tion of the Federal Communications Commission  
13 acting in its capacity to enforce section 1464 of this  
14 title, regarding the broadcast of obscene, indecent or  
15 profane programming; and

16 “(ii) is created as a part of a commercial enter-  
17 prise by a person who certifies to the Attorney Gen-  
18 eral that such person regularly and in the normal  
19 course of business collects and maintains individually  
20 identifiable information regarding all performers, in-  
21 cluding minor performers, employed by that person,  
22 pursuant to Federal and State tax, labor, and other  
23 laws, labor agreements, or otherwise pursuant to in-  
24 dustry standards, where such information includes

1       the name, address, and date of birth of the per-  
2       former.

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

9       “(i)(1) Whoever violates this section shall be impris-  
10 oned for not more than 1 year, and fined in accordance  
11 with the provisions of this title, or both.

12       “(2) Whoever violates this section in an effort to con-  
13 ceal a substantive offense involving the causing, trans-  
14 porting, permitting or offering or seeking by notice or ad-  
15 vertisement, a minor to engage in sexually explicit conduct  
16 for the purpose of producing a visual depiction of such  
17 conduct in violation of this title, or to conceal a sub-  
18 stantive offense that involved trafficking in material in-  
19 volving the sexual exploitation of a minor, including receiv-  
20 ing, transporting, advertising, or possessing material in-  
21 volving the sexual exploitation of a minor with intent to  
22 traffic, in violation of this title, shall be imprisoned for  
23 not more than 5 years and fined in accordance with the  
24 provisions of this title, or both.

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

7       “(j) The provisions of this section shall not become  
8       effective until 90 days after the final regulations imple-  
9       menting this section are published in the Federal Register.  
10      The provisions of this section shall not apply to any mat-  
11      ter, or image therein, produced, in whole or in part, prior  
12      to the effective date of this section.

13      “(k) On an annual basis, the Attorney General shall  
14      submit a report to Congress—

15              “(1) concerning the enforcement of this section  
16              and section 2257 by the Department of Justice dur-  
17              ing the previous 12-month period; and

18              “(2) including—

19                      “(A) the number of inspections undertaken  
20                      pursuant to this section and section 2257;

21                      “(B) the number of open investigations  
22                      pursuant to this section and section 2257;

23                      “(C) the number of cases in which a per-  
24                      son has been charged with a violation of this  
25                      section and section 2257; and

1           “(D) for each case listed in response to  
2           subparagraph (C), the name of the lead defend-  
3           ant, the federal district in which the case was  
4           brought, the court tracking number, and a syn-  
5           opsis of the violation and its disposition, if any,  
6           including settlements, sentences, recoveries and  
7           penalties.”.

8           (b) CHAPTER ANALYSIS.—The chapter analysis for  
9           chapter 110 of title 18, United States Code, is amended  
10          by inserting after the item for section 2257 the following:

          “2257A. Recordkeeping requirements for simulated sexual conduct.”.

11   **SEC. 504. PREVENTION OF DISTRIBUTION OF CHILD POR-**  
12                   **NOGRAPHY USED AS EVIDENCE IN PROSECU-**  
13                   **TIONS.**

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

16          “(m) PROHIBITION ON REPRODUCTION OF CHILD  
17          PORNOGRAPHY.—

18               “(1) In any criminal proceeding, any property  
19               or material that constitutes child pornography (as  
20               defined by section 2256 of this title) shall remain in  
21               the care, custody, and control of either the Govern-  
22               ment or the court.

23               “(2)(A) Notwithstanding Rule 16 of the Fed-  
24               eral Rules of Criminal Procedure, a court shall deny,  
25               in any criminal proceeding, any request by the de-

1       fendant to copy, photograph, duplicate, or otherwise  
2       reproduce any property or material that constitutes  
3       child pornography (as defined by section 2256 of  
4       this title), so long as the Government makes the  
5       property or material reasonably available to the de-  
6       fendant.

7               “(B) For the purposes of subparagraph (A),  
8       property or material shall be deemed to be reason-  
9       ably available to the defendant if the Government  
10      provides ample opportunity for inspection, viewing,  
11      and examination at a Government facility of the  
12      property or material by the defendant, his or her at-  
13      torney, and any individual the defendant may seek  
14      to qualify to furnish expert testimony at trial.”.

15 **SEC. 505. AUTHORIZING CIVIL AND CRIMINAL ASSET FOR-**  
16 **FEITURE IN CHILD EXPLOITATION AND OB-**  
17 **SCENITY CASES.**

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

21               (1) in subsection (a)(3), by inserting a period  
22       after “of such offense” and striking all that follows;  
23       and

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

1       “(b) The provisions of section 413 of the Controlled  
2 Substances Act (21 U.S.C. 853), with the exception of  
3 subsections (a) and (d), shall apply to the criminal for-  
4 feiture of property pursuant to subsection (a).

5       “(c) Any property subject to forfeiture pursuant to  
6 subsection (a) may be forfeited to the United States in  
7 a civil case in accordance with the procedures set forth  
8 in chapter 46 of this title.”.

9       (b) PROPERTY SUBJECT TO CRIMINAL FOR-  
10 FEITURE.—Section 2253(a) of title 18, United States  
11 Code, is amended—

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

13                       (A) by inserting “or who is convicted of an  
14 offense under section 2252B of this chapter,”  
15 after “2260 of this chapter”; and

16                       (B) by striking “an offense under section  
17 2421, 2422, or 2423 of chapter 117” and in-  
18 serting “an offense under chapter 109A”;

19               (2) in paragraph (1), by inserting “2252A,  
20 2252B, or 2260” after “2252”; and

21               (3) in paragraph (3), by inserting “or any prop-  
22 erty traceable to such property” before the period.

23       (c) CRIMINAL FORFEITURE PROCEDURE.—Section  
24 2253 of title 18, United States Code, is amended by strik-



1 ing subsections (b) through (o) and inserting the fol-  
2 lowing:

3 “(b) Section 413 of the Controlled Substances Act  
4 (21 U.S.C. 853) with the exception of subsections (a) and  
5 (d), applies to the criminal forfeiture of property pursuant  
6 to subsection (a).”.

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

9 **“§ 2254. Civil forfeiture**

10 “Any property subject to forfeiture pursuant to sec-  
11 tion 2253 may be forfeited to the United States in a civil  
12 case in accordance with the procedures set forth in chapter  
13 46.”.

14 **SEC. 506. PROHIBITING THE PRODUCTION OF OBSCENITY**

15 **AS WELL AS TRANSPORTATION, DISTRIBUTION, AND SALE.**  
16

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

19 (1) by inserting “**PRODUCTION AND-**” before  
20 “**TRANSPORTATION**” in the heading of the section;

21 (2) by inserting “produces with the intent to  
22 transport, distribute, or transmit in interstate or  
23 foreign commerce, or whoever knowingly” after  
24 “whoever knowingly” and before “transports or trav-  
25 els in”; and

1           (3) by inserting a comma after “in or affecting  
2       such commerce”.

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

5           (1) in subsection (a), by inserting “producing  
6       with intent to distribute or sell, or” before “selling  
7       or transferring obscene matter,”;

8           (2) in subsection (b), by inserting, “produces”  
9       before “sells or transfers or offers to sell or transfer  
10      obscene matter”; and

11          (3) in subsection (b) by inserting “production,”  
12      before “selling or transferring or offering to sell or  
13      transfer such material.”.

14   **SEC. 507. GUARDIANS AD LITEM.**

15      Section 3509(h)(1) of title 18, United States Code,  
16   is amended by inserting “, and provide reasonable com-  
17   pensation and payment of expenses for,” before “a guard-  
18   ian”.

1 **TITLE VI—GRANTS, STUDIES,**  
2 **AND PROGRAMS FOR CHIL-**  
3 **DREN AND COMMUNITY SAFE-**  
4 **TY**

5 **Subtitle A—Mentoring Matches for**  
6 **Youth Act**

7 **SEC. 601. SHORT TITLE.**

8 This subtitle may be cited as the “Mentoring Matches  
9 for Youth Act of 2006”.

10 **SEC. 602. FINDINGS.**

11 Congress finds the following:

12 (1) Big Brothers Big Sisters of America, which  
13 was founded in 1904 and chartered by Congress in  
14 1958, is the oldest and largest mentoring organiza-  
15 tion in the United States.

16 (2) There are over 450 Big Brothers Big Sis-  
17 ters of America local agencies providing mentoring  
18 programs for at-risk children in over 5,000 commu-  
19 nities throughout every State, Guam, and Puerto  
20 Rico.

21 (3) Over the last decade, Big Brothers Big Sis-  
22 ters of America has raised a minimum of 75 percent  
23 of its annual operating budget from private sources  
24 and is continually working to grow private sources of

1 funding to maintain this ratio of private to Federal  
2 funds.

3 (4) In 2005, Big Brothers Big Sisters of Amer-  
4 ica provided mentors for over 235,000 children.

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

8 **SEC. 603. GRANT PROGRAM FOR EXPANDING BIG BROTH-**  
9 **ERS BIG SISTERS MENTORING PROGRAM.**

10 In each of fiscal years 2007 through 2012, the Ad-  
11 ministrator of the Office of Juvenile Justice and Delin-  
12 quency Prevention (hereafter in this Act referred to as the  
13 “Administrator”) may make grants to Big Brothers Big  
14 Sisters of America to use for expanding the capacity of  
15 and carrying out the Big Brothers Big Sisters mentoring  
16 programs for at-risk youth.

17 **SEC. 604. BIENNIAL REPORT.**

18 (a) IN GENERAL.—Big Brothers Big Sisters of  
19 America shall submit 2 reports to the Administrator in  
20 each of fiscal years 2007 through 2013. Big Brothers Big  
21 Sisters of America shall submit the first report in a fiscal  
22 year not later than April 1 of that fiscal year and the sec-  
23 ond report in a fiscal year not later than September 30  
24 of that fiscal year.

1 (b) REQUIRED CONTENT.—Each such report shall in-  
2 clude the following:

3 (1) A detailed statement of the progress made  
4 by Big Brothers Big Sisters of America in expand-  
5 ing the capacity of and carrying out mentoring pro-  
6 grams for at-risk youth.

7 (2) A detailed statement of how the amounts  
8 received under this Act have been used.

9 (3) A detailed assessment of the effectiveness of  
10 the mentoring programs.

11 (4) Recommendations for continued grants and  
12 the appropriate amounts for such grants.

13 **SEC. 605. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated to carry out  
15 this Act—

16 (1) \$9,000,000 for fiscal year 2007;

17 (2) \$10,000,000 for fiscal year 2008;

18 (3) \$11,500,000 for fiscal year 2009;

19 (4) \$13,000,000 for fiscal year 2010; and

20 (5) \$15,000,000 for fiscal year 2011.

1 **Subtitle B—National Police Ath-**  
2 **letic League Youth Enrichment**  
3 **Act**

4 **SEC. 611. SHORT TITLE.**

5 This subtitle may be cited as the “National Police  
6 Athletic League Youth Enrichment Reauthorization Act  
7 of 2006”.

8 **SEC. 612. FINDINGS.**

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

12 (1) in paragraph (1)—

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

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

18 “(C) develop life enhancing character and  
19 leadership skills in young people;”;

20 (2) in paragraph (2) by striking “55-year” and  
21 inserting “90-year”;

22 (3) in paragraph (3)—

23 (A) by striking “320 PAL chapters” and  
24 inserting “350 PAL chapters”; and

1 (B) by striking “1,500,000 youth” and in-  
2 serting “2,000,000 youth”;

3 (4) in paragraph (4), by striking “82  
4 percent” and inserting “85 percent”;

5 (5) in paragraph (5), in the second sentence, by  
6 striking “receive no” and inserting “rarely receive”;

7 (6) in paragraph (6), by striking “17 are at  
8 risk” and inserting “18 are at risk”; and

9 (7) in paragraph (7), by striking “1999” and  
10 inserting “2005”.

11 **SEC. 613. PURPOSE.**

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

15 (1) in paragraph (1)—

16 (A) by striking “320 established PAL  
17 chapters” and inserting “342 established PAL  
18 chapters”; and

19 (B) by striking “and” at the end;

20 (2) in paragraph (2), by striking “2006.” and  
21 inserting “2010; and”; and

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

23 “(3) support of an annual gathering of PAL  
24 chapters and designated youth leaders from such  
25 chapters to participate in a 3-day conference that

1 addresses national and local issues impacting the  
2 youth of America and includes educational sessions  
3 to advance character and leadership skills.”.

4 **SEC. 614. GRANTS AUTHORIZED.**

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

8 (1) in subsection (a), by striking “2001 through  
9 2005” and inserting “2006 through 2010”; and

10 (2) in subsection (b)(1)(B), by striking “not  
11 less than 570 PAL chapters in operation before Jan-  
12 uary 1, 2004” and inserting “not fewer than 500  
13 PAL chapters in operation before January 1, 2010”.

14 **SEC. 615. USE OF FUNDS.**

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

18 (1) in the matter preceding subparagraph (A),  
19 by striking “four” and inserting “two”; and

20 (2) in subparagraph (A)—

21 (A) in the matter preceding clause (i), by  
22 striking “two programs” and inserting “one  
23 program”;

24 (B) in clause (iii), by striking “or”;



1 (C) in clause (iv), by striking “and” and  
2 inserting “or”; and

3 (D) by inserting after clause (iv) the fol-  
4 lowing:

5 “(v) character development and lead-  
6 ership training; and”.

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

8 Section 8(a) of the National Police Athletic League  
9 Youth Enrichment Act of 2000 (42 U.S.C. 13751 note)  
10 is amended by striking “2001 through 2005” and insert-  
11 ing “2006 through 2010”.

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

13 (a) DEFINITIONS.—Section 4(4) of the National Po-  
14 lice Athletic League Youth Enrichment Act of 2000 (42  
15 U.S.C. 13751 note) is amended in the paragraph heading,  
16 by striking “Athletic” and inserting “Athletic/activities”.

17 (b) TEXT.—The National Police Athletic League  
18 Youth Enrichment Act of 2000 (42 U.S.C. 13751 note)  
19 is amended by striking “Police Athletic League” each  
20 place such term appears and inserting “Police Athletic/  
21 Activities League”.



1 (I) contains a central processing  
2 unit with global positioning system  
3 and cellular technology in a single  
4 unit; and

5 (II) provides two- and three-way  
6 voice communication; and

7 (ii) permit active, real-time, and con-  
8 tinuous monitoring of offenders 24 hours a  
9 day.

10 (2) APPLICATION.—

11 (A) IN GENERAL.—Each State, local gov-  
12 ernment, or Indian tribal government desiring a  
13 grant under this section shall submit an appli-  
14 cation to the Attorney General at such time, in  
15 such manner, and accompanied by such infor-  
16 mation as the Attorney General may reasonably  
17 require.

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

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

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

1 (b) INNOVATION.—In making grants under this sec-  
2 tion, the Attorney General shall ensure that different ap-  
3 proaches to monitoring are funded to allow an assessment  
4 of effectiveness.

5 (c) AUTHORIZATION OF APPROPRIATIONS.—

6 (1) IN GENERAL.—There are authorized to be  
7 appropriated \$5,000,000 for each of the fiscal years  
8 2007 through 2009 to carry out this section.

9 (2) REPORT.—Not later than September 1,  
10 2010, the Attorney General shall report to Con-  
11 gress—

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

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

17 (C) making recommendations for con-  
18 tinuing funding and the appropriate levels for  
19 such funding.

20 **SEC. 622. TREATMENT AND MANAGEMENT OF SEX OFFEND-**  
21 **ERS IN THE BUREAU OF PRISONS.**

22 Section 3621 of title 18, United States Code, is  
23 amended by adding at the end the following new sub-  
24 section:

25 “(f) SEX OFFENDER MANAGEMENT.—

1           “(1) IN GENERAL.—The Bureau of Prisons  
2           shall make available appropriate treatment to sex of-  
3           fenders who are in need of and suitable for treat-  
4           ment, as follows:

5                   “(A) SEX OFFENDER MANAGEMENT PRO-  
6                   GRAMS.—The Bureau of Prisons shall establish  
7                   non-residential sex offender management pro-  
8                   grams to provide appropriate treatment, moni-  
9                   toring, and supervision of sex offenders and to  
10                  provide aftercare during pre-release custody.

11                  “(B) RESIDENTIAL SEX OFFENDER  
12                  TREATMENT PROGRAMS.—The Bureau of Pris-  
13                  ons shall establish residential sex offender  
14                  treatment programs to provide treatment to sex  
15                  offenders who volunteer for such programs and  
16                  are deemed by the Bureau of Prisons to be in  
17                  need of and suitable for residential treatment.

18                  “(2) REGIONS.—At least 1 sex offender man-  
19                  agement program under paragraph (1)(A), and at  
20                  least one residential sex offender treatment program  
21                  under paragraph (1)(B), shall be established in each  
22                  region within the Bureau of Prisons.

23                  “(3) AUTHORIZATION OF APPROPRIATIONS.—  
24                  There are authorized to be appropriated to the Bu-

1       reau of Prisons for each fiscal year such sums as  
2       may be necessary to carry out this subsection.”.

3   **SEC. 623. SEX OFFENDER APPREHENSION GRANTS; JUVENILE**  
4       **SEX OFFENDER TREATMENT GRANTS.**

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

8   **“PART   X—SEX   OFFENDER   APPREHENSION**  
9       **GRANTS; JUVENILE SEX OFFENDER TREAT-**  
10      **MENT GRANTS**

11   **“SEC. 3011. SEX OFFENDER APPREHENSION GRANTS.**

12       “(a) AUTHORITY TO MAKE SEX OFFENDER APPRE-  
13   HENSION GRANTS.—

14           “(1) IN GENERAL.—From amounts made avail-  
15   able to carry out this part, the Attorney General  
16   may make grants to States, units of local govern-  
17   ment, Indian tribal governments, other public and  
18   private entities, and multi-jurisdictional or regional  
19   consortia thereof for activities specified in paragraph  
20   (2).

21           “(2) COVERED ACTIVITIES.—An activity re-  
22   ferred to in paragraph (1) is any program, project,  
23   or other activity to assist a State in enforcing sex  
24   offender registration requirements.

1       “(b) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated such sums as may be  
3 necessary for fiscal years 2007 through 2009 to carry out  
4 this part.

5       **“SEC. 3012. JUVENILE SEX OFFENDER TREATMENT**  
6                   **GRANTS.**

7       “(a) AUTHORITY To MAKE JUVENILE SEX OF-  
8 FENDER TREATMENT GRANTS.—

9           “(1) IN GENERAL.—From amounts made avail-  
10 able to carry out this part, the Attorney General  
11 may make grants to units of local government, In-  
12 dian tribal governments, correctional facilities, other  
13 public and private entities, and multijurisdictional or  
14 regional consortia thereof for activities specified in  
15 paragraph (2).

16           “(2) COVERED ACTIVITIES.—An activity re-  
17 ferred to in paragraph (1) is any program, project,  
18 or other activity to assist in the treatment of juve-  
19 nile sex offenders.

20       “(b) JUVENILE SEX OFFENDER DEFINED.—For  
21 purposes of this section, the term ‘juvenile sex offender’  
22 is a sex offender who had not attained the age of 18 years  
23 at the time of his or her offense.

1 “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated \$10,000,000 for each  
3 of fiscal years 2007 through 2009 to carry out this part.”.

4 **SEC. 624. ASSISTANCE FOR PROSECUTION OF CASES**  
5 **CLEARED THROUGH USE OF DNA BACKLOG**  
6 **CLEARANCE FUNDS.**

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

11 (b) AUTHORIZATION.—There are authorized to be ap-  
12 propriated such sums as may be necessary for each of fis-  
13 cal years 2007 through 2011 to carry out this section.

14 **SEC. 625. GRANTS TO COMBAT SEXUAL ABUSE OF CHIL-**  
15 **DREN.**

16 (a) IN GENERAL.—The Bureau of Justice Assistance  
17 is authorized to make grants under this section—

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

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

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



1           (1) hire additional law enforcement personnel or  
2           train existing staff to combat the sexual abuse of  
3           children through community education and outreach,  
4           investigation of complaints, enforcement of laws re-  
5           lating to sex offender registries, and management of  
6           released sex offenders;

7           (2) investigate the use of the Internet to facili-  
8           tate the sexual abuse of children; and

9           (3) purchase computer hardware and software  
10          necessary to investigate sexual abuse of children over  
11          the Internet, access local, State, and Federal data-  
12          bases needed to apprehend sex offenders, and facili-  
13          tate the creation and enforcement of sex offender  
14          registries.

15          (c) CRITERIA.—The Attorney General shall give pri-  
16          ority to law enforcement agencies making a showing of  
17          need.

18          (d) AUTHORIZATION OF APPROPRIATIONS.—There  
19          are authorized to be appropriated such sums as may be  
20          necessary for fiscal years 2007 through 2009 to carry out  
21          this section.

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

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

1           **“CHAPTER 4—GRANTS TO PRIVATE**  
2                                   **ENTITIES**

3   **“SEC. 519. CRIME PREVENTION CAMPAIGN GRANT.**

4           “(a) GRANT AUTHORIZATION.—The Attorney Gen-  
5   eral may provide a grant to a national private, nonprofit  
6   organization that has expertise in promoting crime preven-  
7   tion through public outreach and media campaigns in co-  
8   ordination with law enforcement agencies and other local  
9   government officials, and representatives of community  
10   public interest organizations, including schools and youth-  
11   serving organizations, faith-based, and victims’ organiza-  
12   tions and employers.

13          “(b) APPLICATION.—To request a grant under this  
14   section, an organization described in subsection (a) shall  
15   submit an application to the Attorney General in such  
16   form and containing such information as the Attorney  
17   General may require.

18          “(c) USE OF FUNDS.—An organization that receives  
19   a grant under this section shall—

20               “(1) create and promote national public com-  
21               munications campaigns;

22               “(2) develop and distribute publications and  
23               other educational materials that promote crime pre-  
24               vention;

1           “(3) design and maintain web sites and related  
2       web-based materials and tools;

3           “(4) design and deliver training for law enforce-  
4       ment personnel, community leaders, and other part-  
5       ners in public safety and hometown security initia-  
6       tives;

7           “(5) design and deliver technical assistance to  
8       States, local jurisdictions, and crime prevention  
9       practitioners and associations;

10          “(6) coordinate a coalition of Federal, national,  
11       and statewide organizations and communities sup-  
12       porting crime prevention;

13          “(7) design, deliver, and assess demonstration  
14       programs;

15          “(8) operate McGruff-related programs, includ-  
16       ing McGruff Club;

17          “(9) operate the Teens, Crime, and Community  
18       Program; and

19          “(10) evaluate crime prevention programs and  
20       trends.

21       “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
22   are authorized to be appropriated to carry out this sec-  
23   tion—

24           “(1) for fiscal year 2007, \$7,000,000;

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

1           “(3) for fiscal year 2009, \$9,000,000; and  
2           “(4) for fiscal year 2010, \$10,000,000.”.

3   **SEC. 627. GRANTS FOR FINGERPRINTING PROGRAMS FOR**  
4           **CHILDREN.**

5           (a) IN GENERAL.—The Attorney General shall estab-  
6   lish and implement a program under which the Attorney  
7   General may make grants to States, units of local govern-  
8   ment, and Indian tribal governments in accordance with  
9   this section.

10          (b) USE OF GRANT AMOUNTS.—A grant made to a  
11   State, unit of local government, or Indian tribal govern-  
12   ment under subsection (a) shall be distributed to law en-  
13   forcement agencies within the jurisdiction of such State,  
14   unit, or tribal government to be used for any of the fol-  
15   lowing activities:

16           (1) To establish a voluntary fingerprinting pro-  
17       gram for children, which may include the taking of  
18       palm prints of children.

19           (2) To hire additional law enforcement per-  
20       sonnel, or train existing law enforcement personnel,  
21       to take fingerprints of children.

22           (3) To provide information within the commu-  
23       nity involved about the existence of such a  
24       fingerprinting program.

1           (4) To provide for computer hardware, com-  
2           puter software, or other materials necessary to carry  
3           out such a fingerprinting program.

4           (c) LIMITATION.—Fingerprints of a child derived  
5           from a program funded under this section—

6           (1) may be released only to a parent or guard-  
7           ian of the child; and

8           (2) may not be copied or retained by any Fed-  
9           eral, State, local, or tribal law enforcement officer  
10          unless written permission is given by the parent or  
11          guardian.

12          (d) CRIMINAL PENALTY.—Any person who uses the  
13          fingerprints of a child derived from a program funded  
14          under this section for any purpose other than the purpose  
15          described in subsection (c)(1) shall be subject to imprison-  
16          ment for not more than 1 year, a fine under title 18,  
17          United States Code, or both.

18          (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
19          authorized to be appropriated \$20,000,000 to carry out  
20          this section for the 5-year period beginning on the first  
21          day of fiscal year 2007.

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

24          (a) FINDINGS.—Congress finds as follows:

1           (1) More than 200,000 Americans each year  
2           are victims of sexual assault, according to the De-  
3           partment of Justice.

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

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

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

13          (5) The Federal Government, through the Vic-  
14          tims of Crime Act, Violence Against Women Act,  
15          and other laws, has long played a role in providing  
16          services to sexual assault victims and in seeking poli-  
17          cies to increase the number of rapists brought to  
18          justice.

19          (6) Research suggests that sexual assault vic-  
20          tims who receive counseling support are more likely  
21          to report their attack to the police and to participate  
22          in the prosecution of the offender.

23          (7) Due in part to the combined efforts of law  
24          enforcement officials at the local, State, and Federal  
25          level, as well as the efforts of the Rape, Abuse & In-

1       cest National Network (RAINN) and its affiliated  
2       rape crisis centers across the United States, sexual  
3       violence in America has fallen by more than half  
4       since 1994.

5           (8) RAINN, a 501(c)(3) nonprofit corporation  
6       headquartered in the District of Columbia, has since  
7       1994 provided help to victims of sexual assault and  
8       educated the public about sexual assault prevention,  
9       prosecution, and recovery.

10          (9) RAINN established and continues to oper-  
11       ate the National Sexual Assault Hotline, a free, con-  
12       fidential telephone hotline that provides help, 24  
13       hours a day, to victims nationally.

14          (10) More than 1,100 local rape crisis centers  
15       in the 50 States and the District of Columbia part-  
16       ner with RAINN and are members of the National  
17       Sexual Assault Hotline network (which has helped  
18       more than 970,000 people since its inception in  
19       1994).

20          (11) To better serve victims of sexual assault,  
21       80 percent of whom are under age 30 and 44 per-  
22       cent of whom are under age 18, RAINN will soon  
23       launch the National Sexual Assault Online Hotline,  
24       the web's first secure hotline service offering live  
25       help 24 hours a day.

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

4           (13) RAINN is a national model of public/pri-  
5           vate partnership, raising private sector funds to  
6           match congressional appropriations and receiving ex-  
7           tensive private in-kind support, including advanced  
8           technology provided by the communications and  
9           technology industries to launch the National Sexual  
10          Assault Hotline and the National Sexual Assault  
11          Online Hotline.

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

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

18          (16) The demand for RAINN’s services is  
19          growing dramatically, as evidenced by the fact that,  
20          in 2005, the National Sexual Assault Hotline helped  
21          137,039 people, an all-time record.

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



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

6           (19) Authorizing Federal funds for RAINN's  
7       national programs would promote continued progress  
8       with this interstate problem and would make a sig-  
9       nificant difference in the prosecution of rapists and  
10      the overall incidence of sexual violence.

11      (b) DUTIES AND FUNCTIONS OF THE ADMINIS-  
12      TRATOR.—

13           (1) DESCRIPTION OF ACTIVITIES.—The Admin-  
14      istrator shall—

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

18           (B) make such arrangements as may be  
19      necessary and appropriate to facilitate effective  
20      coordination among all Federally funded pro-  
21      grams relating to victims of sexual assault; and

22           (C) provide adequate staff and agency re-  
23      sources which are necessary to properly carry  
24      out the responsibilities pursuant to this section.

1           (2) ANNUAL GRANT TO RAPE, ABUSE & INCEST  
2       NATIONAL NETWORK.—The Administrator shall an-  
3       nually make a grant to RAINN, which shall be used  
4       for the performance of the organization’s national  
5       programs, which may include—

6           (A) operation of the National Sexual As-  
7       sault Hotline, a 24-hour toll-free telephone line  
8       by which individuals may receive help and infor-  
9       mation from trained volunteers;

10          (B) operation of the National Sexual As-  
11       sault Online Hotline, a 24-hour free online serv-  
12       ice by which individuals may receive help and  
13       information from trained volunteers;

14          (C) education of the media, the general  
15       public, and populations at risk of sexual assault  
16       about the incidence of sexual violence and sex-  
17       ual violence prevention, prosecution, and recov-  
18       ery;

19          (D) dissemination, on a national basis, of  
20       information relating to innovative and model  
21       programs, services, laws, legislation, and poli-  
22       cies that benefit victims of sexual assault; and

23          (E) provision of technical assistance to law  
24       enforcement agencies, State and local govern-  
25       ments, the criminal justice system, public and

1 private nonprofit agencies, and individuals in  
2 the investigation and prosecution of cases in-  
3 volving victims of sexual assault.

4 (c) DEFINITIONS.—For the purposes of this section:

5 (1) ADMINISTRATOR.—The term “Adminis-  
6 trator” means the Administrator of the Office of Ju-  
7 venile Justice and Delinquency Prevention.

8 (2) RAINN.—The term “RAINN” means the  
9 Rape, Abuse & Incest National Network, a 501(c)(3)  
10 nonprofit corporation headquartered in the District  
11 of Columbia.

12 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
13 authorized to be appropriated to the Administrator to  
14 carry out this section, \$3,000,000 for each of fiscal years  
15 2007 through 2010.

16 **SEC. 629. CHILDREN’S SAFETY ONLINE AWARENESS CAM-**  
17 **PAIGNS.**

18 (a) AWARENESS CAMPAIGN FOR CHILDREN’S SAFE-  
19 TY ONLINE.—

20 (1) IN GENERAL.—The Attorney General, in  
21 consultation with the National Center for Missing  
22 and Exploited Children, is authorized to develop and  
23 carry out a public awareness campaign to dem-  
24 onstrate, explain, and encourage children, parents,

1       and community leaders to better protect children  
2       when such children are on the Internet.

3           (2)   REQUIRED   COMPONENTS.—The   public  
4       awareness campaign described under paragraph (1)  
5       shall include components that compliment and rein-  
6       force the campaign message in a variety of media,  
7       including the Internet, television, radio, and bill-  
8       boards.

9       (b) AWARENESS CAMPAIGN REGARDING THE ACCES-  
10   SIBILITY AND UTILIZATION OF SEX OFFENDER REG-  
11   ISTRIES.—The Attorney General, in consultation with the  
12   National Center for Missing and Exploited Children, is au-  
13   thorized to develop and carry out a public awareness cam-  
14   paign to demonstrate, explain, and encourage parents and  
15   community leaders to better access and utilize the Federal  
16   and State sex offender registries.

17       (c) AUTHORIZATION OF APPROPRIATIONS.—There  
18   are authorized to be appropriated to carry out this section  
19   such sums as are necessary for fiscal years 2007 through  
20   2011.

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

22       (a) IN GENERAL.—The Attorney General shall, sub-  
23   ject to the availability of appropriations, make grants to  
24   States, units of local government, and nonprofit organiza-  
25   tions for the purposes of establishing and maintaining pro-

1 grams with respect to improving and educating children  
2 and parents in the best ways for children to be safe when  
3 on the Internet.

4 (b) DEFINITION OF STATE.—For purposes of this  
5 section, the term “State” means any State of the United  
6 States, the District of Columbia, the Commonwealth of  
7 Puerto Rico, the Virgin Islands, American Samoa, Guam,  
8 and the Northern Mariana Islands.

9 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
10 are authorized to be appropriated to carry out this section  
11 such sums as are necessary for fiscal years 2007 through  
12 2011.

13 **SEC. 631. JESSICA LUNSFORD ADDRESS VERIFICATION**  
14 **GRANT PROGRAM.**

15 (a) ESTABLISHMENT.—There is established the Jes-  
16 sica Lunsford Address Verification Grant Program (here-  
17 inafter in this section referred to as the “Program”).

18 (b) GRANTS AUTHORIZED.—Under the Program, the  
19 Attorney General is authorized to award grants to State,  
20 local governments, and Indian tribal governments to assist  
21 in carrying out programs requiring an appropriate official  
22 to verify, at appropriate intervals, the residence of all or  
23 some registered sex offenders.

24 (c) APPLICATION.—

1           (1) IN GENERAL.—Each State or local govern-  
2           ment seeking a grant under this section shall submit  
3           an application to the Attorney General at such time,  
4           in such manner, and accompanied by such informa-  
5           tion as the Attorney General may reasonably re-  
6           quire.

7           (2) CONTENTS.—Each application submitted  
8           pursuant to paragraph (1) shall—

9                   (A) describe the activities for which assist-  
10                  ance under this section is sought; and

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

15          (d) INNOVATION.—In making grants under this sec-  
16          tion, the Attorney General shall ensure that different ap-  
17          proaches to address verification are funded to allow an as-  
18          sessment of effectiveness.

19          (e) AUTHORIZATION OF APPROPRIATIONS.—

20                (1) IN GENERAL.—There are authorized to be  
21                appropriated for each of the fiscal years 2007  
22                through 2009 such sums as may be necessary to  
23                carry out this section.

24                (2) REPORT.—Not later than April 1, 2009, the  
25                Attorney General shall report to Congress—

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

3 (B) comparing the cost effectiveness of ad-  
4 dress verification to reduce sex offenses com-  
5 pared to other alternatives; and

6 (C) making recommendations for con-  
7 tinuing funding and the appropriate levels for  
8 such funding.

9 **SEC. 632. FUGITIVE SAFE SURRENDER.**

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

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

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

23 (3) Fugitive Safe Surrender is safer for defend-  
24 ants, law enforcement, and innocent bystanders than  
25 needing to conduct a sweep.

1           (4) Based upon the success of the pilot pro-  
2           gram, Fugitive Safe Surrender should be expanded  
3           to other cities throughout the United States.

4           (b) ESTABLISHMENT.—The United States Marshals  
5           Service shall establish, direct, and coordinate a program  
6           (to be known as the “Fugitive Safe Surrender Program”),  
7           under which the United States Marshals Service shall ap-  
8           prehend Federal, State, and local fugitives in a safe, se-  
9           cure, and peaceful manner to be coordinated with law en-  
10          forcement and community leaders in designated cities  
11          throughout the United States.

12          (c) AUTHORIZATION OF APPROPRIATIONS.—There  
13          are authorized to be appropriated to the United States  
14          Marshals Service to carry out this section—

- 15               (1) \$3,000,000 for fiscal year 2007;  
16               (2) \$5,000,000 for fiscal year 2008; and  
17               (3) \$8,000,000 for fiscal year 2009.

18          (d) OTHER EXISTING APPLICABLE LAW.—Nothing  
19          in this section shall be construed to limit any existing au-  
20          thority under any other provision of Federal or State law  
21          for law enforcement agencies to locate or apprehend fugi-  
22          tives through task forces or any other means.



1   **SEC. 633. NATIONAL REGISTRY OF SUBSTANTIATED CASES**  
2                   **OF CHILD ABUSE.**

3           (a) IN GENERAL.—The Secretary of Health and  
4 Human Services, in consultation with the Attorney Gen-  
5 eral, shall create a national registry of substantiated cases  
6 of child abuse or neglect.

7           (b) INFORMATION.—

8               (1) COLLECTION.—The information in the reg-  
9 istry described in subsection (a) shall be supplied by  
10 States and Indian tribes, or, at the option of a  
11 State, by political subdivisions of such State, to the  
12 Secretary of Health and Human Services.

13           (2) TYPE OF INFORMATION.—The registry de-  
14 scribed in subsection (a) shall collect in a central  
15 electronic registry information on persons reported  
16 to a State, Indian tribe, or political subdivision of a  
17 State as perpetrators of a substantiated case of child  
18 abuse or neglect.

19           (c) SCOPE OF INFORMATION.—

20               (1) IN GENERAL.—

21                   (A) TREATMENT OF REPORTS.—The infor-  
22 mation to be provided to the Secretary of  
23 Health and Human Services under this section  
24 shall relate to substantiated reports of child  
25 abuse or neglect.

1 (B) EXCEPTION.—If a State, Indian tribe,  
2 or political subdivision of a State has an elec-  
3 tronic register of cases of child abuse or neglect  
4 equivalent to the registry established under this  
5 section that it maintains pursuant to a require-  
6 ment or authorization under any other provision  
7 of law, the information provided to the Sec-  
8 retary of Health and Human Services under  
9 this section shall be coextensive with that in  
10 such register.

11 (2) FORM.—Information provided to the Sec-  
12 retary of Health and Human Services under this  
13 section—

14 (A) shall be in a standardized electronic  
15 form determined by the Secretary of Health  
16 and Human Services; and

17 (B) shall contain case-specific identifying  
18 information that is limited to the name of the  
19 perpetrator and the nature of the substantiated  
20 case of child abuse or neglect, and that com-  
21 plies with clauses (viii) and (ix) of section  
22 106(b)(2)(A) of the Child Abuse Prevention  
23 and Treatment Act (42 U.S.C. 5106(b)(2)(A)  
24 (viii) and (ix)).

1 (d) CONSTRUCTION.—This section shall not be con-  
2 strued to require a State, Indian tribe, or political subdivi-  
3 sion of a State to modify—

4 (1) an equivalent register of cases of child  
5 abuse or neglect that it maintains pursuant to a re-  
6 quirement or authorization under any other provi-  
7 sion of law; or

8 (2) any other record relating to child abuse or  
9 neglect, regardless of whether the report of abuse or  
10 neglect was substantiated, unsubstantiated, or deter-  
11 mined to be unfounded.

12 (e) ACCESSIBILITY.—Information contained in the  
13 national registry shall only be accessible to any Federal,  
14 State, Indian tribe, or local government entity, or any  
15 agent of such entities, that has a need for such informa-  
16 tion in order to carry out its responsibilities under law  
17 to protect children from child abuse and neglect.

18 (f) DISSEMINATION.—The Secretary of Health and  
19 Human Services shall establish standards for the dissemi-  
20 nation of information in the national registry of substan-  
21 tiated cases of child abuse or neglect. Such standards shall  
22 comply with clauses (viii) and (ix) of section 106(b)(2)(A)  
23 of the Child Abuse Prevention and Treatment Act (42  
24 U.S.C. 5106(b)(2)(A) (viii) and (ix)).

25 (g) STUDY.—

1           (1) IN GENERAL.—The Secretary of Health and  
2       Human Services shall conduct a study on the feasi-  
3       bility of establishing data collection standards for a  
4       national child abuse and neglect registry with rec-  
5       ommendations and findings concerning—

6           (A) costs and benefits of such data collec-  
7       tion standards;

8           (B) data collection standards currently em-  
9       ployed by each State, Indian tribe, or political  
10      subdivision of a State;

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

14          (D) a due process procedure for a national  
15      registry

16      (2) REPORT.—Not later than 1 year after the  
17      date of enactment of this Act, the Secretary of  
18      Homeland Security shall submit to the Committees  
19      on the Judiciary in the House of Representatives  
20      and the United States Senate and the Senate Com-  
21      mittee on Health, Education, Labor and Pensions  
22      and the House Committee on Education and the  
23      Workforce a report containing the recommendations  
24      and findings of the study on data collection stand-

1       ards for a national child abuse registry authorized  
2       under this subsection.

3           (3) AUTHORIZATION OF APPROPRIATIONS.—

4       There is authorized to be appropriated \$500,000 for  
5       the period of fiscal years 2006 and 2007 to carry  
6       out the study required by this subsection.

7   **SEC. 634. COMPREHENSIVE EXAMINATION OF SEX OF-**  
8           **FENDER ISSUES.**

9       (a) IN GENERAL.—The National Institute of Justice  
10      shall conduct a comprehensive study to examine the con-  
11      trol, prosecution, treatment, and monitoring of sex offend-  
12      ers, with a particular focus on—

13           (1) the effectiveness of the Sex Offender Reg-  
14      istration and Notification Act in increasing compli-  
15      ance with sex offender registration and notification  
16      requirements, and the costs and burdens associated  
17      with such compliance;

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

22           (3) the effectiveness of public dissemination of  
23      sex offender information on the Internet in increas-  
24      ing public safety, and the costs and burdens associ-  
25      ated with such dissemination; and

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

4       (b) RECOMMENDATIONS.—The study described in  
5       subsection (a) shall include recommendations for reducing  
6       the number of sex crimes against children and adults and  
7       increasing the effectiveness of registration requirements.

8       (c) REPORTS.—

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

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

19      (d) APPROPRIATIONS.—There are authorized to be  
20      appropriated \$3,000,000 to carry out this section.

21      **SEC. 635. ANNUAL REPORT ON ENFORCEMENT OF REG-**  
22                                      **ISTRATION REQUIREMENTS.**

23      Not later than July 1 of each year, the Attorney Gen-  
24      eral shall submit a report to Congress describing—

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1           (1) the use by the Department of Justice of the  
2       United States Marshals Service to assist jurisdic-  
3       tions in locating and apprehending sex offenders  
4       who fail to comply with sex offender registration re-  
5       quirements, as authorized by this Act;

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

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

12          (4) a detailed description of Justice Depart-  
13      ment efforts to ensure compliance and any funding  
14      reductions, the basis for any decision to reduce fund-  
15      ing or not to reduce funding under section 125; and

16          (5) the denial or grant of any extensions to  
17      comply with the Sex Offender Registration and Noti-  
18      fication Act, and the reasons for such denial or  
19      grant.

1   **SEC. 636. GOVERNMENT ACCOUNTABILITY OFFICE STUDIES**  
2                   **ON FEASIBILITY OF USING DRIVER'S LICENSE**  
3                   **REGISTRATION PROCESSES AS ADDITIONAL**  
4                   **REGISTRATION REQUIREMENTS FOR SEX OF-**  
5                   **FENDERS.**

6       For the purposes of determining the feasibility of  
7 using driver's license registration processes as additional  
8 registration requirements for sex offenders to improve the  
9 level of compliance with sex offender registration require-  
10 ments for change of address upon relocation and other re-  
11 lated updates of personal information, the Congress re-  
12 quires the following studies:

13           (1) Not later than 180 days after the date of  
14 the enactment of this Act, the Government Account-  
15 ability Office shall complete a study for the Com-  
16 mittee on the Judiciary of the Senate and the Com-  
17 mittee on the Judiciary of the House of Representa-  
18 tives to survey a majority of the States to assess the  
19 relative systems capabilities to comply with a Fed-  
20 eral law that required all State driver's license sys-  
21 tems to automatically access State and national  
22 databases of registered sex offenders in a form simi-  
23 lar to the requirement of the Nevada law described  
24 in paragraph (2). The Government Accountability  
25 Office shall use the information drawn from this  
26 survey, along with other expert sources, to determine



1        what the potential costs to the States would be if  
2        such a Federal law came into effect, and what level  
3        of Federal grants would be required to prevent an  
4        unfunded mandate. In addition, the Government Ac-  
5        countability Office shall seek the views of Federal  
6        and State law enforcement agencies, including in  
7        particular the Federal Bureau of Investigation, with  
8        regard to the anticipated effects of such a national  
9        requirement, including potential for undesired side  
10       effects in terms of actual compliance with this Act  
11       and related laws.

12            (2) Not later than February 1, 2007, the Gov-  
13        ernment Accountability Office shall complete a study  
14        to evaluate the provisions of Chapter 507 of Stat-  
15        utes of Nevada 2005 to determine—

16            (A) if those provisions are effective in in-  
17        creasing the registration compliance rates of sex  
18        offenders;

19            (B) the aggregate direct and indirect costs  
20        for the State of Nevada to bring those provi-  
21        sions into effect; and

22            (C) how those provisions might be modified  
23        to improve compliance by registered sex offend-  
24        ers.

1 **SEC. 637. SEX OFFENDER RISK CLASSIFICATION STUDY.**

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

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

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

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

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

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

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

22 (5) any other information the Attorney General  
23 determines necessary to evaluate risk-based sex of-  
24 fender classification systems.

25 (b) REPORT.—Not later than 18 months after the  
26 date of enactment of this Act, the Attorney General shall

1 report to the Congress the results of the study under this  
2 section.

3 (c) STUDY CONDUCTED BY TASK FORCE.—The At-  
4 torney General may establish a task force to conduct the  
5 study and prepare the report required under this section.  
6 Any task force established under this section shall be com-  
7 posed of members, appointed by the Attorney General,  
8 who—

9 (1) represent national, State, and local inter-  
10 ests; and

11 (2) are especially qualified to serve on the task  
12 force by virtue of their education, training, or expe-  
13 rience, particularly in the fields of sex offender man-  
14 agement, community education, risk assessment of  
15 sex offenders, and sex offender victim issues.

16 **SEC. 638. STUDY OF THE EFFECTIVENESS OF RESTRICTING**  
17 **THE ACTIVITIES OF SEX OFFENDERS TO RE-**  
18 **DUCE THE OCCURRENCE OF REPEAT OF-**  
19 **FENSES.**

20 (a) STUDY.—The Attorney General shall conduct a  
21 study to evaluate the effectiveness of monitoring and re-  
22 stricting the activities of sex offenders to reduce the occur-  
23 rence of repeat offenses by such sex offenders, through  
24 conditions imposed as part of supervised release or proba-  
25 tion conditions. The study shall evaluate—

1           (1) the effectiveness of methods of monitoring  
2           and restricting the activities of sex offenders, includ-  
3           ing restrictions—

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

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

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

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

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

15          (b) REPORT.—Not later than 6 months after the date  
16 of enactment of this Act, the Attorney General shall report  
17 to the Committee on the Judiciary of the House of Rep-  
18 resentatives and the Committee on the Judiciary of the  
19 Senate the results of the study under this section.

20 **SEC. 639. THE JUSTICE FOR CRIME VICTIMS FAMILY ACT.**

21          (a) SHORT TITLE.—This section may be cited as the  
22 “Justice for Crime Victims Family Act”.

23          (b) STUDY OF MEASURES NEEDED TO IMPROVE  
24 PERFORMANCE OF HOMICIDE INVESTIGATORS.—Not later  
25 than 6 months after the date of the enactment of this Act,

1 the Attorney General shall submit to the Committee on  
2 the Judiciary of the House of Representatives and the  
3 Committee on the Judiciary of the Senate a report—

4 (1) outlining what measures are needed to im-  
5 prove the performance of Federal, State, and local  
6 criminal investigators of homicide; and

7 (2) including an examination of—

8 (A) the benefits of increasing training and  
9 resources for such investigators, with respect to  
10 investigative techniques, best practices, and fo-  
11 rensic services;

12 (B) the existence of any uniformity among  
13 State and local jurisdictions in the measure-  
14 ment of homicide rates and clearance of homi-  
15 cide cases;

16 (C) the coordination in the sharing of in-  
17 formation among Federal, State, and local law  
18 enforcement and coroners and medical exam-  
19 iners; and

20 (D) the sources of funding that are in ex-  
21 istence on the date of the enactment of this Act  
22 for State and local criminal investigators of  
23 homicide.

24 (c) IMPROVEMENTS NEEDED FOR SOLVING HOMI-  
25 CIDES INVOLVING MISSING PERSONS AND UNIDENTIFIED

1 HUMAN REMAINS.—Not later than 6 months after the  
2 date of the enactment of this Act, the Attorney General  
3 shall submit to the Committee on the Judiciary of the  
4 House of Representatives and the Committee on the Judi-  
5 ciary of the Senate a report—

6           (1) evaluating measures to improve the ability  
7           of Federal, State, and local criminal investigators of  
8           homicide to solve homicides involving missing per-  
9           sons and unidentified human remains; and

10           (2) including an examination of—

11                (A) measures to expand national criminal  
12                records databases with accurate information re-  
13                lating to missing persons and unidentified  
14                human remains;

15                (B) the collection of DNA samples from  
16                potential ‘high-risk’ missing persons;

17                (C) the benefits of increasing access to na-  
18                tional criminal records databases for medical  
19                examiners and coroners;

20                (D) any improvement in the performance  
21                of postmortem examinations, autopsies, and re-  
22                porting procedures of unidentified persons or  
23                remains;

1 (E) any coordination between the National  
2 Center for Missing Children and the National  
3 Center for Missing Adults;

4 (F) website postings (or other uses of the  
5 Internet) of information of identifiable informa-  
6 tion such as physical features and characteris-  
7 tics, clothing, and photographs of missing per-  
8 sons and unidentified human remains; and

9 (G) any improvement with respect to—

10 (i) the collection of DNA information  
11 for missing persons and unidentified  
12 human remains; and

13 (ii) entering such information into the  
14 Combined DNA Index System of the Fed-  
15 eral Bureau of Investigation and national  
16 criminal records databases.

17 **TITLE VII—INTERNET SAFETY**  
18 **ACT**

19 **SEC. 701. CHILD EXPLOITATION ENTERPRISES.**

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

22 “(g) CHILD EXPLOITATION ENTERPRISES.—

23 “(1) Whoever engages in a child exploitation  
24 enterprise shall be fined under this title and impris-

1       oned for any term of years not less than 20 or for  
2       life.

3           “(2) A person engages in a child exploitation  
4       enterprise for the purposes of this section if the per-  
5       son violates section 1591, section 1201 if the victim  
6       is a minor, or chapter 109A (involving a minor vic-  
7       tim), 110 (except for sections 2257 and 2257A), or  
8       117 (involving a minor victim), as a part of a series  
9       of felony violations constituting three or more sepa-  
10      rate incidents and involving more than one victim,  
11      and commits those offenses in concert with three or  
12      more other persons.”.

13   **SEC. 702. INCREASED PENALTIES FOR REGISTERED SEX**  
14           **OFFENDERS.**

15      (a) OFFENSE.—Chapter 110 of title 18, United  
16   States Code, is amended by adding at the end the fol-  
17   lowing:

18   **“§ 2260A. Penalties for registered sex offenders**

19      “Whoever, being required by Federal or other law to  
20   register as a sex offender, commits a felony offense involv-  
21   ing a minor under section 1201, 1466A, 1470, 1591,  
22   2241, 2242, 2243, 2244, 2245, 2251, 2251A, 2260, 2421,  
23   2422, 2423, or 2425, shall be sentenced to a term of im-  
24   prisonment of 10 years in addition to the imprisonment  
25   imposed for the offense under that provision. The sentence



1 imposed under this section shall be consecutive to any sen-  
2 tence imposed for the offense under that provision.”.

3 (b) CLERICAL AMENDMENT.—The table of sections  
4 at the beginning of chapter 110 of title 18, United States  
5 Code, is amended by adding at the end the following new  
6 item:

“2260A. Increased penalties for registered sex offenders.”.

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

8 (a) IN GENERAL.—Chapter 110 of title 18, United  
9 States Code, is amended by inserting after section 2252B  
10 the following:

11 **“§ 2252C. Misleading words or digital images on the**  
12 **Internet**

13 “(a) IN GENERAL.—Whoever knowingly embeds  
14 words or digital images into the source code of a website  
15 with the intent to deceive a person into viewing material  
16 constituting obscenity shall be fined under this title and  
17 imprisoned for not more than 10 years.

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

23 “(c) CONSTRUCTION.—For the purposes of this sec-  
24 tion, a word or digital image that clearly indicates the sex-

1 ual content of the site, such as ‘sex’ or ‘porn’, is not mis-  
2 leading.

3 “(d) DEFINITIONS.—As used in this section—

4 “(1) the terms ‘material that is harmful to mi-  
5 nors’ and ‘sex’ have the meaning given such terms  
6 in section 2252B; and

7 “(2) the term ‘source code’ means the combina-  
8 tion of text and other characters comprising the con-  
9 tent, both viewable and nonviewable, of a web page,  
10 including any website publishing language, program-  
11 ming language, protocol or functional content, as  
12 well as any successor languages or protocols.”.

13 (b) TABLE OF SECTIONS.—The table of sections for  
14 chapter 110 of title 18, United States Code, is amended  
15 by inserting after the item relating to section 2252B the  
16 following:

“2252C. Misleading words or digital images on the Internet.”.

17 **SEC. 704. ADDITIONAL PROSECUTORS FOR OFFENSES RE-**  
18 **LATING TO THE SEXUAL EXPLOITATION OF**  
19 **CHILDREN.**

20 (a) DEFINITION.—In this section, the term “offenses  
21 relating to the sexual exploitation of children” shall in-  
22 clude any offense committed in violation of—

23 (1) chapter 71 of title 18, United States Code,  
24 involving an obscene visual depiction of a minor, or  
25 transfer of obscene materials to a minor;

1           (2) chapter 109A of title 18, United States  
2       Code, involving a victim who is a minor;

3           (3) chapter 109B of title 18, United States  
4       Code;

5           (4) chapter 110 of title 18, United States Code;

6           (5) chapter 117 of title 18, United States Code  
7       involving a victim who is a minor; and

8           (6) section 1591 of title 18, United States  
9       Code.

10       (b) **ADDITIONAL PROSECUTORS.**—In fiscal year  
11 2007, the Attorney General shall, subject to the avail-  
12 ability of appropriations for such purposes, increase by not  
13 less than 200 the number of attorneys in United States  
14 Attorneys' Offices. The additional attorneys shall be as-  
15 signed to prosecute offenses relating to the sexual exploi-  
16 tation of children.

17       (c) **AUTHORIZATION OF APPROPRIATIONS.**—There  
18 are authorized to be appropriated to the Department of  
19 Justice for fiscal year 2007 such sums as may be nec-  
20 essary to carry out this section.

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

22       (a) **DEPARTMENT OF JUSTICE RESOURCES.**—In fis-  
23 cal year 2007, the Attorney General shall, subject to the  
24 availability of appropriations for such purposes, increase  
25 by not less than 30 the number of computer forensic ex-

1 aminers within the Regional Computer Forensic Labora-  
2 tories (RCFL). The additional computer forensic exam-  
3 iners shall be dedicated to investigating crimes involving  
4 the sexual exploitation of children and related offenses.

5 (b) DEPARTMENT OF HOMELAND SECURITY RE-  
6 SOURCES.—In fiscal year 2007, the Secretary of Home-  
7 land Security shall, subject to the availability of appropria-  
8 tions for such purposes, increase by not less than 15 the  
9 number of computer forensic examiners within the Cyber  
10 Crimes Center (C3). The additional computer forensic ex-  
11 aminers shall be dedicated to investigating crimes involv-  
12 ing the sexual exploitation of children and related offenses.

13 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
14 are authorized to be appropriated to the Department of  
15 Justice and the Department of Homeland Security for fis-  
16 cal year 2007 such sums as may be necessary to carry  
17 out this section.

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

19 (a) ADDITIONAL TASK FORCES.—In fiscal year 2007,  
20 the Administrator of the Office of Juvenile Justice and  
21 Delinquency Prevention shall, subject to the availability of  
22 appropriations for such purpose, increase by not less than  
23 10 the number of Internet Crimes Against Children Task  
24 Forces that are part of the Internet Crimes Against Chil-  
25 dren Task Force Program authorized and funded under

1 title IV of the Juvenile Justice and Delinquency Preven-  
2 tion Act of 1974 (42 U.S.C. 5771 et seq.). These Task  
3 Forces shall be in addition to the ones authorized in sec-  
4 tion 143 of this Act.

5 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
6 are authorized to be appropriated to the Administrator of  
7 the Office of Juvenile Justice and Delinquency Prevention  
8 for fiscal year 2007 such sums as may be necessary to  
9 carry out this section.

10 **SEC. 707. MASHA’S LAW.**

11 (a) SHORT TITLE.—This section may be cited as  
12 “Masha’s Law”.

13 (b) IN GENERAL.—Section 2255(a) of title 18,  
14 United States Code, is amended—

15 (1) in the first sentence—

16 (A) by striking “(a) Any minor who is”  
17 and inserting the following:

18 “(a) IN GENERAL.—Any person who, while a minor,  
19 was”;

20 (B) by inserting after “such violation” the  
21 following: “, regardless of whether the injury  
22 occurred while such person was a minor,”; and

23 (C) by striking “such minor” and inserting  
24 “such person”; and

25 (2) in the second sentence—

1 (A) by striking “Any minor” and inserting  
2 “Any person”; and

3 (B) by striking “\$50,000” and inserting  
4 “\$150,000”.

5 (c) CONFORMING AMENDMENT.—Section 2255(b) of  
6 title 18, United States Code, is amended by striking “(b)  
7 Any action” and inserting the following:

8 “(b) STATUTE OF LIMITATIONS.—Any action”.