

**[CONFERENCE AGREEMENT]**

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

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Prosecutorial Remedies and Other Tools to end the Ex-  
4 ploitation of Children Today Act of 2003” or “PROTECT  
5 Act”.

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. Severability.

**TITLE I—SANCTIONS AND OFFENSES**

- Sec. 101. Supervised release term for sex offenders.
- Sec. 102. First degree murder for child abuse and child torture murders.
- Sec. 103. Sexual abuse penalties.
- Sec. 104. Stronger penalties against kidnapping.
- Sec. 105. Penalties against sex tourism.
- Sec. 106. Two strikes you’re out.
- Sec. 107. Attempt liability for international parental kidnapping.
- Sec. 108. Pilot program for national criminal history background checks and feasibility study.

**TITLE II—INVESTIGATIONS AND PROSECUTIONS**

- Sec. 201. Interceptions of communications in investigations of sex offenses.
- Sec. 202. No statute of limitations for child abduction and sex crimes.
- Sec. 203. No pretrial release for those who rape or kidnap children.
- Sec. 204. Suzanne’s law.

**TITLE III—PUBLIC OUTREACH**

**Subtitle A—AMBER Alert**

- Sec. 301. National coordination of AMBER alert communications network.
- Sec. 302. Minimum standards for issuance and dissemination of alerts through AMBER alert communications network.
- Sec. 303. Grant program for notification and communications systems along highways for recovery of abducted children.
- Sec. 304. Grant program for support of AMBER alert communications plans.
- Sec. 305. Limitation on liability.

**Subtitle B—National Center for Missing and Exploited Children**

- Sec. 321. Increased support.
- Sec. 322. Forensic and investigative support of missing and exploited children.
- Sec. 323. Creation of cyber tipline.



Subtitle C—Sex Offender Apprehension Program

Sec. 341. Authorization.

Subtitle D—Missing Children Procedures in Public Buildings

Sec. 361. Short title.

Sec. 362. Definitions.

Sec. 363. Procedures in public buildings regarding a missing or lost child.

Subtitle E—Child Advocacy Center Grants

Sec. 381. Information and documentation required by Attorney General under Victims of Child Abuse Act of 1990.

TITLE IV—SENTENCING REFORM

Sec. 401. Sentencing reform.

TITLE V—OBSCENITY AND PORNOGRAPHY

Subtitle A—Child Obscenity and Pornography Prevention

Sec. 501. Findings.

Sec. 502. Improvements to prohibition on virtual child pornography.

Sec. 503. Certain activities relating to material constituting or containing child pornography.

Sec. 504. Obscene child pornography.

Sec. 505. Admissibility of evidence.

Sec. 506. Extraterritorial production of child pornography for distribution in the United States.

Sec. 507. Strengthening enhanced penalties for repeat offenders.

Sec. 508. Service provider reporting of child pornography and related information.

Sec. 509. Investigative authority relating to child pornography.

Sec. 510. Civil remedies.

Sec. 511. Recordkeeping requirements.

Sec. 512. Sentencing enhancements for interstate travel to engage in sexual act with a juvenile.

Sec. 513. Miscellaneous provisions.

Subtitle B—Truth in Domain Names

Sec. 521. Misleading domain names on the Internet.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Penalties for use of minors in crimes of violence.

Sec. 602. Sense of congress.

Sec. 603. Communications decency act of 1996.

Sec. 604. Internet availability of information concerning registered sex offenders.

Sec. 605. Registration of child pornographers in the national sex offender registry.

Sec. 606. Grants to States for costs of compliance with new sex offender registry requirements.

Sec. 607. Safe id act.

Sec. 608. Illicit Drug Anti-Proliferation Act.



- Sec. 609. Definition of vehicle.
- Sec. 610. Authorization of John Doe DNA indictments.
- Sec. 611. Transitional housing assistance grants for child victims of domestic violence, stalking, or sexual assault.

1 **SEC. 2. SEVERABILITY.**

2 If any provision of this Act, or the application of such  
 3 provision to any person or circumstance, is held invalid,  
 4 the remainder of this Act, and the application of such pro-  
 5 vision to other persons not similarly situated or to other  
 6 circumstances, shall not be affected by such invalidation.

7 **TITLE I—SANCTIONS AND**  
 8 **OFFENSES**

9 **SEC. 101. SUPERVISED RELEASE TERM FOR SEX OFFEND-**  
 10 **ERS.**

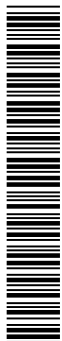
11 Section 3583 of title 18, United States Code, is  
 12 amended—

13 (1) in subsection (e)(3), by inserting “on any  
 14 such revocation” after “required to serve”;

15 (2) in subsection (h), by striking “that is less  
 16 than the maximum term of imprisonment authorized  
 17 under subsection (e)(3)”; and

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

19 “(k) Notwithstanding subsection (b), the authorized  
 20 term of supervised release for any offense under section  
 21 1201 involving a minor victim, and for any offense under  
 22 section 1591, 2241, 2242, 2244(a)(1), 2244(a)(2), 2251,



1 2251A, 2252, 2252A, 2260, 2421, 2422, 2423, or 2425,  
2 is any term of years or life.”.

3 **SEC. 102. FIRST DEGREE MURDER FOR CHILD ABUSE AND**  
4 **CHILD TORTURE MURDERS.**

5 Section 1111 of title 18, United States Code, is  
6 amended—

7 (1) in subsection (a)—

8 (A) by inserting “child abuse,” after “sex-  
9 ual abuse,”; and

10 (B) by inserting “or perpetrated as part of  
11 a pattern or practice of assault or torture  
12 against a child or children;” after “robbery;”;  
13 and

14 (2) by inserting at the end the following:

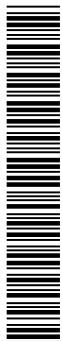
15 “(c) For purposes of this section—

16 “(1) the term ‘assault’ has the same meaning  
17 as given that term in section 113;

18 “(2) the term ‘child’ means a person who has  
19 not attained the age of 18 years and is—

20 “(A) under the perpetrator’s care or con-  
21 trol; or

22 “(B) at least six years younger than the  
23 perpetrator;



1 “(3) the term ‘child abuse’ means intentionally  
2 or knowingly causing death or serious bodily injury  
3 to a child;

4 “(4) the term ‘pattern or practice of assault or  
5 torture’ means assault or torture engaged in on at  
6 least two occasions;

7 “(5) the term ‘serious bodily injury’ has the  
8 meaning set forth in section 1365; and

9 “(6) the term ‘torture’ means conduct, whether  
10 or not committed under the color of law, that other-  
11 wise satisfies the definition set forth in section  
12 2340(1).”.

13 **SEC. 103. SEXUAL ABUSE PENALTIES.**

14 (a) **MAXIMUM PENALTY INCREASES.**—(1) Chapter  
15 110 of title 18, United States Code, is amended—

16 (A) in section 2251(d)—

17 (i) by striking “20” and inserting “30”;

18 and

19 (ii) by striking “30” the first place it ap-  
20 pears and inserting “50”;

21 (B) in section 2252(b)(1)—

22 (i) by striking “15” and inserting “20”;

23 and

24 (ii) by striking “30” and inserting “40”;

25 (C) in section 2252(b)(2)—



1 (i) by striking “5” and inserting “10”; and

2 (ii) by striking “10” and inserting “20”;

3 (D) in section 2252A(b)(1)—

4 (i) by striking “15” and inserting “20”;

5 and

6 (ii) by striking “30” and inserting “40”;

7 and

8 (E) in section 2252A(b)(2)—

9 (i) by striking “5” and inserting “10”; and

10 (ii) by striking “10” and inserting “20”.

11 (2) Chapter 117 of title 18, United States Code, is  
12 amended—

13 (A) in section 2422(a), by striking “10” and in-  
14 serting “20”;

15 (B) in section 2422(b), by striking “15” and  
16 inserting “30”; and

17 (C) in section 2423(a), by striking “15” and in-  
18 serting “30”.

19 (3) Section 1591(b)(2) of title 18, United States  
20 Code, is amended by striking “20” and inserting “40”.

21 (b) MINIMUM PENALTY INCREASES.—(1) Chapter  
22 110 of title 18, United States Code, is amended—

23 (A) in section 2251(d)—



1 (i) by striking “or imprisoned not less than  
2 10” and inserting “and imprisoned not less  
3 than 15”;

4 (ii) by striking “and both,”;

5 (iii) by striking “15” and inserting “25”;

6 and

7 (iv) by striking “30” the second place it  
8 appears and inserting “35”;

9 (B) in section 2251A(a) and (b), by striking  
10 “20” and inserting “30”;

11 (C) in section 2252(b)(1)—

12 (i) by striking “or imprisoned” and insert-  
13 ing “and imprisoned not less than 5 years  
14 and”;

15 (ii) by striking “or both,”; and

16 (iii) by striking “5” and inserting “15”;

17 (D) in section 2252(b)(2), by striking “2” and  
18 inserting “10”;

19 (E) in section 2252A(b)(1)—

20 (i) by striking “or imprisoned” and insert-  
21 ing “and imprisoned not less than 5 years  
22 and”;

23 (ii) by striking “or both,”; and

24 (iii) by striking “5” and inserting “15”;

25 and



1 (F) in section 2252A(b)(2), by striking “2” and  
2 inserting “10”.

3 (2) Chapter 117 of title 18, United States Code, is  
4 amended—

5 (A) in section 2422(b)—

6 (i) by striking “, imprisoned” and inserting  
7 “and imprisoned not less than 5 years and”;  
8 and

9 (ii) by striking “, or both”; and

10 (B) in section 2423(a)—

11 (i) by striking “, imprisoned” and inserting  
12 “and imprisoned not less than 5 years and”;  
13 and

14 (ii) by striking “, or both”.

15 **SEC. 104. STRONGER PENALTIES AGAINST KIDNAPPING.**

16 (a) SENTENCING GUIDELINES.—Notwithstanding  
17 any other provision of law regarding the amendment of  
18 Sentencing Guidelines, the United States Sentencing  
19 Commission is directed to amend the Sentencing Guide-  
20 lines, to take effect on the date that is 30 days after the  
21 date of the enactment of this Act—

22 (1) so that the base offense level for kidnapping  
23 in section 2A4.1(a) is increased from level 24 to  
24 level 32;

25 (2) so as to delete section 2A4.1(b)(4)(C); and



1           (3) so that the increase provided by section  
2           2A4.1(b)(5) is 6 levels instead of 3.

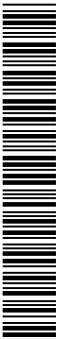
3           (b) **MINIMUM MANDATORY SENTENCE.**—Section  
4           1201(g) of title 18, United States Code, is amended by  
5           striking “shall be subject to paragraph (2)” in paragraph  
6           (1) and all that follows through paragraph (2) and insert-  
7           ing “shall include imprisonment for not less than 20  
8           years.”.

9           **SEC. 105. PENALTIES AGAINST SEX TOURISM.**

10          (a) **IN GENERAL.**—Section 2423 of title 18, United  
11          States Code, is amended by striking subsection (b) and  
12          inserting the following:

13          “(b) **TRAVEL WITH INTENT TO ENGAGE IN ILLICIT**  
14          **SEXUAL CONDUCT.**—A person who travels in interstate  
15          commerce or travels into the United States, or a United  
16          States citizen or an alien admitted for permanent resi-  
17          dence in the United States who travels in foreign com-  
18          merce, for the purpose of engaging in any illicit sexual  
19          conduct with another person shall be fined under this title  
20          or imprisoned not more than 30 years, or both.

21          “(c) **ENGAGING IN ILLICIT SEXUAL CONDUCT IN**  
22          **FOREIGN PLACES.**—Any United States citizen or alien ad-  
23          mitted for permanent residence who travels in foreign  
24          commerce, and engages in any illicit sexual conduct with



1 another person shall be fined under this title or imprisoned  
2 not more than 30 years, or both.

3 “(d) ANCILLARY OFFENSES.—Whoever, for the pur-  
4 pose of commercial advantage or private financial gain,  
5 arranges, induces, procures, or facilitates the travel of a  
6 person knowing that such a person is traveling in inter-  
7 state commerce or foreign commerce for the purpose of  
8 engaging in illicit sexual conduct shall be fined under this  
9 title, imprisoned not more than 30 years, or both.

10 “(e) ATTEMPT AND CONSPIRACY.—Whoever at-  
11 tempts or conspires to violate subsection (a), (b), (c), or  
12 (d) shall be punishable in the same manner as a completed  
13 violation of that subsection.

14 “(f) DEFINITION.—As used in this section, the term  
15 ‘illicit sexual conduct’ means (1) a sexual act (as defined  
16 in section 2246) with a person under 18 years of age that  
17 would be in violation of chapter 109A if the sexual act  
18 occurred in the special maritime and territorial jurisdic-  
19 tion of the United States; or (2) any commercial sex act  
20 (as defined in section 1591) with a person under 18 years  
21 of age.

22 “(g) DEFENSE.—In a prosecution under this section  
23 based on illicit sexual conduct as defined in subsection  
24 (f)(2), it is a defense, which the defendant must establish  
25 by a preponderance of the evidence, that the defendant



1 reasonably believed that the person with whom the defend-  
2 ant engaged in the commercial sex act had attained the  
3 age of 18 years.”.

4 (b) CONFORMING AMENDMENT.—Section 2423(a) of  
5 title 18, United States Code, is amended by striking “or  
6 attempts to do so,”.

7 **SEC. 106. TWO STRIKES YOU'RE OUT.**

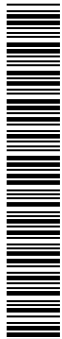
8 (a) IN GENERAL.—Section 3559 of title 18, United  
9 States Code, is amended by adding at the end the fol-  
10 lowing new subsection:

11 “(e) MANDATORY LIFE IMPRISONMENT FOR RE-  
12 PEATED SEX OFFENSES AGAINST CHILDREN.—

13 “(1) IN GENERAL.—A person who is convicted  
14 of a Federal sex offense in which a minor is the vic-  
15 tim shall be sentenced to life imprisonment if the  
16 person has a prior sex conviction in which a minor  
17 was the victim, unless the sentence of death is im-  
18 posed.

19 “(2) DEFINITIONS.—For the purposes of this  
20 subsection—

21 “(A) the term ‘Federal sex offense’ means  
22 an offense under section 2241 (relating to ag-  
23 gravated sexual abuse), 2242 (relating to sexual  
24 abuse), 2244(a)(1) (relating to abusive sexual  
25 contact), 2245 (relating to sexual abuse result-



1 ing in death), 2251 (relating to sexual exploi-  
2 tation of children), 2251A (relating to selling or  
3 buying of children), 2422(b) (relating to coer-  
4 cion and enticement of a minor into prostitu-  
5 tion), or 2423(a) (relating to transportation of  
6 minors);

7 “(B) the term ‘State sex offense’ means an  
8 offense under State law that is punishable by  
9 more than one year in prison and consists of  
10 conduct that would be a Federal sex offense if,  
11 to the extent or in the manner specified in the  
12 applicable provision of this title—

13 “(i) the offense involved interstate or  
14 foreign commerce, or the use of the mails;  
15 or

16 “(ii) the conduct occurred in any com-  
17 monwealth, territory, or possession of the  
18 United States, within the special maritime  
19 and territorial jurisdiction of the United  
20 States, in a Federal prison, on any land or  
21 building owned by, leased to, or otherwise  
22 used by or under the control of the Gov-  
23 ernment of the United States, or in the In-  
24 dian country (as defined in section 1151);



1           “(C) the term ‘prior sex conviction’ means  
 2           a conviction for which the sentence was imposed  
 3           before the conduct occurred constituting the  
 4           subsequent Federal sex offense, and which was  
 5           for a Federal sex offense or a State sex offense;

6           “(D) the term ‘minor’ means an individual  
 7           who has not attained the age of 17 years; and

8           “(E) the term ‘State’ has the meaning  
 9           given that term in subsection (c)(2).

10           “(3) NONQUALIFYING FELONIES.—An offense  
 11           described in section 2422(b) or 2423(a) shall not  
 12           serve as a basis for sentencing under this subsection  
 13           if the defendant establishes by clear and convincing  
 14           evidence that—

15           “(A) the sexual act or activity was consen-  
 16           sual and not for the purpose of commercial or  
 17           pecuniary gain;

18           “(B) the sexual act or activity would not  
 19           be punishable by more than one year in prison  
 20           under the law of the State in which it occurred;  
 21           or

22           “(C) no sexual act or activity occurred.”.

23           (b) CONFORMING AMENDMENT.—Sections 2247(a)  
 24           and 2426(a) of title 18, United States Code, are each



1 amended by inserting “, unless section 3559(e) applies”  
2 before the final period.

3 **SEC. 107. ATTEMPT LIABILITY FOR INTERNATIONAL PA-**  
4 **RENTAL KIDNAPPING.**

5 Section 1204 of title 18, United States Code, is  
6 amended—

7 (1) in subsection (a), by inserting “, or at-  
8 tempts to do so,” before “or retains”; and

9 (2) in subsection (c)—

10 (A) in paragraph (1), by inserting “or the  
11 Uniform Child Custody Jurisdiction and En-  
12 forcement Act” before “and was”; and

13 (B) in paragraph (2), by inserting “or”  
14 after the semicolon.

15 **SEC. 108. PILOT PROGRAM FOR NATIONAL CRIMINAL HIS-**  
16 **TORY BACKGROUND CHECKS AND FEASI-**  
17 **BILITY STUDY.**

18 (a) ESTABLISHMENT OF PILOT PROGRAM.—

19 (1) IN GENERAL.—Not later than 90 days after  
20 the date of the enactment of this Act, the Attorney  
21 General shall establish a pilot program for volunteer  
22 groups to obtain national and State criminal history  
23 background checks through a 10-fingerprint check to  
24 be conducted utilizing State criminal records and the



1 Integrated Automated Finger Print Identification  
2 system of the Federal Bureau of Investigation.

3 (2) STATE PILOT PROGRAM.—

4 (A) IN GENERAL.—The Attorney General  
5 shall designate 3 States as participants in an  
6 18-month State pilot program.

7 (B) VOLUNTEER ORGANIZATION RE-  
8 QUESTS.—A volunteer organization in one of  
9 the 3 States participating in the State pilot pro-  
10 gram under this paragraph that is part of the  
11 Boys and Girls Clubs of America, the National  
12 Mentoring Partnerships, or the National Coun-  
13 cil of Youth Sports may submit a request for a  
14 10-fingerprint check from the participating  
15 State. A volunteer organization in a partici-  
16 pating State may not submit background check  
17 requests under paragraph (3).

18 (C) STATE CHECK.—The participating  
19 State under this paragraph after receiving a re-  
20 quest under subparagraph (B) shall conduct a  
21 State background check and submit a request  
22 that a Federal check be performed through the  
23 Integrated Automated Fingerprint Identifica-  
24 tion System of the Federal Bureau of Investiga-



1           tion, to the Attorney General, in a manner to  
2           be determined by the Attorney General.

3           (D) INFORMATION PROVIDED.—Under pro-  
4           cedures established by the Attorney General,  
5           any criminal history record information result-  
6           ing from the State and Federal check under  
7           subparagraph (C) shall be provided to the State  
8           or National Center for Missing and Exploited  
9           Children consistent with the National Child  
10          Protection Act.

11          (E) COSTS.—A State may collect a fee to  
12          perform a criminal background check under this  
13          paragraph which may not exceed the actual  
14          costs to the State to perform such a check.

15          (F) TIMING.—For any background check  
16          performed under this paragraph, the State shall  
17          provide the State criminal record information to  
18          the Attorney General within 7 days after receiv-  
19          ing the request from the organization, unless  
20          the Attorney General determines during the  
21          feasibility study that such a check cannot rea-  
22          sonably be performed within that time period.  
23          The Attorney General shall provide the criminal  
24          history records information to the National  
25          Center for Missing and Exploited Children



1 within 7 business days after receiving the re-  
2 quest from the State.

3 (3) CHILD SAFETY PILOT PROGRAM.—

4 (A) IN GENERAL.—The Attorney General  
5 shall establish an 18-month Child Safety Pilot  
6 Program that shall provide for the processing of  
7 100,000 10-fingerprint check requests from or-  
8 ganizations described in subparagraph (B) con-  
9 ducted through the Integrated Automated Fin-  
10 gerprint Identification System of the Federal  
11 Bureau of Investigation.

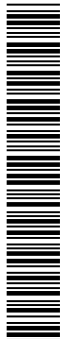
12 (B) ELIGIBLE ORGANIZATIONS.—An orga-  
13 nization described in this subparagraph is an  
14 organization in a State not designated under  
15 paragraph (2) that has received a request allot-  
16 ment pursuant to subparagraph (C).

17 (C) REQUEST ALLOTMENTS.—The fol-  
18 lowing organizations may allot requests as fol-  
19 lows:

20 (i) 33,334 for the Boys and Girls  
21 Clubs of America.

22 (ii) 33,333 for the National Mentoring  
23 Partnership.

24 (iii) 33,333 for the National Council  
25 of Youth Sports.



1 (D) PROCEDURES.—The Attorney General  
2 shall notify the organizations described in sub-  
3 paragraph (C) of a process by which the organi-  
4 zations may provide fingerprint cards to the At-  
5 torney General.

6 (E) VOLUNTEER INFORMATION RE-  
7 QUIRED.—An organization authorized to re-  
8 quest a background check under this paragraph  
9 shall—

10 (i) forward to the Attorney General  
11 the volunteer’s fingerprints; and

12 (ii) obtain a statement completed and  
13 signed by the volunteer that—

14 (I) sets out the provider or volun-  
15 teer’s name, address, date of birth ap-  
16 pearing on a valid identification docu-  
17 ment as defined in section 1028 of  
18 title 18, United States Code, and a  
19 photocopy of the valid identifying doc-  
20 ument;

21 (II) states whether the volunteer  
22 has a criminal record, and, if so, sets  
23 out the particulars of such record;

24 (III) notifies the volunteer that  
25 the Attorney General may perform a



1 criminal history background check  
 2 and that the volunteer's signature to  
 3 the statement constitutes an acknowl-  
 4 edgment that such a check may be  
 5 conducted;

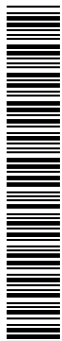
6 (IV) notifies the volunteer that  
 7 prior to and after the completion of  
 8 the background check, the organiza-  
 9 tion may choose to deny the provider  
 10 access to children; and

11 (V) notifies the volunteer of his  
 12 right to correct an erroneous record  
 13 held by the Attorney General.

14 (F) TIMING.—For any background checks  
 15 performed under this paragraph, the Attorney  
 16 General shall provide the criminal history  
 17 records information to the National Center for  
 18 Missing and Exploited Children within 14 busi-  
 19 ness days after receiving the request from the  
 20 organization.

21 (G) DETERMINATIONS OF FITNESS.—

22 (i) IN GENERAL.—Consistent with the  
 23 privacy protections delineated in the Na-  
 24 tional Child Protection Act (42 U.S.C.  
 25 5119), the National Center for Missing



1 and Exploited Children may make a deter-  
 2 mination whether the criminal history  
 3 record information received in response to  
 4 the criminal history background checks  
 5 conducted under this paragraph indicates  
 6 that the provider or volunteer has a crimi-  
 7 nal history record that renders the pro-  
 8 vider or volunteer unfit to provide care to  
 9 children based upon criteria established  
 10 jointly, the National Center for Missing  
 11 and Exploited Children, the Boys and Girls  
 12 Clubs of America, the National Mentoring  
 13 Partnership, and the National Council of  
 14 Youth Sports.

15 (ii) CHILD SAFETY PILOT PRO-  
 16 GRAM.—The National Center for Missing  
 17 and Exploited Children shall convey that  
 18 determination to the organizations making  
 19 requests under this paragraph.

20 (4) FEES COLLECTED BY ATTORNEY GENERAL.

21 The Attorney General may collect a fee which may  
 22 not exceed \$18 to cover the cost to the Federal Bu-  
 23 reau of Investigation to conduct the background  
 24 check under paragraph (2) or (3).



1 (b) RIGHTS OF VOLUNTEERS.—Each volunteer who  
2 is the subject of a criminal history background check  
3 under this section is entitled to contact the Attorney Gen-  
4 eral to initiate procedures to—

5 (1) obtain a copy of their criminal history  
6 record report; and

7 (2) challenge the accuracy and completeness of  
8 the criminal history record information in the report.

9 (c) AUTHORIZATION OF APPROPRIATIONS.—

10 (1) IN GENERAL.—There is authorized to be  
11 appropriated such sums as may be necessary to the  
12 National Center for Missing and Exploited Children  
13 for fiscal years 2004 and 2005 to carry out the re-  
14 quirements of this section.

15 (2) STATE PROGRAM.—There is authorized to  
16 be appropriated such sums as may be necessary to  
17 the Attorney General for the States designated in  
18 subsection (a)(1) for fiscal years 2004 and 2005 to  
19 establish and enhance finger print technology infra-  
20 structure of the participating State.

21 (d) FEASIBILITY STUDY FOR A SYSTEM OF BACK-  
22 GROUND CHECKS FOR EMPLOYEES AND VOLUNTEERS.—

23 (1) STUDY REQUIRED.—The Attorney General  
24 shall conduct a feasibility study within 180 days  
25 after the date of the enactment of this Act. The



1 study shall examine, to the extent discernible, the  
2 following:

3 (A) The current state of fingerprint cap-  
4 ture and processing at the State and local level,  
5 including the current available infrastructure,  
6 State system capacities, and the time for each  
7 State to process a civil or volunteer print from  
8 the time of capture to submission to the Fed-  
9 eral Bureau of Investigation (FBI).

10 (B) The intent of the States concerning  
11 participation in a nationwide system of criminal  
12 background checks to provide information to  
13 qualified entities.

14 (C) The number of volunteers, employees,  
15 and other individuals that would require a fin-  
16 gerprint-based criminal background check.

17 (D) The impact on the Integrated Auto-  
18 mated Fingerprint Identification System  
19 (IAFIS) of the Federal Bureau of Investigation  
20 in terms of capacity and impact on other users  
21 of the system, including the effect on Federal  
22 Bureau of Investigation work practices and  
23 staffing levels.

24 (E) The current fees charged by the Fed-  
25 eral Bureau of Investigation, States and local



1 agencies, and private companies to process fin-  
2 gerprints and conduct background checks.

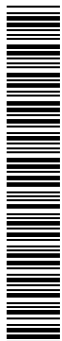
3 (F) The existence of “model” or best prac-  
4 tice programs which could easily be expanded  
5 and duplicated in other States.

6 (G) The extent to which private companies  
7 are currently performing background checks  
8 and the possibility of using private companies  
9 in the future to perform any of the background  
10 check process, including, but not limited to, the  
11 capture and transmission of fingerprints and  
12 fitness determinations.

13 (H) The cost of development and operation  
14 of the technology and the infrastructure nec-  
15 essary to establish a nationwide fingerprint-  
16 based and other criminal background check sys-  
17 tem.

18 (I) The extent of State participation in the  
19 procedures for background checks authorized in  
20 the National Child Protection Act (Public Law  
21 103–209), as amended by the Volunteers for  
22 Children Act (sections 221 and 222 of Public  
23 Law 105–251).

24 (J) The extent to which States currently  
25 provide access to nationwide criminal history



1 background checks to organizations that serve  
2 children.

3 (K) The extent to which States currently  
4 permit volunteers to appeal adverse fitness de-  
5 terminations, and whether similar procedures  
6 are required at the Federal level.

7 (L) The implementation of the 2 pilot pro-  
8 grams created in subsection (a).

9 (M) Any privacy concerns that may arise  
10 from nationwide criminal background checks.

11 (N) Any other information deemed relevant  
12 by the Department of Justice.

13 (2) INTERIM REPORT.—Based on the findings  
14 of the feasibility study under paragraph (1), the At-  
15 torney General shall, not later than 180 days after  
16 the date of the enactment of this Act, submit to  
17 Congress an interim report, which may include rec-  
18 ommendations for a pilot project to develop or im-  
19 prove programs to collect fingerprints and perform  
20 background checks on individuals that seek to volun-  
21 teer with organizations that work with children, the  
22 elderly, or the disabled.

23 (3) FINAL REPORT.—Based on the findings of  
24 the pilot project, the Attorney General shall, not  
25 later than 60 days after completion of the pilot



1 project under this section, submit to Congress a  
2 final report, including recommendations, which may  
3 include a proposal for grants to the States to de-  
4 velop or improve programs to collect fingerprints  
5 and perform background checks on individuals that  
6 seek to volunteer with organizations that work with  
7 children, the elderly, or the disabled, and which may  
8 include recommendations for amendments to the Na-  
9 tional Child Protection Act and the Volunteers for  
10 Children Act so that qualified entities can promptly  
11 and affordably conduct nationwide criminal history  
12 background checks on their employees and volun-  
13 teers.

14 **TITLE II—INVESTIGATIONS AND**  
15 **PROSECUTIONS**

16 **SEC. 201. INTERCEPTIONS OF COMMUNICATIONS IN INVES-**  
17 **TIGATIONS OF SEX OFFENSES.**

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

20 (1) in paragraph (a), by inserting after “chap-  
21 ter 37 (relating to espionage),” the following: “chap-  
22 ter 55 (relating to kidnapping),”; and

23 (2) in paragraph (c)—

24 (A) by inserting “section 1591 (sex traf-  
25 ficking of children by force, fraud, or coer-



1           cion),” after “section 1511 (obstruction of  
2           State or local law enforcement),”; and

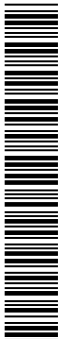
3                   (B) by inserting “section 2251A (selling or  
4           buying of children), section 2252A (relating to  
5           material constituting or containing child por-  
6           nography), section 1466A (relating to child ob-  
7           scenity), section 2260 (production of sexually  
8           explicit depictions of a minor for importation  
9           into the United States), sections 2421, 2422,  
10          2423, and 2425 (relating to transportation for  
11          illegal sexual activity and related crimes),” after  
12          “sections 2251 and 2252 (sexual exploitation of  
13          children),”.

14   **SEC. 202. NO STATUTE OF LIMITATIONS FOR CHILD ABDUC-**  
15                   **TION AND SEX CRIMES.**

16          Section 3283 of title 18, United States Code, is  
17   amended to read as follows:

18   **“§ 3283. Offenses against children**

19          “No statute of limitations that would otherwise pre-  
20   clude prosecution for an offense involving the sexual or  
21   physical abuse, or kidnaping, of a child under the age of  
22   18 years shall preclude such prosecution during the life  
23   of the child.”.



1 **SEC. 203. NO PRETRIAL RELEASE FOR THOSE WHO RAPE**  
2 **OR KIDNAP CHILDREN.**

3 Section 3142(e) of title 18, United States Code, is  
4 amended—

5 (1) by striking “1901 et seq., or” and insert-  
6 ing “1901 et seq.”; and

7 (2) by striking “of title 18 of the United States  
8 Code” and inserting “of this title, or an offense in-  
9 volving a minor victim under section 1201, 1591,  
10 2241, 2242, 2244(a)(1), 2245, 2251, 2251A,  
11 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1),  
12 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2260,  
13 2421, 2422, 2423, or 2425 of this title”.

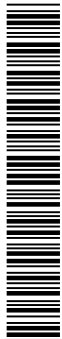
14 **SEC. 204. SUZANNE’S LAW.**

15 Section 3701(a) of the Crime Control Act of 1990  
16 (42 U.S.C. 5779(a)) is amended by striking “age of 18”  
17 and inserting “age of 21”.

18 **TITLE III—PUBLIC OUTREACH**  
19 **Subtitle A—AMBER Alert**

20 **SEC. 301. NATIONAL COORDINATION OF AMBER ALERT**  
21 **COMMUNICATIONS NETWORK.**

22 (a) COORDINATION WITHIN DEPARTMENT OF JUSTICE.—The Attorney General shall assign an officer of the  
23 Department of Justice to act as the national coordinator  
24 of the AMBER Alert communications network regarding  
25 abducted children. The officer so designated shall be  
26



1 known as the AMBER Alert Coordinator of the Depart-  
2 ment of Justice.

3 (b) DUTIES.—In acting as the national coordinator  
4 of the AMBER Alert communications network, the Coor-  
5 dinator shall—

6 (1) seek to eliminate gaps in the network, in-  
7 cluding gaps in areas of interstate travel;

8 (2) work with States to encourage the develop-  
9 ment of additional elements (known as local  
10 AMBER plans) in the network;

11 (3) work with States to ensure appropriate re-  
12 gional coordination of various elements of the net-  
13 work; and

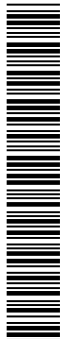
14 (4) act as the nationwide point of contact for—

15 (A) the development of the network; and

16 (B) regional coordination of alerts on ab-  
17 ducted children through the network.

18 (c) CONSULTATION WITH FEDERAL BUREAU OF IN-  
19 VESTIGATION.—In carrying out duties under subsection  
20 (b), the Coordinator shall notify and consult with the Di-  
21 rector of the Federal Bureau of Investigation concerning  
22 each child abduction for which an alert is issued through  
23 the AMBER Alert communications network.

24 (d) COOPERATION.—The Coordinator shall cooperate  
25 with the Secretary of Transportation and the Federal



1 Communications Commission in carrying out activities  
2 under this section.

3 (e) REPORT.—Not later than March 1, 2005, the Co-  
4 ordinator shall submit to Congress a report on the activi-  
5 ties of the Coordinator and the effectiveness and status  
6 of the AMBER plans of each State that has implemented  
7 such a plan. The Coordinator shall prepare the report in  
8 consultation with the Secretary of Transportation.

9 **SEC. 302. MINIMUM STANDARDS FOR ISSUANCE AND DIS-**  
10 **SEMINATION OF ALERTS THROUGH AMBER**  
11 **ALERT COMMUNICATIONS NETWORK.**

12 (a) ESTABLISHMENT OF MINIMUM STANDARDS.—  
13 Subject to subsection (b), the AMBER Alert Coordinator  
14 of the Department of Justice shall establish minimum  
15 standards for—

16 (1) the issuance of alerts through the AMBER  
17 Alert communications network; and

18 (2) the extent of the dissemination of alerts  
19 issued through the network.

20 (b) LIMITATIONS.—(1) The minimum standards es-  
21 tablished under subsection (a) shall be adoptable on a vol-  
22 untary basis only.

23 (2) The minimum standards shall, to the maximum  
24 extent practicable (as determined by the Coordinator in  
25 consultation with State and local law enforcement agen-



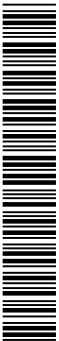
1 cies), provide that appropriate information relating to the  
2 special needs of an abducted child (including health care  
3 needs) are disseminated to the appropriate law enforce-  
4 ment, public health, and other public officials.

5 (3) The minimum standards shall, to the maximum  
6 extent practicable (as determined by the Coordinator in  
7 consultation with State and local law enforcement agen-  
8 cies), provide that the dissemination of an alert through  
9 the AMBER Alert communications network be limited to  
10 the geographic areas most likely to facilitate the recovery  
11 of the abducted child concerned.

12 (4) In carrying out activities under subsection (a),  
13 the Coordinator may not interfere with the current system  
14 of voluntary coordination between local broadcasters and  
15 State and local law enforcement agencies for purposes of  
16 the AMBER Alert communications network.

17 (c) COOPERATION.—(1) The Coordinator shall co-  
18 operate with the Secretary of Transportation and the Fed-  
19 eral Communications Commission in carrying out activi-  
20 ties under this section.

21 (2) The Coordinator shall also cooperate with local  
22 broadcasters and State and local law enforcement agencies  
23 in establishing minimum standards under this section.



1 **SEC. 303. GRANT PROGRAM FOR NOTIFICATION AND COM-**  
2 **MUNICATIONS SYSTEMS ALONG HIGHWAYS**  
3 **FOR RECOVERY OF ABDUCTED CHILDREN.**

4 (a) PROGRAM REQUIRED.—The Secretary of Trans-  
5 portation shall carry out a program to provide grants to  
6 States for the development or enhancement of notification  
7 or communications systems along highways for alerts and  
8 other information for the recovery of abducted children.

9 (b) DEVELOPMENT GRANTS.—

10 (1) IN GENERAL.—The Secretary may make a  
11 grant to a State under this subsection for the devel-  
12 opment of a State program for the use of changeable  
13 message signs or other motorist information systems  
14 to notify motorists about abductions of children. The  
15 State program shall provide for the planning, coordi-  
16 nation, and design of systems, protocols, and mes-  
17 sages that support the coordination and commu-  
18 nication necessary to notify motorists about abduc-  
19 tions of children.

20 (2) ELIGIBLE ACTIVITIES.—A grant under this  
21 subsection may be used by a State for the following  
22 purposes:

23 (A) To develop general policies and proce-  
24 dures to guide the use of changeable message  
25 signs or other motorist information systems to  
26 notify motorists about abductions of children.



1 (B) To develop guidance or policies on the  
2 content and format of alert messages to be con-  
3 veyed on changeable message signs or other  
4 traveler information systems.

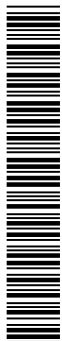
5 (C) To coordinate State, regional, and  
6 local plans for the use of changeable message  
7 signs or other transportation related issues.

8 (D) To plan secure and reliable commu-  
9 nications systems and protocols among public  
10 safety and transportation agencies or modify  
11 existing communications systems to support the  
12 notification of motorists about abductions of  
13 children.

14 (E) To plan and design improved systems  
15 for communicating with motorists, including the  
16 capability for issuing wide area alerts to motor-  
17 ists.

18 (F) To plan systems and protocols to fa-  
19 cilitate the efficient issuance of child abduction  
20 notification and other key information to motor-  
21 ists during off-hours.

22 (G) To provide training and guidance to  
23 transportation authorities to facilitate appro-  
24 priate use of changeable message signs and  
25 other traveler information systems for the noti-



1           fication of motorists about abductions of chil-  
2           dren.

3           (c) IMPLEMENTATION GRANTS.—

4           (1) IN GENERAL.—The Secretary may make a  
5           grant to a State under this subsection for the imple-  
6           mentation of a program for the use of changeable  
7           message signs or other motorist information systems  
8           to notify motorists about abductions of children. A  
9           State shall be eligible for a grant under this sub-  
10          section if the Secretary determines that the State  
11          has developed a State program in accordance with  
12          subsection (b).

13          (2) ELIGIBLE ACTIVITIES.—A grant under this  
14          subsection may be used by a State to support the  
15          implementation of systems that use changeable mes-  
16          sage signs or other motorist information systems to  
17          notify motorists about abductions of children. Such  
18          support may include the purchase and installation of  
19          changeable message signs or other motorist informa-  
20          tion systems to notify motorists about abductions of  
21          children.

22          (d) FEDERAL SHARE.—The Federal share of the cost  
23          of any activities funded by a grant under this section may  
24          not exceed 80 percent.



1 (e) DISTRIBUTION OF GRANT AMOUNTS.—The Sec-  
2 retary shall, to the maximum extent practicable, distribute  
3 grants under this section equally among the States that  
4 apply for a grant under this section within the time period  
5 prescribed by the Secretary.

6 (f) ADMINISTRATION.—The Secretary shall prescribe  
7 requirements, including application requirements, for the  
8 receipt of grants under this section.

9 (g) DEFINITION.—In this section, the term “State”  
10 means any of the 50 States, the District of Columbia, or  
11 Puerto Rico.

12 (h) AUTHORIZATION OF APPROPRIATIONS.—There is  
13 authorized to be appropriated to the Secretary to carry  
14 out this section \$20,000,000 for fiscal year 2004. Such  
15 amounts shall remain available until expended.

16 (i) STUDY OF STATE PROGRAMS.—

17 (1) STUDY.—The Secretary shall conduct a  
18 study to examine State barriers to the adoption and  
19 implementation of State programs for the use of  
20 communications systems along highways for alerts  
21 and other information for the recovery of abducted  
22 children.

23 (2) REPORT.—Not later than 1 year after the  
24 date of enactment of this Act, the Secretary shall  
25 transmit to Congress a report on the results of the



1 study, together with any recommendations the Sec-  
2 retary determines appropriate.

3 **SEC. 304. GRANT PROGRAM FOR SUPPORT OF AMBER**  
4 **ALERT COMMUNICATIONS PLANS.**

5 (a) PROGRAM REQUIRED.—The Attorney General  
6 shall carry out a program to provide grants to States for  
7 the development or enhancement of programs and activi-  
8 ties for the support of AMBER Alert communications  
9 plans.

10 (b) ACTIVITIES.—Activities funded by grants under  
11 the program under subsection (a) may include—

12 (1) the development and implementation of edu-  
13 cation and training programs, and associated mate-  
14 rials, relating to AMBER Alert communications  
15 plans;

16 (2) the development and implementation of law  
17 enforcement programs, and associated equipment,  
18 relating to AMBER Alert communications plans;

19 (3) the development and implementation of new  
20 technologies to improve AMBER Alert communica-  
21 tions; and

22 (4) such other activities as the Attorney Gen-  
23 eral considers appropriate for supporting the  
24 AMBER Alert communications program.



1 (c) FEDERAL SHARE.—The Federal share of the cost  
2 of any activities funded by a grant under the program  
3 under subsection (a) may not exceed 50 percent.

4 (d) DISTRIBUTION OF GRANT AMOUNTS ON GEO-  
5 GRAPHIC BASIS.—The Attorney General shall, to the max-  
6 imum extent practicable, ensure the distribution of grants  
7 under the program under subsection (a) on an equitable  
8 basis throughout the various regions of the United States.

9 (e) ADMINISTRATION.—The Attorney General shall  
10 prescribe requirements, including application require-  
11 ments, for grants under the program under subsection (a).

12 (f) AUTHORIZATION OF APPROPRIATIONS.—(1)  
13 There is authorized to be appropriated for the Department  
14 of Justice \$5,000,000 for fiscal year 2004 to carry out  
15 this section and, in addition, \$5,000,000 for fiscal year  
16 2004 to carry out subsection (b)(3).

17 (2) Amounts appropriated pursuant to the authoriza-  
18 tion of appropriations in paragraph (1) shall remain avail-  
19 able until expended.

20 **SEC. 305. LIMITATION ON LIABILITY.**

21 (a) Except as provided in subsection (b), the National  
22 Center for Missing and Exploited Children, including any  
23 of its officers, employees, or agents, shall not be liable for  
24 damages in any civil action for defamation, libel, slander,  
25 or harm to reputation arising out of any action or commu-



1 nication by the National Center for Missing and Exploited  
2 Children, its officers, employees, or agents, in connection  
3 with any clearinghouse, hotline or complaint intake or for-  
4 warding program or in connection with activity that is  
5 wholly or partially funded by the United States and under-  
6 taken in cooperation with, or at the direction of a Federal  
7 law enforcement agency.

8 (b) The limitation in subsection (a) does not apply  
9 in any action in which the plaintiff proves that the Na-  
10 tional Center for Missing and Exploited Children, its offi-  
11 cers, employees, or agents acted with actual malice, or pro-  
12 vided information or took action for a purpose unrelated  
13 to an activity mandated by Federal law. For purposes of  
14 this subsection, the prevention, or detection of crime, and  
15 the safety, recovery, or protection of missing or exploited  
16 children shall be deemed, per se, to be an activity man-  
17 dated by Federal law.

18 **Subtitle B—National Center for**  
19 **Missing and Exploited Children**

20 **SEC. 321. INCREASED SUPPORT.**

21 (a) IN GENERAL.—Section 408(a) of the Missing  
22 Children’s Assistance Act (42 U.S.C. 5777(a)) is amended  
23 by striking “fiscal years 2000 through 2003” and insert-  
24 ing “fiscal years 2004 through 2005.”



1 (b) ANNUAL GRANT TO NATIONAL CENTER FOR  
2 MISSING AND EXPLOITED CHILDREN.—Section 404(b)(2)  
3 of the Missing Children’s Assistance Act (42 U.S.C.  
4 5773(b)(2)) is amended by striking “\$10,000,000 for each  
5 of fiscal years 2000, 2001, 2002, and 2003” and inserting  
6 “\$20,000,000 for each of the fiscal years 2004 through  
7 2005”.

8 **SEC. 322. FORENSIC AND INVESTIGATIVE SUPPORT OF**  
9 **MISSING AND EXPLOITED CHILDREN.**

10 Section 3056 of title 18, United States Code, is  
11 amended by adding at the end the following:

12 “(f) Under the direction of the Secretary of Home-  
13 land Security, officers and agents of the Secret Service  
14 are authorized, at the request of any State or local law  
15 enforcement agency, or at the request of the National Cen-  
16 ter for Missing and Exploited Children, to provide forensic  
17 and investigative assistance in support of any investigation  
18 involving missing or exploited children.”.

19 **SEC. 323. CREATION OF CYBER TIPLINE.**

20 Section 404(b)(1) of the Missing Children’s Assist-  
21 ance Act (42 U.S.C. 5773(b)(1)) is amended—

22 (1) in subparagraph (F), by striking “and” at  
23 the end;

24 (2) in subparagraph (G), by striking the period  
25 at the end and inserting “; and”; and



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

2 “(H) coordinate the operation of a cyber  
3 tipline to provide online users an effective  
4 means of reporting Internet-related child sexual  
5 exploitation in the areas of—

6 “(i) distribution of child pornography;

7 “(ii) online enticement of children for  
8 sexual acts; and

9 “(iii) child prostitution.”.

10 **Subtitle C—Sex Offender**  
11 **Apprehension Program**

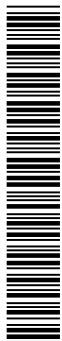
12 **SEC. 341. AUTHORIZATION.**

13 Section 1701(d) of part Q of title I of the Omnibus  
14 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
15 3796dd(d)) is amended—

16 (1) by redesignating paragraphs (10) and (11)  
17 as (11) and (12), respectively; and

18 (2) by inserting after paragraph (9) the fol-  
19 lowing:

20 “(10) assist a State in enforcing a law through-  
21 out the State which requires that a convicted sex of-  
22 fender register his or her address with a State or  
23 local law enforcement agency and be subject to  
24 criminal prosecution for failure to comply;”.



1           **Subtitle D—Missing Children**  
 2           **Procedures in Public Buildings**

3   **SEC. 361. SHORT TITLE.**

4           This subtitle may be cited as the “Code Adam Act  
 5 of 2003”.

6   **SEC. 362. DEFINITIONS.**

7           In this subtitle, the following definitions apply:

8                   (1) CHILD.—The term “child” means an indi-  
 9 vidual who is 17 years of age or younger.

10                   (2) CODE ADAM ALERT.—The term “Code  
 11 Adam alert” means a set of procedures used in pub-  
 12 lic buildings to alert employees and other users of  
 13 the building that a child is missing.

14                   (3) DESIGNATED AUTHORITY.—The term “des-  
 15 ignated authority” means—

16                           (A) with respect to a public building owned  
 17 or leased for use by an Executive agency—

18                                   (i) except as otherwise provided in  
 19 this paragraph, the Administrator of Gen-  
 20 eral Services;

21                                   (ii) in the case of the John F. Ken-  
 22 nedy Center for the Performing Arts, the  
 23 Board of Trustees of the John F. Kennedy  
 24 Center for the Performing Arts;



1 (iii) in the case of buildings under the  
2 jurisdiction, custody, and control of the  
3 Smithsonian Institution, the Board of Re-  
4 gents of the Smithsonian Institution; or

5 (iv) in the case of another public  
6 building for which an Executive agency  
7 has, by specific or general statutory au-  
8 thority, jurisdiction, custody, and control  
9 over the building, the head of that agency;

10 (B) with respect to the Supreme Court  
11 Building, the Marshal of the Supreme Court;  
12 with respect to the Thurgood Marshall Federal  
13 Judiciary Building, the Director of the Admin-  
14 istrative Office of United States Courts; and  
15 with respect to all other public buildings owned  
16 or leased for use by an establishment in the ju-  
17 dicial branch of government, the General Serv-  
18 ices Administration in consultation with the  
19 United States Marshals Service; and

20 (C) with respect to a public building owned  
21 or leased for use by an establishment in the leg-  
22 islative branch of government, the Capitol Po-  
23 lice Board.



1           (4) EXECUTIVE AGENCY.—The term “Executive  
2           agency” has the same meaning such term has under  
3           section 105 of title 5, United States Code.

4           (5) FEDERAL AGENCY.—The term “Federal  
5           agency” means any Executive agency or any estab-  
6           lishment in the legislative or judicial branches of the  
7           Government.

8           (6) PUBLIC BUILDING.—The term “public  
9           building” means any building (or portion thereof)  
10          owned or leased for use by a Federal agency.

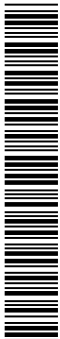
11 **SEC. 363. PROCEDURES IN PUBLIC BUILDINGS REGARDING**  
12 **A MISSING OR LOST CHILD.**

13          (a) IN GENERAL.—Not later than 180 days after the  
14          date of enactment of this Act, the designated authority  
15          for a public building shall establish procedures for locating  
16          a child that is missing in the building.

17          (b) NOTIFICATION AND SEARCH PROCEDURES.—  
18          Procedures established under this section shall provide, at  
19          a minimum, for the following:

20               (1) Notifying security personnel that a child is  
21               missing.

22               (2) Obtaining a detailed description of the  
23               child, including name, age, eye and hair color,  
24               height, weight, clothing, and shoes.



1 (3) Issuing a Code Adam alert and providing a  
2 description of the child, using a fast and effective  
3 means of communication.

4 (4) Establishing a central point of contact.

5 (5) Monitoring all points of egress from the  
6 building while a Code Adam alert is in effect.

7 (6) Conducting a thorough search of the build-  
8 ing.

9 (7) Contacting local law enforcement.

10 (8) Documenting the incident.

11 **Subtitle E—Child Advocacy Center**  
12 **Grants**

13 **SEC. 381. INFORMATION AND DOCUMENTATION REQUIRED**  
14 **BY ATTORNEY GENERAL UNDER VICTIMS OF**  
15 **CHILD ABUSE ACT OF 1990.**

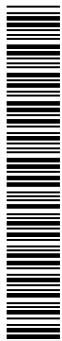
16 (a) REGIONAL CHILDREN’S ADVOCACY CENTERS.—  
17 Section 213 of the Victims of Child Abuse Act of 1990  
18 (42 U.S.C. 13001b) is amended—

19 (1) in subsection (c)(4)—

20 (A) by striking “and” at the end of sub-  
21 paragraph (B)(ii);

22 (B) in subparagraph (B)(iii), by striking  
23 “Board” and inserting “board”; and

24 (C) by redesignating subparagraphs (C)  
25 and (D) as clauses (iv) and (v), respectively, of



1           subparagraph (B), and by realigning such  
2           clauses so as to have the same indentation as  
3           the preceding clauses of subparagraph (B); and  
4           (2) in subsection (e), by striking “Board” in  
5           each of paragraphs (1)(B)(ii), (2)(A), and (3), and  
6           inserting “board”.

7           (b) AUTHORIZATION OF APPROPRIATIONS.—The text  
8           of section 214B of such Act (42 U.S.C. 13004) is amend-  
9           ed to read as follows:

10          “(a) SECTIONS 213 AND 214.—There are authorized  
11          to be appropriated to carry out sections 213 and 214,  
12          \$15,000,000 for each of fiscal years 2004 and 2005.

13          “(b) SECTION 214A.—There are authorized to be ap-  
14          propriated to carry out section 214A, \$5,000,000 for each  
15          of fiscal years 2004 and 2005.”.

## 16   **TITLE IV—SENTENCING REFORM**

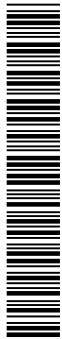
### 17   **SEC. 401. SENTENCING REFORM.**

18          (a) ENFORCEMENT OF SENTENCING GUIDELINES  
19          FOR CHILD ABDUCTION AND SEX OFFENSES.—Section  
20          3553(b) of title 18, United States Code is amended—

21                 (1) by striking “The court” and inserting the  
22                 following:

23                         “(1) IN GENERAL.—Except as provided in para-  
24                         graph (2), the court”; and

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



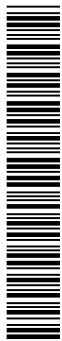
1 “(2) CHILD ABDUCTION AND SEX OFFENSES.—

2 “(A) SENTENCING.—In sentencing a de-  
3 fendant convicted of an offense under section  
4 1201 involving a minor victim, an offense under  
5 section 1591, or an offense under chapter 71,  
6 109A, 110, or 117, the court shall impose a  
7 sentence of the kind, and within the range, re-  
8 ferred to in subsection (a)(4) unless—

9 “(i) the court finds that there exists  
10 an aggravating circumstance of a kind, or  
11 to a degree, not adequately taken into con-  
12 sideration by the Sentencing Commission  
13 in formulating the guidelines that should  
14 result in a sentence greater than that de-  
15 scribed;

16 “(ii) the court finds that there exists  
17 a mitigating circumstance of a kind or to  
18 a degree, that—

19 “(I) has been affirmatively and  
20 specifically identified as a permissible  
21 ground of downward departure in the  
22 sentencing guidelines or policy state-  
23 ments issued under section 994(a) of  
24 title 28, taking account of any amend-



1                   ments to such sentencing guidelines or  
2                   policy statements by Congress;

3                   “(II) has not been taken into  
4                   consideration by the Sentencing Com-  
5                   mission in formulating the guidelines;  
6                   and

7                   “(III) should result in a sentence  
8                   different from that described; or

9                   “(iii) the court finds, on motion of the  
10                  Government, that the defendant has pro-  
11                  vided substantial assistance in the inves-  
12                  tigation or prosecution of another person  
13                  who has committed an offense and that  
14                  this assistance established a mitigating cir-  
15                  cumstance of a kind, or to a degree, not  
16                  adequately taken into consideration by the  
17                  Sentencing Commission in formulating the  
18                  guidelines that should result in a sentence  
19                  lower than that described.

20 In determining whether a circumstance was adequately  
21 taken into consideration, the court shall consider only the  
22 sentencing guidelines, policy statements, and official com-  
23 mentary of the Sentencing Commission, together with any  
24 amendments thereto by act of Congress. In the absence  
25 of an applicable sentencing guideline, the court shall im-



1 pose an appropriate sentence, having due regard for the  
2 purposes set forth in subsection (a)(2). In the absence of  
3 an applicable sentencing guideline in the case of an offense  
4 other than a petty offense, the court shall also have due  
5 regard for the relationship of the sentence imposed to sen-  
6 tences prescribed by guidelines applicable to similar of-  
7 fenses and offenders, and to the applicable policy state-  
8 ments of the Sentencing Commission, together with any  
9 amendments to such guidelines or policy statements by act  
10 of Congress.”.

11 (b) CONFORMING AMENDMENTS TO GUIDELINES  
12 MANUAL.—The Federal Sentencing Guidelines are  
13 amended—

14 (1) in section 5K2.0—

15 (A) by striking “Under” and inserting the  
16 following:

17 “(a) DOWNWARD DEPARTURES IN CRIMINAL CASES  
18 OTHER THAN CHILD CRIMES AND SEXUAL OFFENSES.—  
19 Under”; and

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

21 “(b) DOWNWARD DEPARTURES IN CHILD CRIMES  
22 AND SEXUAL OFFENSES.—

23 “Under 18 U.S.C. § 3553(b)(2), the sentencing court may  
24 impose a sentence below the range established by the ap-



1 plicable guidelines only if the court finds that there exists  
2 a mitigating circumstance of a kind, or to a degree, that—

3 “(1) has been affirmatively and specifically identified  
4 as a permissible ground of downward departure in  
5 the sentencing guidelines or policy statements issued  
6 under section 994(a) of title 28, United States Code,  
7 taking account of any amendments to such sen-  
8 tencing guidelines or policy statements by act of  
9 Congress;

10 “(2) has not adequately been taken into consider-  
11 ation by the Sentencing Commission in formulating  
12 the guidelines; and

13 “(3) should result in a sentence different from that  
14 described.

15 The grounds enumerated in this Part K of chapter 5 are  
16 the sole grounds that have been affirmatively and specifi-  
17 cally identified as a permissible ground of downward de-  
18 parture in these sentencing guidelines and policy state-  
19 ments. Thus, notwithstanding any other reference to au-  
20 thority to depart downward elsewhere in this Sentencing  
21 Manual, a ground of downward departure has not been  
22 affirmatively and specifically identified as a permissible  
23 ground of downward departure within the meaning of sec-  
24 tion 3553(b)(2) unless it is expressly enumerated in this



1 Part K as a ground upon which a downward departure  
2 may be granted.”.

3 (2) At the end of part K of chapter 5, add the  
4 following:

5 **“§ 5K2.22 Specific Offender Characteristics as**  
6 **Grounds for Downward Departure (Pol-**  
7 **icy Statement)**

8 “Age may be a reason to impose a sentence below the ap-  
9 plicable guideline range only if and to the extent permitted  
10 by § 5H1.1.

11 “An extraordinary physical impairment may be a reason  
12 to impose a sentence below the applicable guideline range  
13 only if and to the extent permitted by § 5H1.4. Drug, alco-  
14 hol, or gambling dependence or abuse is not a reason for  
15 imposing a sentence below the guidelines.

16 (3) Section 5K2.20 is deleted.

17 (4) Section 5H1.6 and section 5H1.11 are each  
18 amended by striking “ordinarily” every place it ap-  
19 pears.

20 (5) Section 5K2.13 is amended by—

21 (A) striking “or” before “(3)”; and

22 (B) replacing “public” with “public; or (4)  
23 the defendant has been convicted of an offense  
24 under chapter 71, 109A, 110, or 117 of title  
25 18, United States Code.”.



1 (c) STATEMENT OF REASONS FOR IMPOSING A SEN-  
2 TENCE.—Section 3553(c) of title 18, United States Code,  
3 is amended—

4 (1) by striking “described.” and inserting “de-  
5 scribed, which reasons must also be stated with  
6 specificity in the written order of judgment and com-  
7 mitment, except to the extent that the court relies  
8 upon statements received in camera in accordance  
9 with Federal Rule of Criminal Procedure 32. In the  
10 event that the court relies upon statements received  
11 in camera in accordance with Federal Rule of Crimi-  
12 nal Procedure 32 the court shall state that such  
13 statements were so received and that it relied upon  
14 the content of such statements.”;

15 (2) by inserting “, together with the order of  
16 judgment and commitment,” after “the court’s  
17 statement of reasons”; and

18 (3) by inserting “and to the Sentencing Com-  
19 mission,” after “to the Probation System”.

20 (d) REVIEW OF A SENTENCE.—

21 (1) REVIEW OF DEPARTURES.—Section  
22 3742(e)(3) of title 18, United States Code, is  
23 amended to read as follows:

24 “(3) is outside the applicable guideline range,  
25 and



1           “(A) the district court failed to provide the  
2 written statement of reasons required by section  
3 3553(c);

4           “(B) the sentence departs from the appli-  
5 cable guideline range based on a factor that—

6                 “(i) does not advance the objectives  
7 set forth in section 3553(a)(2); or

8                 “(ii) is not authorized under section  
9 3553(b); or

10                “(iii) is not justified by the facts of  
11 the case; or

12           “(C) the sentence departs to an unreason-  
13 able degree from the applicable guidelines  
14 range, having regard for the factors to be con-  
15 sidered in imposing a sentence, as set forth in  
16 section 3553(a) of this title and the reasons for  
17 the imposition of the particular sentence, as  
18 stated by the district court pursuant to the pro-  
19 visions of section 3553(c); or”.

20           (2) STANDARD OF REVIEW.—The last para-  
21 graph of section 3742(e) of title 18, United States  
22 Code, is amended by striking “shall give due def-  
23 erence to the district court’s application of the  
24 guidelines to the facts” and inserting “, except with  
25 respect to determinations under subsection (3)(A) or



1 (3)(B), shall give due deference to the district  
2 court's application of the guidelines to the facts.  
3 With respect to determinations under subsection  
4 (3)(A) or (3)(B), the court of appeals shall review  
5 de novo the district court's application of the guide-  
6 lines to the facts".

7 (3) DECISION AND DISPOSITION.—

8 (A) The first paragraph of section 3742(f)  
9 of title 18, United States Code, is amended by  
10 striking "the sentence";

11 (B) Section 3742(f)(1) of title 18, United  
12 States Code, is amended by inserting "the sen-  
13 tence" before "was imposed";

14 (C) Section 3742(f)(2) of title 18, United  
15 States Code, is amended to read as follows:

16 "(2) the sentence is outside the applicable  
17 guideline range and the district court failed to pro-  
18 vide the required statement of reasons in the order  
19 of judgment and commitment, or the departure is  
20 based on an impermissible factor, or is to an unrea-  
21 sonable degree, or the sentence was imposed for an  
22 offense for which there is no applicable sentencing  
23 guideline and is plainly unreasonable, it shall state  
24 specific reasons for its conclusions and—



1           “(A) if it determines that the sentence is  
2           too high and the appeal has been filed under  
3           subsection (a), it shall set aside the sentence  
4           and remand the case for further sentencing pro-  
5           ceedings with such instructions as the court  
6           considers appropriate, subject to subsection (g);

7           “(B) if it determines that the sentence is  
8           too low and the appeal has been filed under  
9           subsection (b), it shall set aside the sentence  
10          and remand the case for further sentencing pro-  
11          ceedings with such instructions as the court  
12          considers appropriate, subject to subsection  
13          (g);”; and

14                 (D) Section 3742(f)(3) of title 18, United  
15          States Code, is amended by inserting “the sen-  
16          tence” before “is not described”.

17          (e) IMPOSITION OF SENTENCE UPON REMAND.—  
18          Section 3742 of title 18, United States Code, is amended  
19          by redesignating subsections (g) and (h) as subsections (h)  
20          and (i) and by inserting the following after subsection (f):

21                 “(g) SENTENCING UPON REMAND.—A district court  
22          to which a case is remanded pursuant to subsection (f)(1)  
23          or (f)(2) shall resentence a defendant in accordance with  
24          section 3553 and with such instructions as may have been  
25          given by the court of appeals, except that—



1           “(1) In determining the range referred to in  
2           subsection 3553(a)(4), the court shall apply the  
3           guidelines issued by the Sentencing Commission pur-  
4           suant to section 994(a)(1) of title 28, United States  
5           Code, and that were in effect on the date of the pre-  
6           vious sentencing of the defendant prior to the ap-  
7           peal, together with any amendments thereto by any  
8           act of Congress that was in effect on such date; and

9           “(2) The court shall not impose a sentence out-  
10          side the applicable guidelines range except upon a  
11          ground that—

12                 “(A) was specifically and affirmatively in-  
13                 cluded in the written statement of reasons re-  
14                 quired by section 3553(c) in connection with  
15                 the previous sentencing of the defendant prior  
16                 to the appeal; and

17                 “(B) was held by the court of appeals, in  
18                 remanding the case, to be a permissible ground  
19                 of departure.”.

20          (f) DEFINITIONS.—Section 3742 of title 18, United  
21          States Code, as amended by subsection (e), is further  
22          amended by adding at the end the following:

23                 “(j) DEFINITIONS.—For purposes of this section—

24                         “(1) a factor is a ‘permissible’ ground of depar-  
25                         ture if it—



1           “(A) advances the objectives set forth in  
2           section 3553(a)(2); and

3           “(B) is authorized under section 3553(b);  
4           and

5           “(C) is justified by the facts of the case;  
6           and

7           “(2) a factor is an ‘impermissible’ ground of de-  
8           parture if it is not a permissible factor within the  
9           meaning of subsection (j)(1).”.

10          (g) REFORM OF GUIDELINES GOVERNING ACCEPT-  
11          ANCE OF RESPONSIBILITY.—Subject to subsection (j), the  
12          Guidelines Manual promulgated by the Sentencing Com-  
13          mission pursuant to section 994(a) of title 28, United  
14          States Code, is amended—

15                 (1) in section 3E1.1(b)—

16                         (A) by inserting “upon motion of the gov-  
17                         ernment stating that” immediately before “the  
18                         defendant has assisted authorities”; and

19                         (B) by striking “taking one or more” and  
20                         all that follows through and including “addi-  
21                         tional level” and insert “timely notifying au-  
22                         thorities of his intention to enter a plea of  
23                         guilty, thereby permitting the government to  
24                         avoid preparing for trial and permitting the  
25                         government and the court to allocate their re-



1 sources efficiently, decrease the offense level by  
2 1 additional level”;

3 (2) in the Application Notes to the Commentary  
4 to section 3E1.1, by amending Application Note 6—

5 (A) by striking “one or both of”; and

6 (B) by adding the following new sentence  
7 at the end: “Because the Government is in the  
8 best position to determine whether the defend-  
9 ant has assisted authorities in a manner that  
10 avoids preparing for trial, an adjustment under  
11 subsection (b) may only be granted upon a for-  
12 mal motion by the Government at the time of  
13 sentencing.”; and

14 (3) in the Background to section 3E1.1, by  
15 striking “one or more of”.

16 (h) IMPROVED DATA COLLECTION.—Section 994(w)  
17 of title 28, United States Code, is amended to read as  
18 follows:

19 “(w)(1) The Chief Judge of each district court shall  
20 ensure that, within 30 days following entry of judgment  
21 in every criminal case, the sentencing court submits to the  
22 Commission a written report of the sentence, the offense  
23 for which it is imposed, the age, race, sex of the offender,  
24 and information regarding factors made relevant by the  
25 guidelines. The report shall also include—



1           “(A) the judgment and commitment order;

2           “(B) the statement of reasons for the sentence  
3 imposed (which shall include the reason for any de-  
4 parture from the otherwise applicable guideline  
5 range);

6           “(C) any plea agreement;

7           “(D) the indictment or other charging docu-  
8 ment;

9           “(E) the presentence report; and

10          “(F) any other information as the Commission  
11 finds appropriate.

12          “(2) The Commission shall, upon request, make  
13 available to the House and Senate Committees on  
14 the Judiciary, the written reports and all underlying  
15 records accompanying those reports described in this  
16 section, as well as other records received from  
17 courts.

18          “(3) The Commission shall submit to Congress  
19 at least annually an analysis of these documents,  
20 any recommendations for legislation that the Com-  
21 mission concludes is warranted by that analysis, and  
22 an accounting of those districts that the Commission  
23 believes have not submitted the appropriate informa-  
24 tion and documents required by this section.



1           “(4) The Commission shall make available to  
2           the Attorney General, upon request, such data files  
3           as the Commission may assemble or maintain in  
4           electronic form that include any information sub-  
5           mitted under paragraph (1). Such data files shall be  
6           made available in electronic form and shall include  
7           all data fields requested, including the identity of the  
8           sentencing judge.”.

9           (i) SENTENCING GUIDELINES AMENDMENTS.—(1)  
10          Subject to subsection (j), the Guidelines Manual promul-  
11          gated by the Sentencing Commission pursuant to section  
12          994(a) of title 28, United States Code, is amended as fol-  
13          lows:

14                (A) Application Note 4(b)(i) to section 4B1.5 is  
15                amended to read as follows:

16                        “(i) IN GENERAL.—For purposes of  
17                        subsection (b), the defendant engaged in a  
18                        pattern of activity involving prohibited sex-  
19                        ual conduct if on at least two separate oc-  
20                        casions, the defendant engaged in prohib-  
21                        ited sexual conduct with a minor.”.

22                (B) Section 2G2.4(b) is amended by adding at  
23                the end the following:



1           “(4) If the offense involved material that por-  
2           trays sadistic or masochistic conduct or other depic-  
3           tions of violence, increase by 4 levels.

4           “(5) If the offense involved—

5                 “(A) at least 10 images, but fewer than  
6                 150, increase by 2 levels;

7                 “(B) at least 150 images, but fewer than  
8                 300, increase by 3 levels;

9                 “(C) at least 300 images, but fewer than  
10                600, increase by 4 levels; and

11               “(D) 600 or more images, increase by 5  
12                levels.”.

13           (C) Section 2G2.2(b) is amended by adding at  
14           the end the following:

15           “(6) If the offense involved—

16                 “(A) at least 10 images, but fewer than  
17                 150, increase by 2 levels;

18                 “(B) at least 150 images, but fewer than  
19                 300, increase by 3 levels;

20                 “(C) at least 300 images, but fewer than  
21                 600, increase by 4 levels; and

22                 “(D) 600 or more images, increase by 5  
23                 levels.”.

24           (2) The Sentencing Commission shall amend the Sen-  
25           tencing Guidelines to ensure that the Guidelines ade-



1 quately reflect the seriousness of the offenses under sec-  
2 tions 2243(b), 2244(a)(4), and 2244(b) of title 18, United  
3 States Code.

4 (j) CONFORMING AMENDMENTS.—

5 (1) Upon enactment of this Act, the Sentencing  
6 Commission shall forthwith distribute to all courts of  
7 the United States and to the United States Probation  
8 System the amendments made by subsections  
9 (b), (g), and (i) of this section to the sentencing  
10 guidelines, policy statements, and official com-  
11 mentary of the Sentencing Commission. These  
12 amendments shall take effect upon the date of en-  
13 actment of this Act, in accordance with paragraph  
14 (5).

15 (2) On or before May 1, 2005, the Sentencing  
16 Commission shall not promulgate any amendment to  
17 the sentencing guidelines, policy statements, or offi-  
18 cial commentary of the Sentencing Commission that  
19 is inconsistent with any amendment made by sub-  
20 section (b) or that adds any new grounds of down-  
21 ward departure to Part K of chapter 5. At no time  
22 may the Commission promulgate any amendment  
23 that would alter or repeal section 5K2.23 of the  
24 Federal Sentencing Guidelines Manual, as added by  
25 subsection (b).



1           (3) With respect to cases covered by the amend-  
2           ments made by subsection (i) of this section, the  
3           Sentencing Commission may make further amend-  
4           ments to the sentencing guidelines, policy state-  
5           ments, or official commentary of the Sentencing  
6           Commission, except that the Commission shall not  
7           promulgate any amendments that, with respect to  
8           such cases, would result in sentencing ranges that  
9           are lower than those that would have applied under  
10          such subsection.

11          (4) At no time may the Commission promulgate  
12          any amendment that would alter or repeal the  
13          amendments made by subsection (g) of this section.

14          (5) Section 3553(a) of title 18, United States  
15          Code, is amended—

16                 (A) by amending paragraph (4)(A) to read  
17                 as follows:

18                         “(A) the applicable category of offense  
19                         committed by the applicable category of defend-  
20                         ant as set forth in the guidelines—

21                                 “(i) issued by the Sentencing Commis-  
22                                 sion pursuant to section 994(a)(1) of title  
23                                 28, United States Code, subject to any  
24                                 amendments made to such guidelines by  
25                                 act of Congress (regardless of whether



1           such amendments have yet to be incor-  
2           porated by the Sentencing Commission  
3           into amendments issued under section  
4           994(p) of title 28); and

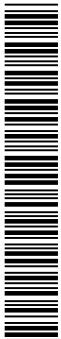
5           “(ii) that, except as provided in sec-  
6           tion 3742(g), are in effect on the date the  
7           defendant is sentenced; or”;

8           (B) in paragraph (4)(B), by inserting “,  
9           taking into account any amendments made to  
10          such guidelines or policy statements by act of  
11          Congress (regardless of whether such amend-  
12          ments have yet to be incorporated by the Sen-  
13          tencing Commission into amendments issued  
14          under section 994(p) of title 28)” after “Code”;

15          (C) by amending paragraph (5) to read as  
16          follows:

17          “(5) any pertinent policy statement—

18                 “(A) issued by the Sentencing Commission  
19                 pursuant to section 994(a)(2) of title 28,  
20                 United States Code, subject to any amendments  
21                 made to such policy statement by act of Con-  
22                 gress (regardless of whether such amendments  
23                 have yet to be incorporated by the Sentencing  
24                 Commission into amendments issued under sec-  
25                 tion 994(p) of title 28); and



1           “(B) that, except as provided in section  
2           3742(g), is in effect on the date the defendant  
3           is sentenced.”.

4           (k) COMPLIANCE WITH STATUTE.—Section 994(a) of  
5 title 28, United States Code, is amended by striking “con-  
6 sistent with all pertinent provisions of this title and title  
7 18, United States Code,” and inserting “consistent with  
8 all pertinent provisions of any Federal statute”.

9           (l) REPORT BY ATTORNEY GENERAL.—

10           (1) DEFINED TERM.—For purposes of this sec-  
11 tion, the term “report described in paragraph (3)”  
12 means a report, submitted by the Attorney General,  
13 which states in detail the policies and procedures  
14 that the Department of Justice has adopted subse-  
15 quent to the enactment of this Act—

16           (A) to ensure that Department of Justice  
17 attorneys oppose sentencing adjustments, in-  
18 cluding downward departures, that are not sup-  
19 ported by the facts and the law;

20           (B) to ensure that Department of Justice  
21 attorneys in such cases make a sufficient record  
22 so as to permit the possibility of an appeal;

23           (C) to delineate objective criteria, specified  
24 by the Attorney General, as to which such cases  
25 may warrant consideration of an appeal, either



1 because of the nature or magnitude of the sen-  
2 tencing error, its prevalence in the district, or  
3 its prevalence with respect to a particular  
4 judge;

5 (D) to ensure that Department of Justice  
6 attorneys promptly notify the designated De-  
7 partment of Justice component in Washington  
8 concerning such adverse sentencing decisions;  
9 and

10 (E) to ensure the vigorous pursuit of ap-  
11 propriate and meritorious appeals of such ad-  
12 verse decisions.

13 (2) REPORT REQUIRED.—

14 (A) IN GENERAL.—Not later than 15 days  
15 after a district court's grant of a downward de-  
16 parture in any case, other than a case involving  
17 a downward departure for substantial assist-  
18 ance to authorities pursuant to section 5K1.1 of  
19 the United States Sentencing Guidelines, the  
20 Attorney General shall submit a report to the  
21 Committees on the Judiciary of the House of  
22 Representatives and the Senate containing the  
23 information described under subparagraph (B).

24 (B) CONTENTS.—The report submitted  
25 pursuant to subparagraph (A) shall set forth—



- 1 (i) the case;
- 2 (ii) the facts involved;
- 3 (iii) the identity of the district court
- 4 judge;
- 5 (iv) the district court's stated reasons,
- 6 whether or not the court provided the
- 7 United States with advance notice of its in-
- 8 tention to depart; and
- 9 (v) the position of the parties with re-
- 10 spect to the downward departure, whether
- 11 or not the United States has filed, or in-
- 12 tends to file, a motion for reconsideration.

13 (C) APPEAL OF THE DEPARTURE.—Not  
 14 later than 5 days after a decision by the Solie-  
 15 itor General regarding the authorization of an  
 16 appeal of the departure, the Attorney General  
 17 shall submit a report to the Committees on the  
 18 Judiciary of the House of Representatives and  
 19 the Senate that describes the decision of the  
 20 Solicitor General and the basis for such deci-  
 21 sion.

22 (3) EFFECTIVE DATE.—Paragraph (2) shall  
 23 take effect on the day that is 91 days after the date  
 24 of enactment of this Act, except that such paragraph  
 25 shall not take effect if not more than 90 days after



1 the date of enactment of this Act the Attorney Gen-  
2 eral has submitted to the Judiciary Committees of  
3 the House of Representatives and the Senate the re-  
4 port described in paragraph (3).

5 (m) REFORM OF EXISTING PERMISSIBLE GROUNDS  
6 OF DOWNWARD DEPARTURES.—Not later than 180 days  
7 after the enactment of this Act, the United States Sen-  
8 tencing Commission shall—

9 (1) review the grounds of downward departure  
10 that are authorized by the sentencing guidelines, pol-  
11 icy statements, and official commentary of the Sen-  
12 tencing Commission; and

13 (2) promulgate, pursuant to section 994 of title  
14 28, United States Code—

15 (A) appropriate amendments to the sen-  
16 tencing guidelines, policy statements, and offi-  
17 cial commentary to ensure that the incidence of  
18 downward departures are substantially reduced;

19 (B) a policy statement authorizing a down-  
20 ward departure of not more than 4 levels if the  
21 Government files a motion for such departure  
22 pursuant to an early disposition program au-  
23 thorized by the Attorney General and the  
24 United States Attorney; and



1 (C) any other conforming amendments to  
2 the sentencing guidelines, policy statements,  
3 and official commentary of the Sentencing  
4 Commission necessitated by this Act, including  
5 a revision of paragraph 4(b) of part A of chap-  
6 ter 1 and a revision of section 5K2.0.

7 (n) COMPOSITION OF SENTENCING COMMISSION.—

8 (1) IN GENERAL.—Section 991(a) of title 28,  
9 United States Code, is amended by striking “At  
10 least three” and inserting “Not more than 3”.

11 (2) APPLICABILITY.—The amendment made  
12 under paragraph (1) shall not apply to any person  
13 who is serving, or who has been nominated to serve,  
14 as a member of the Sentencing Commission on the  
15 date of enactment of this Act.

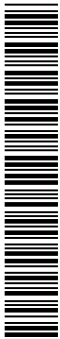
16 **TITLE V—OBSCENITY AND**  
17 **PORNOGRAPHY**

18 **Subtitle A—Child Obscenity and**  
19 **Pornography Prevention**

20 **SEC. 501. FINDINGS.**

21 Congress finds the following:

22 (1) Obscenity and child pornography are not  
23 entitled to protection under the First Amendment  
24 under *Miller v. California*, 413 U.S. 15 (1973) (ob-  
25 scenity), or *New York v. Ferber*, 458 U.S. 747



1 (1982) (child pornography) and thus may be prohib-  
2 ited.

3 (2) The Government has a compelling state in-  
4 terest in protecting children from those who sexually  
5 exploit them, including both child molesters and  
6 child pornographers. “The prevention of sexual ex-  
7 ploitation and abuse of children constitutes a gov-  
8 ernment objective of surpassing importance,” New  
9 York v. Ferber, 458 U.S. 747, 757 (1982), and this  
10 interest extends to stamping out the vice of child  
11 pornography at all levels in the distribution chain.  
12 Osborne v. Ohio, 495 U.S. 103, 110 (1990).

13 (3) The Government thus has a compelling in-  
14 terest in ensuring that the criminal prohibitions  
15 against child pornography remain enforceable and  
16 effective. “The most expeditious if not the only prac-  
17 tical method of law enforcement may be to dry up  
18 the market for this material by imposing severe  
19 criminal penalties on persons selling, advertising, or  
20 otherwise promoting the product.” Ferber, 458 U.S.  
21 at 760.

22 (4) In 1982, when the Supreme Court decided  
23 Ferber, the technology did not exist to:



1 (A) computer generate depictions of chil-  
2 dren that are indistinguishable from depictions  
3 of real children;

4 (B) use parts of images of real children to  
5 create a composite image that is unidentifiable  
6 as a particular child and in a way that prevents  
7 even an expert from concluding that parts of  
8 images of real children were used; or

9 (C) disguise pictures of real children being  
10 abused by making the image look computer-  
11 generated.

12 (5) Evidence submitted to the Congress, includ-  
13 ing from the National Center for Missing and Ex-  
14 ploited Children, demonstrates that technology al-  
15 ready exists to disguise depictions of real children to  
16 make them unidentifiable and to make depictions of  
17 real children appear computer-generated. The tech-  
18 nology will soon exist, if it does not already, to com-  
19 puter generate realistic images of children.

20 (6) The vast majority of child pornography  
21 prosecutions today involve images contained on com-  
22 puter hard drives, computer disks, and/or related  
23 media.

24 (7) There is no substantial evidence that any of  
25 the child pornography images being trafficked today



1        were made other than by the abuse of real children.  
2        Nevertheless, technological advances since Ferber  
3        have led many criminal defendants to suggest that  
4        the images of child pornography they possess are not  
5        those of real children, insisting that the government  
6        prove beyond a reasonable doubt that the images are  
7        not computer-generated. Such challenges increased  
8        significantly after the decision in *Ashcroft v. Free*  
9        *Speech Coalition*, 535 U.S. 234 (2002).

10            (8) Child pornography circulating on the Inter-  
11            net has, by definition, been digitally uploaded or  
12            scanned into computers and has been transferred  
13            over the Internet, often in different file formats,  
14            from trafficker to trafficker. An image seized from  
15            a collector of child pornography is rarely a first-gen-  
16            eration product, and the retransmission of images  
17            can alter the image so as to make it difficult for  
18            even an expert conclusively to opine that a particular  
19            image depicts a real child. If the original image has  
20            been scanned from a paper version into a digital for-  
21            mat, this task can be even harder since proper fo-  
22            rensic assessment may depend on the quality of the  
23            image scanned and the tools used to scan it.

24            (9) The impact of the Free Speech Coalition de-  
25            cision on the Government's ability to prosecute child



1 pornography offenders is already evident. The Ninth  
2 Circuit has seen a significant adverse effect on pros-  
3 ecutions since the 1999 Ninth Circuit Court of Ap-  
4 peals decision in Free Speech Coalition. After that  
5 decision, prosecutions generally have been brought in  
6 the Ninth Circuit only in the most clear-cut cases in  
7 which the government can specifically identify the  
8 child in the depiction or otherwise identify the origin  
9 of the image. This is a fraction of meritorious child  
10 pornography cases. The National Center for Missing  
11 and Exploited Children testified that, in light of the  
12 Supreme Court's affirmation of the Ninth Circuit  
13 decision, prosecutors in various parts of the country  
14 have expressed concern about the continued viability  
15 of previously indicted cases as well as declined po-  
16 tentially meritorious prosecutions.

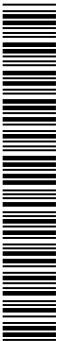
17 (10) Since the Supreme Court's decision in  
18 Free Speech Coalition, defendants in child pornog-  
19 raphy cases have almost universally raised the con-  
20 tention that the images in question could be virtual,  
21 thereby requiring the government, in nearly every  
22 child pornography prosecution, to find proof that the  
23 child is real. Some of these defense efforts have al-  
24 ready been successful. In addition, the number of  
25 prosecutions being brought has been significantly



1 and adversely affected as the resources required to  
2 be dedicated to each child pornography case now are  
3 significantly higher than ever before.

4 (11) Leading experts agree that, to the extent  
5 that the technology exists to computer generate real-  
6 istic images of child pornography, the cost in terms  
7 of time, money, and expertise is—and for the fore-  
8 seeable future will remain—prohibitively expensive.  
9 As a result, for the foreseeable future, it will be  
10 more cost-effective to produce child pornography  
11 using real children. It will not, however, be difficult  
12 or expensive to use readily available technology to  
13 disguise those depictions of real children to make  
14 them unidentifiable or to make them appear com-  
15 puter-generated.

16 (12) Child pornography results from the abuse  
17 of real children by sex offenders; the production of  
18 child pornography is a byproduct of, and not the pri-  
19 mary reason for, the sexual abuse of children. There  
20 is no evidence that the future development of easy  
21 and inexpensive means of computer generating real-  
22 istic images of children would stop or even reduce  
23 the sexual abuse of real children or the practice of  
24 visually recording that abuse.



1           (13) In the absence of congressional action, the  
2           difficulties in enforcing the child pornography laws  
3           will continue to grow increasingly worse. The mere  
4           prospect that the technology exists to create com-  
5           posite or computer-generated depictions that are in-  
6           distinguishable from depictions of real children will  
7           allow defendants who possess images of real children  
8           to escape prosecution; for it threatens to create a  
9           reasonable doubt in every case of computer images  
10          even when a real child was abused. This threatens  
11          to render child pornography laws that protect real  
12          children unenforceable. Moreover, imposing an addi-  
13          tional requirement that the Government prove be-  
14          yond a reasonable doubt that the defendant knew  
15          that the image was in fact a real child—as some  
16          courts have done—threatens to result in the de facto  
17          legalization of the possession, receipt, and distribu-  
18          tion of child pornography for all except the original  
19          producers of the material.

20          (14) To avoid this grave threat to the Govern-  
21          ment's unquestioned compelling interest in effective  
22          enforcement of the child pornography laws that pro-  
23          tect real children, a statute must be adopted that  
24          prohibits a narrowly-defined subcategory of images.



1           (15) The Supreme Court’s 1982 *Ferber v. New*  
2           York decision holding that child pornography was  
3           not protected drove child pornography off the shelves  
4           of adult bookstores. Congressional action is nec-  
5           essary now to ensure that open and notorious traf-  
6           ficking in such materials does not reappear, and  
7           even increase, on the Internet.

8   **SEC. 502. IMPROVEMENTS TO PROHIBITION ON VIRTUAL**  
9                           **CHILD PORNOGRAPHY.**

10          (a) Section 2256(8) of title 18, United States Code,  
11          is amended—

12                 (1) so that subparagraph (B) reads as follows:

13                         “(B) such visual depiction is a digital  
14                         image, computer image, or computer-generated  
15                         image that is, or is indistinguishable from, that  
16                         of a minor engaging in sexually explicit con-  
17                         duct; or”:

18                 (2) by striking “; or” at the end of subpara-  
19                 graph (C) and inserting a period; and

20                 (3) by striking subparagraph (D).

21          (b) Section 2256(2) of title 18, United States Code,  
22          is amended to read as follows:

23                         “(2)(A) Except as provided in subparagraph  
24                         (B), ‘sexually explicit conduct’ means actual or  
25                         simulated—



1           “(i) sexual intercourse, including genital-  
2 genital, oral-genital, anal-genital, or oral-anal,  
3 whether between persons of the same or oppo-  
4 site sex;

5           “(ii) bestiality;

6           “(iii) masturbation;

7           “(iv) sadistic or masochistic abuse; or

8           “(v) lascivious exhibition of the genitals or  
9 pubic area of any person;

10          “(B) For purposes of subsection 8(B) of this  
11 section, ‘sexually explicit conduct’ means—

12           “(i) graphic sexual intercourse, including  
13 genital-genital, oral-genital, anal-genital, or  
14 oral-anal, whether between persons of the same  
15 or opposite sex, or lascivious simulated sexual  
16 intercourse where the genitals, breast, or pubic  
17 area of any person is exhibited;

18           “(ii) graphic or lascivious simulated;

19           “(I) bestiality;

20           “(II) masturbation; or

21           “(III) sadistic or masochistic abuse;

22           or

23           “(iii) graphic or simulated lascivious exhi-  
24 bition of the genitals or pubic area of any per-  
25 son;”.



1 (c) Section 2256 is amended by inserting at the end  
2 the following new paragraphs:

3 “(10) ‘graphic’, when used with respect to a de-  
4 piction of sexually explicit conduct, means that a  
5 viewer can observe any part of the genitals or pubic  
6 area of any depicted person or animal during any  
7 part of the time that the sexually explicit conduct is  
8 being depicted; and

9 “(11) the term ‘indistinguishable’ used with re-  
10 spect to a depiction, means virtually indistinguish-  
11 able, in that the depiction is such that an ordinary  
12 person viewing the depiction would conclude that the  
13 depiction is of an actual minor engaged in sexually  
14 explicit conduct. This definition does not apply to  
15 depictions that are drawings, cartoons, sculptures, or  
16 paintings depicting minors or adults.”.

17 (d) Section 2252A(c) of title 18, United States Code,  
18 is amended to read as follows:

19 “(c) It shall be an affirmative defense to a charge  
20 of violating paragraph (1), (2), (3)(A), (4), or (5) of sub-  
21 section (a) that—

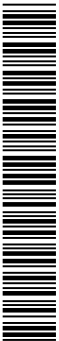
22 “(1)(A) the alleged child pornography was pro-  
23 duced using an actual person or persons engaging in  
24 sexually explicit conduct; and



1           “(B) each such person was an adult at the time  
2           the material was produced; or

3           “(2) the alleged child pornography was not pro-  
4           duced using any actual minor or minors.

5 No affirmative defense under subsection (c)(2) shall be  
6 available in any prosecution that involves child pornog-  
7 raphy as described in section 2256(8)(C). A defendant  
8 may not assert an affirmative defense to a charge of vio-  
9 lating paragraph (1), (2), (3)(A), (4), or (5) of subsection  
10 (a) unless, within the time provided for filing pretrial mo-  
11 tions or at such time prior to trial as the judge may direct,  
12 but in no event later than 10 days before the commence-  
13 ment of the trial, the defendant provides the court and  
14 the United States with notice of the intent to assert such  
15 defense and the substance of any expert or other special-  
16 ized testimony or evidence upon which the defendant in-  
17 tends to rely. If the defendant fails to comply with this  
18 subsection, the court shall, absent a finding of extraor-  
19 dinary circumstances that prevented timely compliance,  
20 prohibit the defendant from asserting such defense to a  
21 charge of violating paragraph (1), (2), (3)(A), (4), or (5)  
22 of subsection (a) or presenting any evidence for which the  
23 defendant has failed to provide proper and timely notice.”.



1 **SEC. 503. CERTAIN ACTIVITIES RELATING TO MATERIAL**  
2 **CONSTITUTING OR CONTAINING CHILD POR-**  
3 **NOGRAPHY.**

4 Section 2252A of title 18, United States Code, is  
5 amended—

6 (1) in subsection (a)—

7 (A) by striking paragraph (3) and insert-  
8 ing the following:

9 “(3) knowingly—

10 “(A) reproduces any child pornography for  
11 distribution through the mails, or in interstate  
12 or foreign commerce by any means, including  
13 by computer; or

14 “(B) advertises, promotes, presents, dis-  
15 tributes, or solicits through the mails, or in  
16 interstate or foreign commerce by any means,  
17 including by computer, any material or pur-  
18 ported material in a manner that reflects the  
19 belief, or that is intended to cause another to  
20 believe, that the material or purported material  
21 is, or contains—

22 “(i) an obscene visual depiction of a  
23 minor engaging in sexually explicit con-  
24 duct; or



1                   “(ii) a visual depiction of an actual  
2                   minor engaging in sexually explicit con-  
3                   duct;”;

4                   (B) in paragraph (4), by striking “or” at  
5                   the end;

6                   (C) in paragraph (5), by striking the  
7                   comma at the end and inserting “; or”; and

8                   (D) by adding after paragraph (5) the fol-  
9                   lowing:

10                  “(6) knowingly distributes, offers, sends, or  
11                  provides to a minor any visual depiction, including  
12                  any photograph, film, video, picture, or computer  
13                  generated image or picture, whether made or pro-  
14                  duced by electronic, mechanical, or other means,  
15                  where such visual depiction is, or appears to be, of  
16                  a minor engaging in sexually explicit conduct—

17                  “(A) that has been mailed, shipped, or  
18                  transported in interstate or foreign commerce  
19                  by any means, including by computer;

20                  “(B) that was produced using materials  
21                  that have been mailed, shipped, or transported  
22                  in interstate or foreign commerce by any  
23                  means, including by computer; or

24                  “(C) which distribution, offer, sending, or  
25                  provision is accomplished using the mails or by



1 transmitting or causing to be transmitted any  
2 wire communication in interstate or foreign  
3 commerce, including by computer,  
4 for purposes of inducing or persuading a minor to  
5 participate in any activity that is illegal.”; and

6 (2) in subsection (b)(1), by striking “para-  
7 graphs (1), (2), (3), or (4)” and inserting “para-  
8 graph (1), (2), (3), (4), or (6)”.

9 **SEC. 504. OBSCENE CHILD PORNOGRAPHY.**

10 (a) IN GENERAL.—Chapter 71 of title 18, United  
11 States Code, is amended by inserting after section 1466  
12 the following:

13 **“§ 1466A. Obscene visual representations of the sex-  
14 ual abuse of children**

15 “(a) IN GENERAL.—Any person who, in a cir-  
16 cumstance described in subsection (d), knowingly pro-  
17 duces, distributes, receives, or possesses with intent to dis-  
18 tribute, a visual depiction of any kind, including a draw-  
19 ing, cartoon, sculpture, or painting, that—

20 “(1)(A) depicts a minor engaging in sexually  
21 explicit conduct; and

22 “(B) is obscene; or

23 “(2)(A) depicts an image that is, or appears to  
24 be, of a minor engaging in graphic bestiality, sadis-  
25 tic or masochistic abuse, or sexual intercourse, in-



1 cluding genital-genital, oral-genital, anal-genital, or  
2 oral-anal, whether between persons of the same or  
3 opposite sex; and

4 “(B) lacks serious literary, artistic, political, or  
5 scientific value;

6 or attempts or conspires to do so, shall be subject to the  
7 penalties provided in section 2252A(b)(1), including the  
8 penalties provided for cases involving a prior conviction.

9 “(b) ADDITIONAL OFFENSES.—Any person who, in  
10 a circumstance described in subsection (d), knowingly pos-  
11 sesses a visual depiction of any kind, including a drawing,  
12 cartoon, sculpture, or painting, that—

13 “(1)(A) depicts a minor engaging in sexually  
14 explicit conduct; and

15 “(B) is obscene; or

16 “(2)(A) depicts an image that is, or appears to  
17 be, of a minor engaging in graphic bestiality, sadis-  
18 tic or masochistic abuse, or sexual intercourse, in-  
19 cluding genital-genital, oral-genital, anal-genital, or  
20 oral-anal, whether between persons of the same or  
21 opposite sex; and

22 “(B) lacks serious literary, artistic, political, or  
23 scientific value;



1 or attempts or conspires to do so, shall be subject to the  
2 penalties provided in section 2252A(b)(2), including the  
3 penalties provided for cases involving a prior conviction.

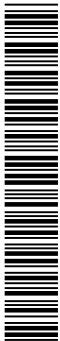
4 “(c) NONREQUIRED ELEMENT OF OFFENSE.—It is  
5 not a required element of any offense under this section  
6 that the minor depicted actually exist.

7 “(d) CIRCUMSTANCES.—The circumstance referred  
8 to in subsections (a) and (b) is that—

9 “(1) any communication involved in or made in  
10 furtherance of the offense is communicated or trans-  
11 ported by the mail, or in interstate or foreign com-  
12 merce by any means, including by computer, or any  
13 means or instrumentality of interstate or foreign  
14 commerce is otherwise used in committing or in fur-  
15 therance of the commission of the offense;

16 “(2) any communication involved in or made in  
17 furtherance of the offense contemplates the trans-  
18 mission or transportation of a visual depiction by the  
19 mail, or in interstate or foreign commerce by any  
20 means, including by computer;

21 “(3) any person travels or is transported in  
22 interstate or foreign commerce in the course of the  
23 commission or in furtherance of the commission of  
24 the offense;



1           “(4) any visual depiction involved in the offense  
2           has been mailed, or has been shipped or transported  
3           in interstate or foreign commerce by any means, in-  
4           cluding by computer, or was produced using mate-  
5           rials that have been mailed, or that have been  
6           shipped or transported in interstate or foreign com-  
7           merce by any means, including by computer; or

8           “(5) the offense is committed in the special  
9           maritime and territorial jurisdiction of the United  
10          States or in any territory or possession of the  
11          United States.

12          “(e) AFFIRMATIVE DEFENSE.—It shall be an affirm-  
13          ative defense to a charge of violating subsection (b) that  
14          the defendant—

15                 “(1) possessed less than 3 such visual depic-  
16                 tions; and

17                 “(2) promptly and in good faith, and without  
18                 retaining or allowing any person, other than a law  
19                 enforcement agency, to access any such visual  
20                 depiction—

21                         “(A) took reasonable steps to destroy each  
22                         such visual depiction; or

23                         “(B) reported the matter to a law enforce-  
24                         ment agency and afforded that agency access to  
25                         each such visual depiction.



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

2 “(1) the term ‘visual depiction’ includes unde-  
3 veloped film and videotape, and data stored on a  
4 computer disk or by electronic means which is capa-  
5 ble of conversion into a visual image, and also in-  
6 cludes any photograph, film, video, picture, digital  
7 image or picture, computer image or picture, or  
8 computer generated image or picture, whether made  
9 or produced by electronic, mechanical, or other  
10 means;

11 “(2) the term ‘sexually explicit conduct’ has the  
12 meaning given the term in section 2256(2)(A) or  
13 2256(2)(B); and

14 “(3) the term ‘graphic’, when used with respect  
15 to a depiction of sexually explicit conduct, means  
16 that a viewer can observe any part of the genitals  
17 or pubic area of any depicted person or animal dur-  
18 ing any part of the time that the sexually explicit  
19 conduct is being depicted.”.

20 (b) TECHNICAL AND CONFORMING AMENDMENT.—

21 The table of sections at the beginning of such chapter is  
22 amended by inserting after the item relating to section  
23 1466 the following new item:

“1466A. Obscene visual representations of the sexual abuse of children.”.

24 (c) SENTENCING GUIDELINES.—



1           (1) CATEGORY.—Except as provided in para-  
2           graph (2), the applicable category of offense to be  
3           used in determining the sentencing range referred to  
4           in section 3553(a)(4) of title 18, United States  
5           Code, with respect to any person convicted under  
6           section 1466A of such title, shall be the category of  
7           offenses described in section 2G2.2 of the Sen-  
8           tencing Guidelines.

9           (2) RANGES.—The Sentencing Commission may  
10          promulgate guidelines specifically governing offenses  
11          under section 1466A of title 18, United States Code,  
12          if such guidelines do not result in sentencing ranges  
13          that are lower than those that would have applied  
14          under paragraph (1).

15 **SEC. 505. ADMISSIBILITY OF EVIDENCE.**

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

18          “(e) ADMISSIBILITY OF EVIDENCE.—On motion of  
19          the government, in any prosecution under this chapter or  
20          section 1466A, except for good cause shown, the name,  
21          address, social security number, or other nonphysical iden-  
22          tifying information, other than the age or approximate  
23          age, of any minor who is depicted in any child pornog-  
24          raphy shall not be admissible and may be redacted from  
25          any otherwise admissible evidence, and the jury shall be



1 instructed, upon request of the United States, that it can  
2 draw no inference from the absence of such evidence in  
3 deciding whether the child pornography depicts an actual  
4 minor.”.

5 **SEC. 506. EXTRATERRITORIAL PRODUCTION OF CHILD**  
6 **PORNOGRAPHY FOR DISTRIBUTION IN THE**  
7 **UNITED STATES.**

8 Section 2251 of title 18, United States Code, is  
9 amended—

10 (1) by striking “subsection (d)” each place that  
11 term appears and inserting “subsection (e)”;

12 (2) by redesignating subsections (c) and (d) as  
13 subsections (d) and (e), respectively; and

14 (3) by inserting after subsection (b) the fol-  
15 lowing:

16 “(c)(1) Any person who, in a circumstance described  
17 in paragraph (2), employs, uses, persuades, induces, en-  
18 tices, or coerces any minor to engage in, or who has a  
19 minor assist any other person to engage in, any sexually  
20 explicit conduct outside of the United States, its territories  
21 or possessions, for the purpose of producing any visual de-  
22 piction of such conduct, shall be punished as provided  
23 under subsection (e).

24 “(2) The circumstance referred to in paragraph (1)  
25 is that—



1           “(A) the person intends such visual depiction to  
2           be transported to the United States, its territories or  
3           possessions, by any means, including by computer or  
4           mail; or

5           “(B) the person transports such visual depic-  
6           tion to the United States, its territories or posses-  
7           sions, by any means, including by computer or  
8           mail.”.

9   **SEC. 507. STRENGTHENING ENHANCED PENALTIES FOR RE-**  
10                           **PEAT OFFENDERS.**

11           Sections 2251(e) (as redesignated by section 506(2)),  
12   2252(b), and 2252A(b) of title 18, United States Code,  
13   are each amended—

14           (1) by inserting “chapter 71,” immediately be-  
15           fore each occurrence of “chapter 109A,”; and

16           (2) by inserting “or under section 920 of title  
17           10 (article 120 of the Uniform Code of Military Jus-  
18           tice),” immediately before each occurrence of “or  
19           under the laws”.

20   **SEC. 508. SERVICE PROVIDER REPORTING OF CHILD POR-**  
21                           **NOGRAPHY AND RELATED INFORMATION.**

22           (a) Section 227 of the Victims of Child Abuse Act  
23   of 1990 (42 U.S.C. 13032) is amended—

24           (1) in subsection (b)(1)—



1 (A) by inserting “2252B,” after “2252A,”;

2 and

3 (B) by inserting “or a violation of section  
4 1466A of that title,” after “of that title,”;

5 (2) in subsection (c), by inserting “or pursuant  
6 to” after “to comply with”;

7 (3) by amending subsection (f)(1)(D) to read as  
8 follows:

9 “(D) where the report discloses a violation  
10 of State criminal law, to an appropriate official  
11 of a State or subdivision of a State for the pur-  
12 pose of enforcing such State law.”;

13 (4) by redesignating paragraph (3) of sub-  
14 section (b) as paragraph (4); and

15 (5) by inserting after paragraph (2) of sub-  
16 section (b) the following new paragraph:

17 “(3) In addition to forwarding such reports to  
18 those agencies designated in subsection (b)(2), the  
19 National Center for Missing and Exploited Children  
20 is authorized to forward any such report to an ap-  
21 propriate official of a state or subdivision of a state  
22 for the purpose of enforcing state criminal law.”.

23 (b) Section 2702 of title 18, United States Code, is  
24 amended—

25 (1) in subsection (b)—



1 (A) in paragraph (6), by striking subpara-  
2 graph (B);

3 (B) by redesignating paragraphs (6) and  
4 (7) as paragraphs (7) and (8) respectively;

5 (C) by striking “or” at the end of para-  
6 graph (5); and

7 (D) by inserting after paragraph (5) the  
8 following new paragraph:

9 “(6) to the National Center for Missing and  
10 Exploited Children, in connection with a report sub-  
11 mitted thereto under section 227 of the Victims of  
12 Child Abuse Act of 1990 (42 U.S.C. 13032);” and

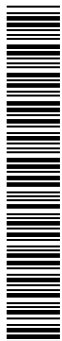
13 (2) in subsection (c)—

14 (A) by striking “or” at the end of para-  
15 graph (4);

16 (B) by redesignating paragraph (5) as  
17 paragraph (6); and

18 (C) by adding after paragraph (4) the fol-  
19 lowing new paragraph:

20 “(5) to the National Center for Missing and  
21 Exploited Children, in connection with a report sub-  
22 mitted thereto under section 227 of the Victims of  
23 Child Abuse Act of 1990 (42 U.S.C. 13032); or”.



1 **SEC. 509. INVESTIGATIVE AUTHORITY RELATING TO CHILD**  
2 **PORNOGRAPHY.**

3 Section 3486(a)(1)(C)(i) of title 18, United States  
4 Code, is amended by striking “the name, address” and  
5 all that follows through “subscriber or customer utilized”  
6 and inserting “the information specified in section  
7 2703(c)(2)”.

8 **SEC. 510. CIVIL REMEDIES.**

9 Section 2252A of title 18, United States Code, as  
10 amended by this Act, is amended by adding at the end  
11 the following:

12 “(f) CIVIL REMEDIES.—

13 “(1) IN GENERAL.—Any person aggrieved by  
14 reason of the conduct prohibited under subsection  
15 (a) or (b) or section 1466A may commence a civil  
16 action for the relief set forth in paragraph (2).

17 “(2) RELIEF.—In any action commenced in ac-  
18 cordance with paragraph (1), the court may award  
19 appropriate relief, including—

20 “(A) temporary, preliminary, or permanent  
21 injunctive relief;

22 “(B) compensatory and punitive damages;  
23 and

24 “(C) the costs of the civil action and rea-  
25 sonable fees for attorneys and expert wit-  
26 nesses.”.



1 **SEC. 511. RECORDKEEPING REQUIREMENTS.**

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

4 (1) in subsection (d)(2), by striking “of this  
5 section” and inserting “of this chapter or chapter  
6 71,”;

7 (2) in subsection (h)(3), by inserting “, com-  
8 puter generated image, digital image, or picture,”  
9 after “video tape”; and

10 (3) in subsection (i)—

11 (A) by striking “not more than 2 years”  
12 and inserting “not more than 5 years”; and

13 (B) by striking “5 years” and inserting  
14 “10 years”.

15 (b) REPORT.—Not later than 1 year after enactment  
16 of this Act, the Attorney General shall submit to Congress  
17 a report detailing the number of times since January 1993  
18 that the Department of Justice has inspected the records  
19 of any producer of materials regulated pursuant to section  
20 2257 of title 18, United States Code, and section 75 of  
21 title 28 of the Code of Federal Regulations. The Attorney  
22 General shall indicate the number of violations prosecuted  
23 as a result of those inspections.



1 **SEC. 512. SENTENCING ENHANCEMENTS FOR INTERSTATE**  
2 **TRAVEL TO ENGAGE IN SEXUAL ACT WITH A**  
3 **JUVENILE.**

4 Pursuant to its authority under section 994(p) of title  
5 28, United States Code, and in accordance with this sec-  
6 tion, the United States Sentencing Commission shall re-  
7 view and, as appropriate, amend the Federal Sentencing  
8 Guidelines and policy statements to ensure that guideline  
9 penalties are adequate in cases that involve interstate  
10 travel with the intent to engage in a sexual act with a  
11 juvenile in violation of section 2423 of title 18, United  
12 States Code, to deter and punish such conduct.

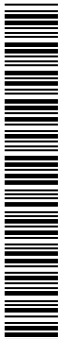
13 **SEC. 513. MISCELLANEOUS PROVISIONS.**

14 (a) APPOINTMENT OF TRIAL ATTORNEYS.—

15 (1) IN GENERAL.—Not later than 6 months  
16 after the date of enactment of this Act, the Attorney  
17 General shall appoint 25 additional trial attorneys to  
18 the Child Exploitation and Obscenity Section of the  
19 Criminal Division of the Department of Justice or to  
20 appropriate U.S. Attorney's Offices, and those trial  
21 attorneys shall have as their primary focus, the in-  
22 vestigation and prosecution of Federal child pornog-  
23 raphy and obscenity laws.

24 (2) AUTHORIZATION OF APPROPRIATIONS.—

25 There are authorized to be appropriated to the De-



1       partment of Justice such sums as may be necessary  
2       to carry out this subsection.

3       (b) REPORT TO CONGRESSIONAL COMMITTEES.—

4           (1) IN GENERAL.—Not later than 9 months  
5       after the date of enactment of this Act, and every  
6       2 years thereafter, the Attorney General shall report  
7       to the Chairpersons and Ranking Members of the  
8       Committees on the Judiciary of the Senate and the  
9       House of Representatives on the Federal enforce-  
10      ment actions under chapter 110 or section 1466A of  
11      title 18, United States Code.

12          (2) CONTENTS.—The report required under  
13      paragraph (1) shall include—

14           (A) an evaluation of the prosecutions  
15           brought under chapter 110 or section 1466A of  
16           title 18, United States Code;

17           (B) an outcome-based measurement of per-  
18           formance; and

19           (C) an analysis of the technology being  
20           used by the child pornography industry.

21      (c) SENTENCING GUIDELINES.—Pursuant to its au-  
22      thority under section 994(p) of title 28, United States  
23      Code, and in accordance with this section, the United  
24      States Sentencing Commission shall review and, as appro-  
25      priate, amend the Federal Sentencing Guidelines and pol-



1 icy statements to ensure that the guidelines are adequate  
2 to deter and punish conduct that involves a violation of  
3 paragraph (3)(B) or (6) of section 2252A(a) of title 18,  
4 United States Code, as created by this Act. With respect  
5 to the guidelines for section 2252A(a)(3)(B), the Commis-  
6 sion shall consider the relative culpability of promoting,  
7 presenting, describing, or distributing material in violation  
8 of that section as compared with solicitation of such mate-  
9 rial.

## 10 **Subtitle B—Truth in Domain** 11 **Names**

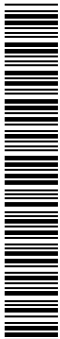
### 12 **SEC. 521. MISLEADING DOMAIN NAMES ON THE INTERNET.**

13 (a) IN GENERAL.—Chapter 110 of title 18, United  
14 States Code, is amended by inserting after section 2252A  
15 the following:

#### 16 **“§ 2252B. Misleading domain names on the Internet**

17 “(a) Whoever knowingly uses a misleading domain  
18 name on the Internet with the intent to deceive a person  
19 into viewing material constituting obscenity shall be fined  
20 under this title or imprisoned not more than 2 years, or  
21 both.

22 “(b) Whoever knowingly uses a misleading domain  
23 name on the Internet with the intent to deceive a minor  
24 into viewing material that is harmful to minors on the



1 Internet shall be fined under this title or imprisoned not  
2 more than 4 years, or both.

3 “(c) For the purposes of this section, a domain name  
4 that includes a word or words to indicate the sexual con-  
5 tent of the site, such as ‘sex’ or ‘porn’, is not misleading.

6 “(d) For the purposes of this section, the term ‘mate-  
7 rial that is harmful to minors’ means any communication,  
8 consisting of nudity, sex, or excretion, that, taken as a  
9 whole and with reference to its context—

10 “(1) predominantly appeals to a prurient inter-  
11 est of minors;

12 “(2) is patently offensive to prevailing stand-  
13 ards in the adult community as a whole with respect  
14 to what is suitable material for minors; and

15 “(3) lacks serious literary, artistic, political, or  
16 scientific value for minors.

17 “(e) For the purposes of subsection (d), the term  
18 ‘sex’ means acts of masturbation, sexual intercourse, or  
19 physical contact with a person’s genitals, or the condition  
20 of human male or female genitals when in a state of sexual  
21 stimulation or arousal.”.

22 (b) CLERICAL AMENDMENT.—The table of sections  
23 at the beginning of chapter 110 of title 18, United States  
24 Code, is amended by inserting after the item relating to  
25 section 2252A the following new item:

“2252B. Misleading domain names on the Internet.”.



## TITLE VI—MISCELLANEOUS PROVISIONS

### SEC. 601. PENALTIES FOR USE OF MINORS IN CRIMES OF VIOLENCE.

Chapter 1 of title 18, United States Code, is amended by adding at the end the following:

#### “§ 25. Use of minors in crimes of violence

“(a) DEFINITIONS.—In this section, the following definitions shall apply:

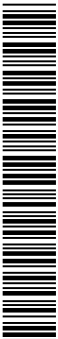
“(1) CRIME OF VIOLENCE.—The term ‘crime of violence’ has the meaning set forth in section 16.

“(2) MINOR.—The term ‘minor’ means a person who has not reached 18 years of age.

“(3) USES.—The term ‘uses’ means employs, hires, persuades, induces, entices, or coerces.

“(b) PENALTIES.—Any person who is 18 years of age or older, who intentionally uses a minor to commit a crime of violence for which such person may be prosecuted in a court of the United States, or to assist in avoiding detection or apprehension for such an offense, shall—

“(1) for the first conviction, be subject to twice the maximum term of imprisonment and twice the maximum fine that would otherwise be authorized for the offense; and



“(2) for each subsequent conviction, be subject to 3 times the maximum term of imprisonment and 3 times the maximum fine that would otherwise be authorized for the offense.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of title 18, United States Code, is amended by adding at the end the following:

“25. Use of minors in crimes of violence.”.

1 **SEC. 602. SENSE OF CONGRESS.**

2 (a) FOCUS OF INVESTIGATION AND PROSECUTION.—

3 It is the sense of Congress that the Child Exploitation and  
4 Obscenity Section of the Criminal Division of the Depart-  
5 ment of Justice should focus its investigative and prosecu-  
6 torial efforts on major producers, distributors, and sellers  
7 of obscene material and child pornography that use mis-  
8 leading methods to market their material to children.

9 (b) VOLUNTARY LIMITATION ON WEBSITE FRONT

10 PAGES.—It is the sense of Congress that the online com-  
11 mercial adult entertainment industry should voluntarily  
12 refrain from placing obscenity, child pornography, or ma-  
13 terial that is harmful to minors on the front pages of their  
14 websites to protect juveniles from material that may nega-  
15 tively impact their social, moral, and psychological devel-  
16 opment.



1 **SEC. 603. COMMUNICATIONS DECENCY ACT OF 1996.**

2 Section 223 of the Communications Act of 1934 (47  
3 U.S.C. 223) is amended—

4 (1) in subsection (a)(1)—

5 (A) in subparagraph (A), by striking “,  
6 lewd, lascivious, filthy, or indecent” and insert-  
7 ing “or child pornography”; and

8 (B) in subparagraph (B), by striking “in-  
9 decent” and inserting “child pornography”; and

10 (2) in subsection (d)(1), by striking “, in con-  
11 text, depicts or describes, in terms patently offensive  
12 as measured by contemporary community standards,  
13 sexual or excretory activities or organs” and insert-  
14 ing “is obscene or child pornography”.

15 **SEC. 604. INTERNET AVAILABILITY OF INFORMATION CON-**  
16 **CERNING REGISTERED SEX OFFENDERS.**

17 (a) IN GENERAL.—Section 170101(e)(2) of the Vio-  
18 lent Crime Control and Law Enforcement Act of 1994 (42  
19 U.S.C. 14071(e)(2)) is amended by adding at the end the  
20 following: “The release of information under this para-  
21 graph shall include the maintenance of an Internet site  
22 containing such information that is available to the public  
23 and instructions on the process for correcting information  
24 that a person alleges to be erroneous.”.

25 (b) COMPLIANCE DATE.—Each State shall imple-  
26 ment the amendment made by this section within 3 years



1 after the date of enactment of this Act, except that the  
2 Attorney General may grant an additional 2 years to a  
3 State that is making a good faith effort to implement the  
4 amendment made by this section.

5 (c) NATIONAL INTERNET SITE.—The Crimes Against  
6 Children Section of the Criminal Division of the Depart-  
7 ment of Justice shall create a national Internet site that  
8 links all State Internet sites established pursuant to this  
9 section.

10 **SEC. 605. REGISTRATION OF CHILD PORNOGRAPHERS IN**  
11 **THE NATIONAL SEX OFFENDER REGISTRY.**

12 (a) JACOB WETTERLING CRIMES AGAINST CHIL-  
13 DREN AND SEXUALLY VIOLENT OFFENDER REGISTRA-  
14 TION PROGRAM.—Section 170101 of the Violent Crime  
15 Control and Law Enforcement Act of 1994 (42 U.S.C.  
16 14071) is amended—

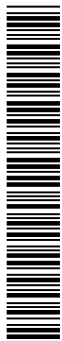
17 (1) by striking the section heading and insert-  
18 ing the following:

19 **“SEC. 170101. JACOB WETTERLING CRIMES AGAINST CHIL-**  
20 **DREN AND SEXUALLY VIOLENT OFFENDER**  
21 **REGISTRATION PROGRAM.”;**

22 and

23 (2) in subsection (a)(3)—

24 (A) in clause (vii), by striking “or” at the  
25 end;



1 (B) by redesignating clause (viii) as clause  
2 (ix); and

3 (C) by inserting after clause (vii) the fol-  
4 lowing:

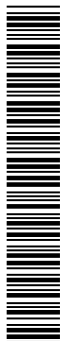
5 “(viii) production or distribution of  
6 child pornography, as described in section  
7 2251, 2252, or 2252A of title 18, United  
8 States Code; or”.

9 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
10 are authorized to be appropriated to the Department of  
11 Justice, for each of fiscal years 2004 through 2007, such  
12 sums as may be necessary to carry out the amendments  
13 made by this section.

14 **SEC. 606. GRANTS TO STATES FOR COSTS OF COMPLIANCE**  
15 **WITH NEW SEX OFFENDER REGISTRY RE-**  
16 **QUIREMENTS.**

17 Section 170101(i)(3) of the Violent Crime Control  
18 and Law Enforcement Act of 1994 (42 U.S.C. 14071(i)(3))  
19 is amended to read as follows:

20 “(3) AUTHORIZATION OF APPROPRIATIONS.—  
21 There is authorized to be appropriated for each of  
22 the fiscal years 2004 through 2007 such sums as  
23 may be necessary to carry out the provisions of sec-  
24 tion 1701(d)(10) of the Omnibus Crime Control and



1 Safe Streets Act of 1968 (42 U.S.C.  
2 3796dd(d)(10)), as added by the PROTECT Act.”.

3 **SEC. 607. SAFE ID ACT.**

4 (a) SHORT TITLE.—This section may be cited as the  
5 “Secure Authentication Feature and Enhanced Identifica-  
6 tion Defense Act of 2003” or “SAFE ID Act”.

7 (b) FRAUD AND FALSE STATEMENTS.—

8 (1) OFFENSES.—Section 1028(a) of title 18,  
9 United States Code, is amended—

10 (A) in paragraph (1), by inserting “, au-  
11 thentication feature,” after “an identification  
12 document”;

13 (B) in paragraph (2)—

14 (i) by inserting “, authentication fea-  
15 ture,” after “an identification document”;

16 and

17 (ii) by inserting “or feature” after  
18 “such document”;

19 (C) in paragraph (3), by inserting “, au-  
20 thentication features,” after “possessor”;

21 (D) in paragraph (4)—

22 (i) by inserting “, authentication fea-  
23 ture,” after “possessor”;

24 (ii) by inserting “or feature” after  
25 “such document”;



1 (E) in paragraph (5), by inserting “or au-  
2 thentication feature” after “implement” each  
3 place that term appears;

4 (F) in paragraph (6)—

5 (i) by inserting “or authentication fea-  
6 ture” before “that is or appears”;

7 (ii) by inserting “or authentication  
8 feature” before “of the United States”;

9 (iii) by inserting “or feature” after  
10 “such document”; and

11 (iv) by striking “or” at the end;

12 (G) in paragraph (7), by inserting “or”  
13 after the semicolon; and

14 (H) by inserting after paragraph (7) the  
15 following:

16 “(8) knowingly traffics in false authentication  
17 features for use in false identification documents,  
18 document-making implements, or means of identi-  
19 fication;”.

20 (2) PENALTIES.—Section 1028(b) of title 18,  
21 United States Code, is amended—

22 (A) in paragraph (1)—

23 (i) in subparagraph (A)—

24 (I) by inserting “, authentication  
25 feature,” before “or false”; and



1 (II) in clause (i), by inserting “or  
2 authentication feature” after “docu-  
3 ment”; and

4 (ii) in subparagraph (B), by inserting  
5 “, authentication features,” before “or  
6 false”; and

7 (B) in paragraph (2)(A), by inserting “,  
8 authentication feature,” before “or a false”.

9 (3) CIRCUMSTANCES.—Section 1028(c)(1) of  
10 title 18, United States Code, is amended by insert-  
11 ing “, authentication feature,” before “or false”  
12 each place that term appears.

13 (4) DEFINITIONS.—Section 1028(d) of title 18,  
14 United States Code, is amended—

15 (A) by redesignating paragraphs (1), (2),  
16 (3), (4), (5), (6), (7), and (8) as paragraphs  
17 (2), (3), (4), (7), (8), (9), (10), and (11), re-  
18 spectively;

19 (B) by inserting before paragraph (2), as  
20 redesignated, the following:

21 “(1) the term ‘authentication feature’ means  
22 any hologram, watermark, certification, symbol,  
23 code, image, sequence of numbers or letters, or other  
24 feature that either individually or in combination  
25 with another feature is used by the issuing authority



1 on an identification document, document-making im-  
2 plement, or means of identification to determine if  
3 the document is counterfeit, altered, or otherwise  
4 falsified;”;

5 (C) in paragraph (4)(A), as redesignated,  
6 by inserting “or was issued under the authority  
7 of a governmental entity but was subsequently  
8 altered for purposes of deceit” after “entity”;

9 (D) by inserting after paragraph (4), as  
10 redesignated, the following:

11 “(5) the term ‘false authentication feature’  
12 means an authentication feature that—

13 “(A) is genuine in origin, but, without the  
14 authorization of the issuing authority, has been  
15 tampered with or altered for purposes of deceit;

16 “(B) is genuine, but has been distributed,  
17 or is intended for distribution, without the au-  
18 thorization of the issuing authority and not in  
19 connection with a lawfully made identification  
20 document, document-making implement, or  
21 means of identification to which such authen-  
22 tication feature is intended to be affixed or em-  
23 bedded by the respective issuing authority; or

24 “(C) appears to be genuine, but is not;

25 “(6) the term ‘issuing authority’—



1           “(A) means any governmental entity or  
2 agency that is authorized to issue identification  
3 documents, means of identification, or authen-  
4 tication features; and

5           “(B) includes the United States Govern-  
6 ment, a State, a political subdivision of a State,  
7 a foreign government, a political subdivision of  
8 a foreign government, or an international gov-  
9 ernment or quasi-governmental organization;”;

10           (E) in paragraph (10), as redesignated, by  
11 striking “and” at the end;

12           (F) in paragraph (11), as redesignated, by  
13 striking the period at the end and inserting “;  
14 and”; and

15           (G) by adding at the end the following:

16           “(12) the term ‘traffic’ means—

17           “(A) to transport, transfer, or otherwise  
18 dispose of, to another, as consideration for any-  
19 thing of value; or

20           “(B) to make or obtain control of with in-  
21 tent to so transport, transfer, or otherwise dis-  
22 pose of.”.

23           (5) ADDITIONAL PENALTIES.—Section 1028 of  
24 title 18, United States Code, is amended—



1 (A) by redesignating subsection (h) as sub-  
2 section (i); and

3 (B) by inserting after subsection (g) the  
4 following:

5 “(h) FORFEITURE; DISPOSITION.—In the cir-  
6 cumstance in which any person is convicted of a violation  
7 of subsection (a), the court shall order, in addition to the  
8 penalty prescribed, the forfeiture and destruction or other  
9 disposition of all illicit authentication features, identifica-  
10 tion documents, document-making implements, or means  
11 of identification.”.

12 (6) TECHNICAL AND CONFORMING AMEND-  
13 MENT.—Section 1028 of title 18, United States  
14 Code, is amended in the heading by inserting “, **AU-**  
15 **THENTICATION FEATURES,**” after “**DOCU-**  
16 **MENTS**”.

17 **SEC. 608. ILLICIT DRUG ANTI-PROLIFERATION ACT.**

18 (a) SHORT TITLE.—This section may be cited as the  
19 “Illicit Drug Anti-Proliferation Act of 2003”.

20 (b) OFFENSES.—

21 (1) IN GENERAL.—Section 416(a) of the Con-  
22 trolled Substances Act (21 U.S.C. 856(a)) is  
23 amended—

24 (A) in paragraph (1), by striking “open or  
25 maintain any place” and inserting “open, lease,



1           rent, use, or maintain any place, whether per-  
2           manently or temporarily,”; and

3                   (B) by striking paragraph (2) and insert-  
4           ing the following:

5           “(2) manage or control any place, whether per-  
6           manently or temporarily, either as an owner, lessee,  
7           agent, employee, occupant, or mortgagee, and know-  
8           ingly and intentionally rent, lease, profit from, or  
9           make available for use, with or without compensa-  
10          tion, the place for the purpose of unlawfully manu-  
11          facturing, storing, distributing, or using a controlled  
12          substance.”.

13                   (2) TECHNICAL AMENDMENT.—The heading to  
14          section 416 of the Controlled Substances Act (21  
15          U.S.C. 856) is amended to read as follows:

16       **“SEC. 416. MAINTAINING DRUG-INVOLVED PREMISES.”.**

17                   (3) CONFORMING AMENDMENT.—The table of  
18          contents to title II of the Comprehensive Drug  
19          Abuse and Prevention Act of 1970 is amended by  
20          striking the item relating to section 416 and insert-  
21          ing the following:

          “Sec. 416. Maintaining drug-involved premises.”.

22                   (c) CIVIL PENALTY AND EQUITABLE RELIEF FOR  
23          MAINTAINING DRUG-INVOLVED PREMISES.—Section 416  
24          of the Controlled Substances Act (21 U.S.C. 856) is  
25          amended by adding at the end the following:



1 “(d)(1) Any person who violates subsection (a) shall  
2 be subject to a civil penalty of not more than the greater  
3 of—

4 “(A) \$250,000; or

5 “(B) 2 times the gross receipts, either known or  
6 estimated, that were derived from each violation that  
7 is attributable to the person.

8 “(2) If a civil penalty is calculated under paragraph  
9 (1)(B), and there is more than 1 defendant, the court may  
10 apportion the penalty between multiple violators, but each  
11 violator shall be jointly and severally liable for the civil  
12 penalty under this subsection.

13 “(e) Any person who violates subsection (a) shall be  
14 subject to declaratory and injunctive remedies as set forth  
15 in section 403(f).”.

16 (d) DECLARATORY AND INJUNCTIVE REMEDIES.—  
17 Section 403(f)(1) of the Controlled Substances Act (21  
18 U.S.C. 843(f)(1)) is amended by striking “this section or  
19 section 402” and inserting “this section, section 402, or  
20 416”.

21 (e) SENTENCING COMMISSION GUIDELINES.—The  
22 United States Sentencing Commission shall—

23 (1) review the Federal sentencing guidelines  
24 with respect to offenses involving gamma hydroxy-  
25 butyric acid (GHB);



1           (2) consider amending the Federal sentencing  
2           guidelines to provide for increased penalties such  
3           that those penalties reflect the seriousness of of-  
4           fenses involving GHB and the need to deter them;  
5           and

6           (3) take any other action the Commission con-  
7           siders necessary to carry out this section.

8           (f) AUTHORIZATION OF APPROPRIATIONS FOR A DE-  
9           MAND REDUCTION COORDINATOR.—There is authorized  
10          to be appropriated \$5,900,000 to the Drug Enforcement  
11          Administration of the Department of Justice for the hiring  
12          of a special agent in each State to serve as a Demand  
13          Reduction Coordinator.

14          (g) AUTHORIZATION OF APPROPRIATIONS FOR DRUG  
15          EDUCATION.—There is authorized to be appropriated  
16          such sums as necessary to the Drug Enforcement Admin-  
17          istration of the Department of Justice to educate youth,  
18          parents, and other interested adults about club drugs.

19          **SEC. 609. DEFINITION OF VEHICLE.**

20          Section 1993(c) of title 18, United States Code, is  
21          amended—

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

24                 (2) in paragraph (8), by striking the period at  
25                 the end and inserting “; and”; and



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

2 “(9) the term ‘vehicle’ means any carriage or  
3 other contrivance used, or capable of being used, as  
4 a means of transportation on land, water, or  
5 through the air.”.

6 **SEC. 610. AUTHORIZATION OF JOHN DOE DNA INDICT-**  
7 **MENTS.**

8 (a) **LIMITATION.**—Section 3282 of title 18, United  
9 States Code, is amended—

10 (1) by striking “Except” and inserting the fol-  
11 lowing:

12 “(a) **IN GENERAL.**—Except”; and

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

14 “(b) **DNA PROFILE INDICTMENT.**—

15 “(1) **IN GENERAL.**—In any indictment for an  
16 offense under chapter 109A for which the identity of  
17 the accused is unknown, it shall be sufficient to de-  
18 scribe the accused as an individual whose name is  
19 unknown, but who has a particular DNA profile.

20 “(2) **EXCEPTION.**—Any indictment described  
21 under paragraph (1), which is found not later than  
22 5 years after the offense under chapter 109A is com-  
23 mitted, shall not be subject to—

24 “(A) the limitations period described under  
25 subsection (a); and



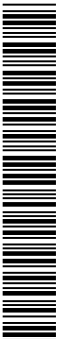
1           “(B) the provisions of chapter 208 until  
2           the individual is arrested or served with a sum-  
3           mons in connection with the charges contained  
4           in the indictment.

5           “(3) DEFINED TERM.—For purposes of this  
6           subsection, the term ‘DNA profile’ means a set of  
7           DNA identification characteristics.”.

8           (b) RULES OF CRIMINAL PROCEDURE.—Rule 7(c)(1)  
9           of the Federal Rules of Criminal Procedure is amended  
10          by adding at the end the following: “For purposes of an  
11          indictment referred to in section 3282 of title 18, United  
12          States Code, for which the identity of the defendant is un-  
13          known, it shall be sufficient for the indictment to describe  
14          the defendant as an individual whose name is unknown,  
15          but who has a particular DNA profile, as that term is de-  
16          fined in that section 3282.”.

17          **SEC. 611. TRANSITIONAL HOUSING ASSISTANCE GRANTS**  
18                               **FOR CHILD VICTIMS OF DOMESTIC VIO-**  
19                               **LENCE, STALKING, OR SEXUAL ASSAULT.**

20          (a) IN GENERAL.—The Attorney General, acting in  
21          consultation with the Director of the Violence Against  
22          Women Office of the Department of Justice, and in con-  
23          sultation with the Secretary of Housing and Urban Devel-  
24          opment and the Secretary of Health and Human Services,  
25          shall award grants under this section to States, units of



1 local government, Indian tribes, and other organizations  
2 (referred to in this section as the “recipient”) to carry  
3 out programs to provide assistance to minors, adults, and  
4 their dependents—

5 (1) who are homeless, or in need of transitional  
6 housing or other housing assistance, as a result of  
7 fleeing a situation of domestic violence; and

8 (2) for whom emergency shelter services or  
9 other crisis intervention services are unavailable or  
10 insufficient.

11 (b) GRANTS.—Grants awarded under this section  
12 may be used for programs that provide—

13 (1) short-term housing assistance, including  
14 rental or utilities payments assistance and assistance  
15 with related expenses such as payment of security  
16 deposits and other costs incidental to relocation to  
17 transitional housing for persons described in sub-  
18 section (a); and

19 (2) support services designed to enable a minor,  
20 an adult, or a dependent of such minor or adult,  
21 who is fleeing a situation of domestic violence to—

22 (A) locate and secure permanent housing;

23 and

24 (B) integrate into a community by pro-  
25 viding that minor, adult, or dependent with



1 services, such as transportation, counseling,  
2 child care services, case management, employ-  
3 ment counseling, and other assistance.

4 (c) DURATION.—

5 (1) IN GENERAL.—Except as provided in para-  
6 graph (2), a minor, an adult, or a dependent, who  
7 receives assistance under this section shall receive  
8 that assistance for not more than 18 months.

9 (2) WAIVER.—The recipient of a grant under  
10 this section may waive the restriction under para-  
11 graph (1) for not more than an additional 6 month  
12 period with respect to any minor, adult, or depend-  
13 ent, who—

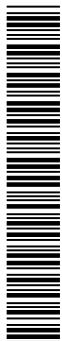
14 (A) has made a good-faith effort to acquire  
15 permanent housing; and

16 (B) has been unable to acquire permanent  
17 housing.

18 (d) APPLICATION.—

19 (1) IN GENERAL.—Each eligible entity desiring  
20 a grant under this section shall submit an applica-  
21 tion to the Attorney General at such time, in such  
22 manner, and accompanied by such information as  
23 the Attorney General may reasonably require.

24 (2) CONTENTS.—Each application submitted  
25 pursuant to paragraph (1) shall—



1 (A) describe the activities for which assist-  
2 ance under this section is sought; and

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

7 (3) APPLICATION.—Nothing in this subsection  
8 shall be construed to require—

9 (A) victims to participate in the criminal  
10 justice system in order to receive services; or

11 (B) domestic violence advocates to breach  
12 client confidentiality.

13 (e) REPORT TO THE ATTORNEY GENERAL—

14 (1) IN GENERAL.—A recipient of a grant under  
15 this section shall annually prepare and submit to the  
16 Attorney General a report describing—

17 (A) the number of minors, adults, and de-  
18 pendants assisted under this section; and

19 (B) the types of housing assistance and  
20 support services provided under this section.

21 (2) CONTENTS.—Each report prepared and  
22 submitted pursuant to paragraph (1) shall include  
23 information regarding—

24 (A) the amount of housing assistance pro-  
25 vided to each minor, adult, or dependent, as-



1           sisted under this section and the reason for that  
2           assistance;

3           (B) the number of months each minor,  
4           adult, or dependent, received assistance under  
5           this section;

6           (C) the number of minors, adults, and de-  
7           pendents who—

8           (i) were eligible to receive assistance  
9           under this section; and

10          (ii) were not provided with assistance  
11          under this section solely due to a lack of  
12          available housing; and

13          (D) the type of support services provided  
14          to each minor, adult, or dependent, assisted  
15          under this section.

16       (f) REPORT TO CONGRESS.—

17           (1) REPORTING REQUIREMENT.—The Attorney  
18           General, with the Director of the Violence Against  
19           Women Office, shall annually prepare and submit to  
20           the Committee on the Judiciary of the House of  
21           Representatives and the Committee on the Judiciary  
22           of the Senate a report that contains a compilation  
23           of the information contained in the report submitted  
24           under subsection (e).



1           (2) AVAILABILITY OF REPORT.—In order to co-  
2           ordinate efforts to assist the victims of domestic vio-  
3           lence, the Attorney General, in coordination with the  
4           Director of the Violence Against Women Office, shall  
5           transmit a copy of the report submitted under para-  
6           graph (1) to—

7           (1) the Office of Community Planning and De-  
8           velopment at the United States Department of  
9           Housing and Urban Development; and

10          (2) the Office of Women’s Health at the United  
11          States Department of Health and Human Services.

12          (g) AUTHORIZATION OF APPROPRIATIONS.—

13          (1) IN GENERAL.—There are authorized to be  
14          appropriated to carry out this section \$30,000,000  
15          for each of the fiscal years 2004 through 2008.

16          (2) LIMITATIONS.—Of the amount made avail-  
17          able to carry out this section in any fiscal year, not  
18          more than 3 percent may be used by the Attorney  
19          General for salaries and administrative expenses.

20          (3) MINIMUM AMOUNT.—

21          (A) IN GENERAL.—Except as provided in  
22          subparagraph (B), unless all eligible applica-  
23          tions submitted by any States, units of local  
24          government, Indian tribes, or organizations  
25          within a State for a grant under this section



1           have been funded, that State, together with the  
2           grantees within the State (other than Indian  
3           tribes), shall be allocated in each fiscal year,  
4           not less than 0.75 percent of the total amount  
5           appropriated in the fiscal year for grants pursu-  
6           ant to this section.

7                   (B) EXCEPTION.—The United States Vir-  
8           gin Islands, American Samoa, Guam, and the  
9           Northern Mariana Islands shall each be allo-  
10          cated not less than 0.25 percent of the total  
11          amount appropriated in the fiscal year for  
12          grants pursuant to this section.

