

Homeland Security headed by an Assistant Secretary for Emergency Communications responsible for developing interoperable emergency communications capabilities by State, territorial, local, tribal, and public safety agencies. Among other things, the Office of Emergency Communications will:

Prepare a baseline report that provides a "snap shot" of the current state of emergency communications capabilities;

Follow-up with periodic assessment reports regarding Federal efforts to address existing gaps and identify best-practices models;

Coordinate the capability to deploy backup communications services in the event of system failures during an emergency;

Create regional working groups made up of public and private sector emergency communication experts that would assess and report on the state of emergency communication networks nationwide;

Provide technical assistance to State and local governments; and,

Develop a plan to ensure the operability of the Federal Government's communications systems

2. Ensures appropriate staffing and resources commitment to improve emergency communication capabilities.

H.R. 5852 requires the Secretary to report to Congress on the resources and staff necessary to carry out the responsibilities of the Office of Emergency Communications not later than 60 days after the enactment of the bill. Within 30 days of the Secretary's report to Congress, the Government Accountability Office (GAO) is to review, assess, and report on the findings submitted by the Secretary of Homeland Security.

3. Compels DHS to create a national emergency communications plan and inventory of the Nation's emergency communications system and capabilities.

H.R. 5852 adopts a "bottoms-up" approach by directing the Assistant Secretary for Emergency Communications to develop a national strategy to expedite an effective nationwide emergency communications system.

The strategy will be developed with the cooperation of State, local and tribal governments, Federal departments and agencies, emergency response providers, emergency support providers, and the private sector.

The plan will be developed within one year of the completion of the baseline study.

H.R. 5852 mandates a national inventory of the channels, frequencies, and the types of communication systems and equipment. The plan must:

Identify and make recommendations regarding short-term and long-term obstacles and solutions to achieving emergency communication capabilities at all levels of government;

Set goals and timeframes for achieving nationwide emergency communication capabilities; and

Accelerate the development of national standards for emergency communications equipment.

4. Seeks accountability regarding the use of DHS funds and governance.

H.R. 5852 requires State and local governments to establish effective statewide interoperable communications plans before being able to use DHS grant funds for emergency communications. In addition, H.R. 5852 requires that the Department's grant guidelines are coordinated and consistent with the goals

of the national plan for emergency communications.

H.R. 5852 establishes an Emergency Communications Preparedness Center to act as a clearinghouse for the Federal Government's efforts to achieve nationwide interoperability; ensure cooperation among the relevant departments and agencies to implement the goals of the emergency communications strategy, and prepare and submit to Congress, on an annual basis, a strategic assessment regarding efforts of Federal departments and agencies to implement the emergency communications strategy.

For these reasons, I support H.R. 5852 and urge my colleagues to support it also.

Mr. UPTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 5852.

The question was taken.

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

Mr. UPTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

ADAM WALSH CHILD PROTECTION AND SAFETY ACT OF 2006

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 4472) to protect children, to secure the safety of judges, prosecutors, law enforcement officers, and their family members, to reduce and prevent gang violence, and for other purposes.

The Clerk read as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Adam Walsh Child Protection and Safety Act of 2006".

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

Sec. 1. Short title; table of contents.

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

TITLE I—SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

Sec. 101. Short title.

Sec. 102. Declaration of purpose.

Sec. 103. Establishment of program.

Subtitle A—Sex Offender Registration and Notification

Sec. 111. Relevant definitions, including Amie Zyla expansion of sex offender definition and expanded inclusion of child predators.

Sec. 112. Registry requirements for jurisdictions.

Sec. 113. Registry requirements for sex offenders.

Sec. 114. Information required in registration.

Sec. 115. Duration of registration requirement.

Sec. 116. Periodic in person verification.

Sec. 117. Duty to notify sex offenders of registration requirements and to register.

Sec. 118. Public access to sex offender information through the Internet.

Sec. 119. National Sex Offender Registry.

Sec. 120. Dru Sjodin National Sex Offender Public Website.

Sec. 121. Megan Nicole Kanka and Alexandra Nicole Zapp Community Notification Program.

Sec. 122. Actions to be taken when sex offender fails to comply.

Sec. 123. Development and availability of registry management and website software.

Sec. 124. Period for implementation by jurisdictions.

Sec. 125. Failure of jurisdiction to comply.

Sec. 126. Sex Offender Management Assistance (SOMA) Program.

Sec. 127. Election by Indian tribes.

Sec. 128. Registration of sex offenders entering the United States.

Sec. 129. Repeal of predecessor sex offender program.

Sec. 130. Limitation on liability for the National Center for Missing and Exploited Children.

Sec. 131. Immunity for good faith conduct.

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

Sec. 141. Amendments to title 18, United States Code, relating to sex offender registration.

Sec. 142. Federal assistance with respect to violations of registration requirements.

Sec. 143. Project Safe Childhood.

Sec. 144. Federal assistance in identification and location of sex offenders relocated as a result of a major disaster.

Sec. 145. Expansion of training and technology efforts.

Sec. 146. Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking.

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

Sec. 151. Access to national crime information databases.

Sec. 152. Requirement to complete background checks before approval of any foster or adoptive placement and to check national crime information databases and State child abuse registries; suspension and subsequent elimination of Opt-Out.

Sec. 153. Schools Safe Act.

Sec. 154. Missing child reporting requirements.

Sec. 155. DNA fingerprinting.

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

Sec. 201. Prohibition on Internet sales of date rape drugs.

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

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

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

Sec. 205. Penalties for sexual abuse.

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

Sec. 207. Sexual abuse of wards.

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

Sec. 209. Child abuse reporting.
 Sec. 210. Sex offender submission to search as condition of release.
 Sec. 211. No limitation for prosecution of felony sex offenses.
 Sec. 212. Victims' rights associated with habeas corpus proceedings.
 Sec. 213. Kidnapping jurisdiction.
 Sec. 214. Marital communication and adverse spousal privilege.
 Sec. 215. Abuse and neglect of Indian children.
 Sec. 216. Improvements to the Bail Reform Act to address sex crimes and other matters.

TITLE III—CIVIL COMMITMENT OF DANGEROUS SEX OFFENDERS

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

Sec. 302. Jimmy Ryce civil commitment program.

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

Sec. 401. Failure to register a deportable offense.

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

TITLE V—CHILD PORNOGRAPHY PREVENTION

Sec. 501. Findings.

Sec. 502. Other record keeping requirements.

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

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

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

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

Sec. 507. Guardians ad litem.

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

Subtitle A—Mentoring Matches for Youth Act

Sec. 601. Short title.

Sec. 602. Findings.

Sec. 603. Grant program for expanding Big Brothers Big Sisters mentoring program.

Sec. 604. Biannual report.

Sec. 605. Authorization of appropriations.

Subtitle B—National Police Athletic League Youth Enrichment Act

Sec. 611. Short title.

Sec. 612. Findings.

Sec. 613. Purpose.

Sec. 614. Grants authorized.

Sec. 615. Use of funds.

Sec. 616. Authorization of appropriations.

Sec. 617. Name of League.

Subtitle C—Grants, Studies, and Other Provisions

Sec. 621. Pilot program for monitoring sexual offenders.

Sec. 622. Treatment and management of sex offenders in the Bureau of Prisons.

Sec. 623. Sex offender apprehension grants; juvenile sex offender treatment grants.

Sec. 624. Assistance for prosecution of cases cleared through use of DNA backlog clearance funds.

Sec. 625. Grants to combat sexual abuse of children.

Sec. 626. Crime prevention campaign grant.

Sec. 627. Grants for fingerprinting programs for children.

Sec. 628. Grants for Rape, Abuse & Incest National Network.

Sec. 629. Children's safety online awareness campaigns.

Sec. 630. Grants for online child safety programs.

Sec. 631. Jessica Lunsford Address Verification Grant Program.

Sec. 632. Fugitive safe surrender.

Sec. 633. National registry of substantiated cases of child abuse.

Sec. 634. Comprehensive examination of sex offender issues.

Sec. 635. Annual report on enforcement of registration requirements.

Sec. 636. Government Accountability Office studies on feasibility of using driver's license registration processes as additional registration requirements for sex offenders.

Sec. 637. Sex offender risk classification study.

Sec. 638. Study of the effectiveness of restricting the activities of sex offenders to reduce the occurrence of repeat offenses.

Sec. 639. The justice for Crime Victims Family Act.

TITLE VII—INTERNET SAFETY ACT

Sec. 701. Child exploitation enterprises.

Sec. 702. Increased penalties for registered sex offenders.

Sec. 703. Deception by embedded words or images.

Sec. 704. Additional prosecutors for offenses relating to the sexual exploitation of children.

Sec. 705. Additional computer-related resources.

Sec. 706. Additional ICAC Task Forces.

Sec. 707. Masha's Law.

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

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

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

TITLE I—SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

SEC. 101. SHORT TITLE.

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

SEC. 102. DECLARATION OF PURPOSE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 103. ESTABLISHMENT OF PROGRAM.

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

Subtitle A—Sex Offender Registration and Notification

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

In this title the following definitions apply:

(1) SEX OFFENDER.—The term "sex offender" means an individual who was convicted of a sex offense.

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

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

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

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

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

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

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

(B) involves—

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

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

(iii) production or distribution of child pornography; or

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

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

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

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

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

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

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

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

(A) GENERALLY.—Except as limited by subparagraph (B) or (C), the term “sex offense” means—

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

(ii) a criminal offense that is a specified offense against a minor;

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

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

(v) an attempt or conspiracy to commit an offense described in clauses (i) through (iv).

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

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

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

(7) EXPANSION OF DEFINITION OF “SPECIFIED OFFENSE AGAINST A MINOR” TO INCLUDE ALL OFFENSES BY CHILD PREDATORS.—The term “specified offense against a minor” means an offense against a minor that involves any of the following:

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

(B) An offense (unless committed by a parent or guardian) involving false imprisonment.

(C) Solicitation to engage in sexual conduct.

(D) Use in a sexual performance.

(E) Solicitation to practice prostitution.

(F) Video voyeurism as described in section 1801 of title 18, United States Code.

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

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

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

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

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

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

(A) A State.

(B) The District of Columbia.

(C) The Commonwealth of Puerto Rico.

(D) Guam.

(E) American Samoa.

(F) The Northern Mariana Islands.

(G) The United States Virgin Islands.

(H) To the extent provided and subject to the requirements of section 127, a federally recognized Indian tribe.

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

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

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

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

SEC. 112. REGISTRY REQUIREMENTS FOR JURISDICTIONS.

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

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

SEC. 113. REGISTRY REQUIREMENTS FOR SEX OFFENDERS.

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

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

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

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

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

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

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

SEC. 114. INFORMATION REQUIRED IN REGISTRATION.

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

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

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

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

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

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

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

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

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

(1) A physical description of the sex offender.

(2) The text of the provision of law defining the criminal offense for which the sex offender is registered.

(3) The criminal history of the sex offender, including the date of all arrests and convictions; the status of parole, probation, or supervised release; registration status; and the existence of any outstanding arrest warrants for the sex offender.

(4) A current photograph of the sex offender.

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

(6) A DNA sample of the sex offender.

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

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

SEC. 115. DURATION OF REGISTRATION REQUIREMENT.

(a) FULL REGISTRATION PERIOD.—A sex offender shall keep the registration current for the full registration period (excluding any time the sex offender is in custody or civilly committed) unless the offender is allowed a reduction under subsection (b). The full registration period is—

(1) 15 years, if the offender is a tier I sex offender;

(2) 25 years, if the offender is a tier II sex offender; and

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

(b) REDUCED PERIOD FOR CLEAN RECORD.—

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

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

(B) not being convicted of any sex offense;

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

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

(2) PERIOD.—In the case of—

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

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

(3) REDUCTION.—In the case of—

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

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

SEC. 116. PERIODIC IN PERSON VERIFICATION.

A sex offender shall appear in person, allow the jurisdiction to take a current photograph,

and verify the information in each registry in which that offender is required to be registered not less frequently than—

- (1) each year, if the offender is a tier I sex offender;
- (2) every 6 months, if the offender is a tier II sex offender; and
- (3) every 3 months, if the offender is a tier III sex offender.

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

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

- (1) inform the sex offender of the duties of a sex offender under this title and explain those duties;
- (2) require the sex offender to read and sign a form stating that the duty to register has been explained and that the sex offender understands the registration requirement; and

(3) ensure that the sex offender is registered.

(b) *NOTIFICATION OF SEX OFFENDERS WHO CANNOT COMPLY WITH SUBSECTION (a).*—The Attorney General shall prescribe rules for the notification of sex offenders who cannot be registered in accordance with subsection (a).

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

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

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

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

(c) *OPTIONAL EXEMPTIONS.*—A jurisdiction may exempt from disclosure—

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

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

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

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

SEC. 119. NATIONAL SEX OFFENDER REGISTRY.

(a) *INTERNET.*—The Attorney General shall maintain a national database at the Federal

Bureau of Investigation for each sex offender and any other person required to register in a jurisdiction's sex offender registry. The database shall be known as the National Sex Offender Registry.

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

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

(a) *ESTABLISHMENT.*—There is established the Dru Sjodin National Sex Offender Public Website (hereinafter in this section referred to as the "Website"), which the Attorney General shall maintain.

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

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

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

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

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

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

(3) Each jurisdiction where the sex offender resides, is an employee, or is a student, and each jurisdiction from or to which a change of residence, employment, or student status occurs.

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

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

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

(7) Any organization, company, or individual who requests such notification pursuant to procedures established by the jurisdiction.

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

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

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

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

(a) *DUTY TO DEVELOP AND SUPPORT.*—The Attorney General shall, in consultation with the jurisdictions, develop and support software to enable jurisdictions to establish and operate uniform sex offender registries and Internet sites.

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

- (1) immediate exchange of information among jurisdictions;
- (2) public access over the Internet to appropriate information, including the number of registered sex offenders in each jurisdiction on a current basis;
- (3) full compliance with the requirements of this title; and
- (4) communication of information to community notification program participants as required under section 121.

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

SEC. 124. PERIOD FOR IMPLEMENTATION BY JURISDICTIONS.

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

- (1) 3 years after the date of the enactment of this Act; and
- (2) 1 year after the date on which the software described in section 123 is available.

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

SEC. 125. FAILURE OF JURISDICTION TO COMPLY.

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

(b) *STATE CONSTITUTIONALITY.*—

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

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

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

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

(c) *REALLOCATION.*—Amounts not allocated under a program referred to in this section to a

jurisdiction for failure to substantially implement this title shall be reallocated under that program to jurisdictions that have not failed to substantially implement this title or may be reallocated to a jurisdiction from which they were withheld to be used solely for the purpose of implementing this title.

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

SEC. 126. SEX OFFENDER MANAGEMENT ASSISTANCE (SOMA) PROGRAM.

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

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

(c) **BONUS PAYMENTS FOR PROMPT COMPLIANCE.**—A jurisdiction that, as determined by the Attorney General, has substantially implemented this title not later than 2 years after the date of the enactment of this Act is eligible for a bonus payment. The Attorney General may make such a payment under the SOMA program for the first fiscal year beginning after that termination. The amount of the payment shall be—

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

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

(d) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to any amounts otherwise authorized to be appropriated, there are authorized to be appropriated such sums as may be necessary to the Attorney General, to be available only for the SOMA program, for fiscal years 2007 through 2009.

SEC. 127. ELECTION BY INDIAN TRIBES.

(a) **ELECTION.**—

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

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

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

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

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

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

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

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

(1) **NONDUPLICATION.**—A tribe subject to this subtitle is not required to duplicate functions under this subtitle which are fully carried out

by another jurisdiction or jurisdictions within which the territory of the tribe is located.

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

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

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

SEC. 128. REGISTRATION OF SEX OFFENDERS ENTERING THE UNITED STATES.

The Attorney General, in consultation with the Secretary of State and the Secretary of Homeland Security, shall establish and maintain a system for informing the relevant jurisdictions about persons entering the United States who are required to register under this title. The Secretary of State and the Secretary of Homeland Security shall provide such information and carry out such functions as the Attorney General may direct in the operation of the system.

SEC. 129. REPEAL OF PREDECESSOR SEX OFFENDER PROGRAM.

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

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

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

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

“(g) **LIMITATION ON LIABILITY.**—

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

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

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

SEC. 131. IMMUNITY FOR GOOD FAITH CONDUCT.

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

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

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

(a) **CRIMINAL PENALTIES FOR NONREGISTRATION.**—

(1) **IN GENERAL.**—Part 1 of title 18, United States Code, is amended by inserting after chapter 109A the following:

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

“Sec.

“2250. Failure to register.

“§ 2250. Failure to register

“(a) **IN GENERAL.**—Whoever—

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

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

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

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

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

“(b) **AFFIRMATIVE DEFENSE.**—In a prosecution for a violation under subsection (a), it is an affirmative defense that—

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

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

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

“(c) **CRIME OF VIOLENCE.**—

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

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

(2) **CLERICAL AMENDMENT.**—The table of chapters for part 1 of title 18, United States Code, is amended by inserting after the item relating to chapter 109A the following:

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

(b) **DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.**—In promulgating guidelines for use of a sentencing court in determining the sentence to be imposed for the offense specified in subsection (a), the United States Sentencing Commission shall consider the following matters, in addition to the matters specified in section 994 of title 28, United States Code:

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

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

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

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

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

(c) **FALSE STATEMENT OFFENSE.**—Section 1001(a) of title 18, United States Code, is amended by adding at the end the following: “If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 8 years.”.

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

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

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

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

(2) in subsection (k)—

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

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

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

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

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

(g) CONFORMING AMENDMENTS TO CROSS-REFERENCES.—Section 4042(c) of title 18, United States Code, is amended—

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

(2) in paragraph (2)—

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

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

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

(i) MILITARY OFFENSES.—

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

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

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

SEC. 142. FEDERAL ASSISTANCE WITH RESPECT TO VIOLATIONS OF REGISTRATION REQUIREMENTS.

(a) IN GENERAL.—The Attorney General shall use the resources of Federal law enforcement,

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

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2007 through 2009 to implement this section.

SEC. 143. PROJECT SAFE CHILDHOOD.

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

(b) INITIAL IMPLEMENTATION.—Except as authorized under subsection (c), funds authorized under this section may only be used for the following 5 purposes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) the ICAC Task Force Program; and

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

(i) Federal law enforcement operations; and

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

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

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

(B) the ICAC Task Force Program; and

(C) any other ongoing programs that—

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

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

(c) EXPANSION OF PROJECT SAFE CHILDHOOD.—Notwithstanding subsection (b), funds authorized under this section may also be used for the following purposes:

(1) The addition of not less than 8 Assistant United States Attorneys at the Department of Justice dedicated to the prosecution of cases in connection with the Project Safe Childhood program set forth under subsection (a).

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

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

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

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

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

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

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

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

(A) for fiscal year 2007—

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

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

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

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

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

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

SEC. 145. EXPANSION OF TRAINING AND TECHNOLOGY EFFORTS.

(a) TRAINING.—The Attorney General shall—

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

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

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

(4) develop and distribute, for personnel listed in paragraph (3), information regarding multidisciplinary approaches to holding offenders accountable to the terms of their probation, parole, and sex offender registration laws; and

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

(b) TECHNOLOGY.—The Attorney General shall—

(1) deploy, to all Internet Crimes Against Children Task Forces and their partner agencies,

technology modeled after the Canadian Child Exploitation Tracking System; and

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

(c) **REPORT.**—Not later than July 1, 2007, the Attorney General, shall submit to Congress a report on the activities carried out under this section. The report shall include any recommendations that the Attorney General considers appropriate.

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

- (1) \$1,000,000 to carry out subsection (a); and
(2) \$2,000,000 to carry out subsection (b).

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

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

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

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

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

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

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

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

Subtitle C—Access to Information and Resources Needed to Ensure That Children Are Not Attacked or Abused

SEC. 151. ACCESS TO NATIONAL CRIME INFORMATION DATABASES.

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

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

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

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

- (1) defined by the Attorney General; and
(2) limited to personnel of the Center or such agencies that have met all requirements set by

the Attorney General, including training, certification, and background screening.

SEC. 152. REQUIREMENT TO COMPLETE BACKGROUND CHECKS BEFORE APPROVAL OF ANY FOSTER OR ADOPTIVE PLACEMENT AND TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES; SUSPENSION AND SUBSEQUENT ELIMINATION OF OPT-OUT.

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

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

(A) in subparagraph (A)—
(i) in the matter preceding clause (I)—

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

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

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

(B) by adding at the end the following:

“(C) provides that the State shall—

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

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

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

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

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

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

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

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

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

(c) **EFFECTIVE DATE.**—

(1) **GENERAL.**—The amendments made by subsection (a) shall take effect on October 1, 2006, and shall apply with respect to payments under

part E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

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

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

SEC. 153. SCHOOLS SAFE ACT.

(a) **SHORT TITLE.**—This section may be cited as the “Schools Safety Acquiring Faculty Excellence Act of 2006”.

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

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

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

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

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

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

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

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

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

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

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

(2) any other public agency, or any other private agency under contract with the State or local agency responsible for administering the

plan under part B or part E of title IV of the Social Security Act, that is responsible for the licensing or approval of foster or adoptive parents.

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

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

SEC. 154. MISSING CHILD REPORTING REQUIREMENTS.

(a) **IN GENERAL.**—Section 3702 of the Crime Control Act of 1990 (42 U.S.C. 5780) is amended—

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

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

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

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

(b) **DEFINITIONS.**—Section 403(1) of the Comprehensive Crime Control Act of 1984 (42 U.S.C. 5772) is amended by striking “if” through subparagraph (B) and inserting a semicolon.

SEC. 155. DNA FINGERPRINTING.

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

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

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

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

“(g) **INTERNET SALES OF DATE RAPE DRUGS.**—“(1) Whoever knowingly uses the Internet to distribute a date rape drug to any person, knowing or with reasonable cause to believe that—

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

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

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

“(2) As used in this subsection:

“(A) The term ‘date rape drug’ means—

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

“(ii) ketamine;

“(iii) flunitrazepam; or

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

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

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

“(i) A person with a valid prescription that is issued for a legitimate medical purpose in the usual course of professional practice that is

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 203. PENALTIES FOR COERCION AND ENFORCEMENT BY SEX OFFENDERS.

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

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

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

SEC. 205. PENALTIES FOR SEXUAL ABUSE.

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

SEC. 206. INCREASED PENALTIES FOR SEXUAL OFFENSES AGAINST CHILDREN.

(a) **SEXUAL ABUSE AND CONTACT.**—

(1) **AGGRAVATED SEXUAL ABUSE OF CHILDREN.**—Section 2241(c) of title 18, United States

Code, is amended by striking “, imprisoned for any term of years or life, or both” and inserting “and imprisoned for not less than 30 years or for life”.

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

(A) in subsection (a)—

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

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

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

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

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

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

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

“§2245. Offenses resulting in death

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

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

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

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

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

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

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

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

(A) by striking “paragraphs (1)” and inserting “paragraph (1)”; and

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

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

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

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

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

(4) **USING MISLEADING DOMAIN NAMES TO DIRECT CHILDREN TO HARMFUL MATERIAL ON THE INTERNET.**—Section 2252B(b) of title 18, United States Code, is amended by striking “4” and inserting “10”.

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

“(c) **PENALTIES.**—

“(1) A person who violates subsection (a), or attempts or conspires to do so, shall be subject to the penalties provided in subsection (e) of section 2251 for a violation of that section, including the penalties provided for such a violation

by a person with a prior conviction or convictions as described in that subsection.

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

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

SEC. 207. SEXUAL ABUSE OF WARDS.

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

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

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

SEC. 208. MANDATORY PENALTIES FOR SEX-TRAFFICKING OF CHILDREN.

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

(1) in paragraph (1)—

(A) by striking “or imprisonment” and inserting “and imprisonment”; and

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

(C) by striking “, or both”; and

(2) in paragraph (2)—

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

(B) by striking “, or both”.

SEC. 209. CHILD ABUSE REPORTING.

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

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

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

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

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

(3) by inserting after paragraph (22) the following:

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

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

SEC. 211. NO LIMITATION FOR PROSECUTION OF FELONY SEX OFFENSES.

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

(1) by adding at the end the following:

“§ 3299. Child abduction and sex offenses

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

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

“3299. Child abduction and sex offenses”.

SEC. 212. VICTIMS’ RIGHTS ASSOCIATED WITH HABEAS CORPUS PROCEEDINGS.

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

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

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

(2) by adding at the end the following:

“(2) HABEAS CORPUS PROCEEDINGS.—

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

“(B) ENFORCEMENT.—

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

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

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

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

SEC. 213. KIDNAPPING JURISDICTION.

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

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

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

SEC. 214. MARITAL COMMUNICATION AND ADVERSE SPOUSAL PRIVILEGE.

The Committee on Rules, Practice, Procedure, and Evidence of the Judicial Conference of the United States shall study the necessity and desirability of amending the Federal Rules of Evidence to provide that the confidential marital communications privilege and the adverse spousal privilege shall be inapplicable in any Federal proceeding in which a spouse is charged with a crime against—

(1) a child of either spouse; or

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

SEC. 215. ABUSE AND NEGLECT OF INDIAN CHILDREN.

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

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

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

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

(2) in subsection (f)(1)—

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

(B) by adding at the end the following:

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

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

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

TITLE III—CIVIL COMMITMENT OF DANGEROUS SEX OFFENDERS

SEC. 301. JIMMY RYCE STATE CIVIL COMMITMENT PROGRAMS FOR SEXUALLY DANGEROUS PERSONS.

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

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

(c) ELIGIBILITY.—

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

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

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

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

(3) RELEASE NOTICE.—

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

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

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

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

(d) ATTORNEY GENERAL REPORTS.—Not later than January 31 of each year, beginning with

2008, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of jurisdictions in implementing this section and the rate of sexually violent offenses for each jurisdiction.

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

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

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

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

(2) The term “sexually dangerous person” means a person suffering from a serious mental illness, abnormality, or disorder, as a result of which the individual would have serious difficulty in refraining from sexually violent conduct or child molestation.

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

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

SEC. 302. JIMMY RYCE CIVIL COMMITMENT PROGRAM.

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

(1) in the chapter analysis—

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

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

(2) in section 4241—

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

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

(C) in subsection (d)—

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

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

(D) in subsection (e)—

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

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

(3) in section 4247—

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

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

(C) in subsection (a)—

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

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

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

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

(iv) by inserting at the end the following:

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

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

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

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

(E) in subsection (c)(4)—

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

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

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

(F) in subsections (e) and (h)—

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

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

(4) by inserting at the end the following:

“§ 4248. Civil commitment of a sexually dangerous person

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

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

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

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

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

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

“(e) DISCHARGE.—When the Director of the facility in which a person is placed pursuant to subsection (d) determines that the person’s condition is such that he is no longer sexually dangerous to others, or will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the person’s counsel and to the attorney for the Government.

The court shall order the discharge of the person or, on motion of the attorney for the Government or on its own motion, shall hold a hearing, conducted pursuant to the provisions of section 4247(d), to determine whether he should be released. If, after the hearing, the court finds by a preponderance of the evidence that the person’s condition is such that—

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

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

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

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

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

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

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

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

SEC. 401. FAILURE TO REGISTER A DEPORTABLE OFFENSE.

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

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

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

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

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

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

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

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

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

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

(3) in subparagraph (B)(i)—

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

(B) by adding at the end the following:

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

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

TITLE V—CHILD PORNOGRAPHY PREVENTION

SEC. 501. FINDINGS.

Congress makes the following findings:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 502. OTHER RECORD KEEPING REQUIREMENTS.

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

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

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

(3) in subsection (f), by—

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

(B) in paragraph (4), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

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

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

“(h) In this section—

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

“(2) the term ‘produces’—

“(A) means—

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

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

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

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

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

“(ii) distribution;

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

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

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

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

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

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

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

“SEC. 2257A. RECORD KEEPING REQUIREMENTS FOR SIMULATED SEXUAL CONDUCT.

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

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

“(2) is produced in whole or in part with materials which have been mailed or shipped in interstate or foreign commerce, or is shipped or transported or is intended for shipment or transportation in interstate or foreign commerce; shall create and maintain individually identifiable records pertaining to every performer portrayed in such a visual depiction.

“(b) Any person to whom subsection (a) applies shall, with respect to every performer portrayed in a visual depiction of simulated sexually explicit conduct—

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

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

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

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

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

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

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

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

“(f) It shall be unlawful—

“(1) for any person to whom subsection (a) applies to fail to create or maintain the records as required by subsections (a) and (c) or by any regulation promulgated under this section;

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

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

“(4) for any person knowingly to sell or otherwise transfer, or offer for sale or transfer, any book, magazine, periodical, film, video, or other

matter, produced in whole or in part with materials which have been mailed or shipped in interstate or foreign commerce or which is intended for shipment in interstate or foreign commerce, that—

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

“(B) is produced in whole or in part with materials which have been mailed or shipped in interstate or foreign commerce, or is shipped or transported or is intended for shipment or transportation in interstate or foreign commerce;

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

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

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

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

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

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

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

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

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

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

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

“(2) Whoever violates this section in an effort to conceal a substantive offense involving the causing, transporting, permitting or offering or seeking by notice or advertisement, a minor to engage in sexually explicit conduct for the pur-

pose of producing a visual depiction of such conduct in violation of this title, or to conceal a substantive offense that involved trafficking in material involving the sexual exploitation of a minor, including receiving, transporting, advertising, or possessing material involving the sexual exploitation of a minor with intent to traffic, in violation of this title, shall be imprisoned for not more than 5 years and fined in accordance with the provisions of this title, or both.

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

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

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

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

“(2) including—

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

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

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

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

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

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

SEC. 504. PREVENTION OF DISTRIBUTION OF CHILD PORNOGRAPHY USED AS EVIDENCE IN PROSECUTIONS.

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

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

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

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

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

SEC. 505. AUTHORIZING CIVIL AND CRIMINAL ASSET FORFEITURE IN CHILD EXPLOITATION AND OBSCENITY CASES.

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

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

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

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

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

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

(1) in the matter preceding paragraph (1)—
(A) by inserting “or who is convicted of an offense under section 2252B of this chapter,” after “2260 of this chapter”; and

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

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

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

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

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

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

“§2254. Civil forfeiture

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

SEC. 506. PROHIBITING THE PRODUCTION OF OBSCENITY AS WELL AS TRANSPORTATION, DISTRIBUTION, AND SALE.

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

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

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

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

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

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

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

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

SEC. 507. GUARDIANS AD LITEM.

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

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

Subtitle A—Mentoring Matches for Youth Act

SEC. 601. SHORT TITLE.

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

SEC. 602. FINDINGS.

Congress finds the following:

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

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

(3) Over the last decade, Big Brothers Big Sisters of America has raised a minimum of 75 percent of its annual operating budget from private sources and is continually working to grow private sources of funding to maintain this ratio of private to Federal funds.

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

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

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

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

SEC. 604. BIENNIAL REPORT.

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

(b) **REQUIRED CONTENT.**—Each such report shall include the following:

(1) A detailed statement of the progress made by Big Brothers Big Sisters of America in expanding the capacity of and carrying out mentoring programs for at-risk youth.

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

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

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

SEC. 605. AUTHORIZATION OF APPROPRIATIONS.

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

- (1) \$9,000,000 for fiscal year 2007;
- (2) \$10,000,000 for fiscal year 2008;
- (3) \$11,500,000 for fiscal year 2009;
- (4) \$13,000,000 for fiscal year 2010; and
- (5) \$15,000,000 for fiscal year 2011.

Subtitle B—National Police Athletic League Youth Enrichment Act

SEC. 611. SHORT TITLE.

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

SEC. 612. FINDINGS.

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

(1) in paragraph (1)—
(A) by redesignating subparagraphs (C) through (G) as subparagraphs (D) through (H), respectively; and

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

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

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

(3) in paragraph (3)—
(A) by striking “320 PAL chapters” and inserting “350 PAL chapters”; and

(B) by striking “1,500,000 youth” and inserting “2,000,000 youth”;

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

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

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

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

SEC. 613. PURPOSE.

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

(1) in paragraph (1)—
(A) by striking “320 established PAL chapters” and inserting “342 established PAL chapters”; and

(B) by striking “and” at the end;

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

(3) by adding at the end the following:

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

SEC. 614. GRANTS AUTHORIZED.

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

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

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

SEC. 615. USE OF FUNDS.

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

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

(2) in subparagraph (A)—
(A) in the matter preceding clause (i), by striking “two programs” and inserting “one program”;

(B) in clause (iii), by striking “or”;

(C) in clause (iv), by striking “and” and inserting “or”; and

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

“(v) character development and leadership training; and”.

SEC. 616. AUTHORIZATION OF APPROPRIATIONS.

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

SEC. 617. NAME OF LEAGUE.

(a) **DEFINITIONS.**—Section 4(4) of the National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended in the paragraph heading, by striking “Athletic” and inserting “Athletic/activities”.

(b) **TEXT.**—The National Police Athletic League Youth Enrichment Act of 2000 (42 U.S.C. 13751 note) is amended by striking “Police Athletic League” each place such term appears and inserting “Police Athletic/Activities League”.

Subtitle C—Grants, Studies, and Other Provisions

SEC. 621. PILOT PROGRAM FOR MONITORING SEXUAL OFFENDERS.

(a) **SEX OFFENDER MONITORING PROGRAM.**—
(1) **GRANTS AUTHORIZED.**—

(A) **IN GENERAL.**—The Attorney General is authorized to award grants (referred to as “Jessica Lunsford and Sarah Lunde Grants”) to States, local governments, and Indian tribal governments to assist in—

(i) carrying out programs to outfit sex offenders with electronic monitoring units; and

(ii) the employment of law enforcement officials necessary to carry out such programs.

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

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

(i) provide a single-unit tracking device for each offender that—

(I) contains a central processing unit with global positioning system and cellular technology in a single unit; and

(II) provides two- and three-way voice communication; and

(ii) permit active, real-time, and continuous monitoring of offenders 24 hours a day.

(2) **APPLICATION.**—

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

(B) **CONTENTS.**—Each application submitted pursuant to subparagraph (A) shall—

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

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

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

(c) **AUTHORIZATION OF APPROPRIATIONS.**—

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

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

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

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

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

SEC. 622. TREATMENT AND MANAGEMENT OF SEX OFFENDERS IN THE BUREAU OF PRISONS.

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

“(f) **SEX OFFENDER MANAGEMENT.**—

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

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

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

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

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

SEC. 623. SEX OFFENDER APPREHENSION GRANTS; JUVENILE SEX OFFENDER TREATMENT GRANTS.

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

“PART X—SEX OFFENDER APPREHENSION GRANTS; JUVENILE SEX OFFENDER TREATMENT GRANTS

“SEC. 3011. SEX OFFENDER APPREHENSION GRANTS.

“(a) **AUTHORITY TO MAKE SEX OFFENDER APPREHENSION GRANTS.**—

“(1) **IN GENERAL.**—From amounts made available to carry out this part, the Attorney General may make grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia thereof for activities specified in paragraph (2).

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

“(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary for fiscal years 2007 through 2009 to carry out this part.

“SEC. 3012. JUVENILE SEX OFFENDER TREATMENT GRANTS.

“(a) **AUTHORITY TO MAKE JUVENILE SEX OFFENDER TREATMENT GRANTS.**—

“(1) **IN GENERAL.**—From amounts made available to carry out this part, the Attorney General may make grants to units of local government, Indian tribal governments, correctional facilities, other public and private entities, and multijurisdictional or regional consortia thereof for activities specified in paragraph (2).

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

“(b) **JUVENILE SEX OFFENDER DEFINED.**—For purposes of this section, the term ‘juvenile sex offender’ is a sex offender who had not attained the age of 18 years at the time of his or her offense.

“(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$10,000,000 for each of fiscal years 2007 through 2009 to carry out this part.”.

SEC. 624. ASSISTANCE FOR PROSECUTION OF CASES CLEARED THROUGH USE OF DNA BACKLOG CLEARANCE FUNDS.

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

(b) **AUTHORIZATION.**—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this section.

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

(a) **IN GENERAL.**—The Bureau of Justice Assistance is authorized to make grants under this section—

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

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

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

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

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

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

(c) **CRITERIA.**—The Attorney General shall give priority to law enforcement agencies making a showing of need.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary for fiscal years 2007 through 2009 to carry out this section.

SEC. 626. CRIME PREVENTION CAMPAIGN GRANT.

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

“CHAPTER 4—GRANTS TO PRIVATE ENTITIES

“SEC. 519. CRIME PREVENTION CAMPAIGN GRANT.

“(a) **GRANT AUTHORIZATION.**—The Attorney General may provide a grant to a national private, nonprofit organization that has expertise in promoting crime prevention through public outreach and media campaigns in coordination with law enforcement agencies and other local government officials, and representatives of community public interest organizations, including schools and youth-serving organizations, faith-based, and victims’ organizations and employers.

“(b) **APPLICATION.**—To request a grant under this section, an organization described in subsection (a) shall submit an application to the Attorney General in such form and containing such information as the Attorney General may require.

“(c) **USE OF FUNDS.**—An organization that receives a grant under this section shall—

“(1) create and promote national public communications campaigns;

“(2) develop and distribute publications and other educational materials that promote crime prevention;

“(3) design and maintain web sites and related web-based materials and tools;

“(4) design and deliver training for law enforcement personnel, community leaders, and other partners in public safety and hometown security initiatives;

“(5) design and deliver technical assistance to States, local jurisdictions, and crime prevention practitioners and associations;

“(6) coordinate a coalition of Federal, national, and statewide organizations and communities supporting crime prevention;

“(7) design, deliver, and assess demonstration programs;

“(8) operate McGruff-related programs, including McGruff Club;

“(9) operate the Teens, Crime, and Community Program; and

“(10) evaluate crime prevention programs and trends.

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section—

“(1) for fiscal year 2007, \$7,000,000;

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

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

“(4) for fiscal year 2010, \$10,000,000.”.

SEC. 627. GRANTS FOR FINGERPRINTING PROGRAMS FOR CHILDREN.

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

(b) **USE OF GRANT AMOUNTS.**—A grant made to a State, unit of local government, or Indian tribal government under subsection (a) shall be distributed to law enforcement agencies within the jurisdiction of such State, unit, or tribal government to be used for any of the following activities:

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

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

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

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

(c) **LIMITATION.**—Fingerprints of a child derived from a program funded under this section—

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

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

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

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

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

(a) **FINDINGS.**—Congress finds as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) **DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.**—

(1) **DESCRIPTION OF ACTIVITIES.**—The Administrator shall—

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

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

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

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

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

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

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

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

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

(c) **DEFINITIONS.**—For the purposes of this section:

(1) **ADMINISTRATOR.**—The term "Administrator" means the Administrator of the Office of Juvenile Justice and Delinquency Prevention.

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

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Administrator to carry out this section, \$3,000,000 for each of fiscal years 2007 through 2010.

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

(a) **AWARENESS CAMPAIGN FOR CHILDREN'S SAFETY ONLINE.**—

(1) **IN GENERAL.**—The Attorney General, in consultation with the National Center for Missing and Exploited Children, is authorized to de-

velop and carry out a public awareness campaign to demonstrate, explain, and encourage children, parents, and community leaders to better protect children when such children are on the Internet.

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

(b) **AWARENESS CAMPAIGN REGARDING THE ACCESSIBILITY AND UTILIZATION OF SEX OFFENDER REGISTRIES.**—The Attorney General, in consultation with the National Center for Missing and Exploited Children, is authorized to develop and carry out a public awareness campaign to demonstrate, explain, and encourage parents and community leaders to better access and utilize the Federal and State sex offender registries.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section such sums as are necessary for fiscal years 2007 through 2011.

SEC. 630. GRANTS FOR ONLINE CHILD SAFETY PROGRAMS.

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

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

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section such sums as are necessary for fiscal years 2007 through 2011.

SEC. 631. JESSICA LUNSFORD ADDRESS VERIFICATION GRANT PROGRAM.

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

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

(c) **APPLICATION.**—

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

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

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

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

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

(e) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated for each of the fiscal years 2007 through 2009 such sums as may be necessary to carry out this section.

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

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

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

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

SEC. 632. FUGITIVE SAFE SURRENDER.

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

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

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

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

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

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

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the United States Marshals Service to carry out this section—

- (1) \$3,000,000 for fiscal year 2007;
- (2) \$5,000,000 for fiscal year 2008; and
- (3) \$8,000,000 for fiscal year 2009.

(d) **OTHER EXISTING APPLICABLE LAW.**—Nothing in this section shall be construed to limit any existing authority under any other provision of Federal or State law for law enforcement agencies to locate or apprehend fugitives through task forces or any other means.

SEC. 633. NATIONAL REGISTRY OF SUBSTANTIATED CASES OF CHILD ABUSE.

(a) **IN GENERAL.**—The Secretary of Health and Human Services, in consultation with the Attorney General, shall create a national registry of substantiated cases of child abuse or neglect.

(b) **INFORMATION.**—

(1) **COLLECTION.**—The information in the registry described in subsection (a) shall be supplied by States and Indian tribes, or, at the option of a State, by political subdivisions of such State, to the Secretary of Health and Human Services.

(2) **TYPE OF INFORMATION.**—The registry described in subsection (a) shall collect in a central electronic registry information on persons reported to a State, Indian tribe, or political subdivision of a State as perpetrators of a substantiated case of child abuse or neglect.

(c) **SCOPE OF INFORMATION.**—

(1) **IN GENERAL.**—

(A) **TREATMENT OF REPORTS.**—The information to be provided to the Secretary of Health and Human Services under this section shall relate to substantiated reports of child abuse or neglect.

(B) **EXCEPTION.**—If a State, Indian tribe, or political subdivision of a State has an electronic register of cases of child abuse or neglect equivalent to the registry established under this section that it maintains pursuant to a requirement or authorization under any other provision of law, the information provided to the Secretary of Health and Human Services under this section shall be coextensive with that in such register.

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

(A) shall be in a standardized electronic form determined by the Secretary of Health and Human Services; and

(B) shall contain case-specific identifying information that is limited to the name of the perpetrator and the nature of the substantiated case of child abuse or neglect, and that complies with clauses (viii) and (ix) of section 106(b)(2)(A) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(b)(2)(A) (viii) and (ix)).

(d) **CONSTRUCTION.**—This section shall not be construed to require a State, Indian tribe, or political subdivision of a State to modify—

(1) an equivalent register of cases of child abuse or neglect that it maintains pursuant to a requirement or authorization under any other provision of law; or

(2) any other record relating to child abuse or neglect, regardless of whether the report of abuse or neglect was substantiated, unsubstantiated, or determined to be unfounded.

(e) **ACCESSIBILITY.**—Information contained in the national registry shall only be accessible to any Federal, State, Indian tribe, or local government entity, or any agent of such entities, that has a need for such information in order to carry out its responsibilities under law to protect children from child abuse and neglect.

(f) **DISSEMINATION.**—The Secretary of Health and Human Services shall establish standards for the dissemination of information in the national registry of substantiated cases of child abuse or neglect. Such standards shall comply with clauses (viii) and (ix) of section 106(b)(2)(A) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(b)(2)(A) (viii) and (ix)).

(g) **STUDY.**—

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

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

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

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

(D) a due process procedure for a national registry

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

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

SEC. 634. COMPREHENSIVE EXAMINATION OF SEX OFFENDER ISSUES.

(a) **IN GENERAL.**—The National Institute of Justice shall conduct a comprehensive study to examine the control, prosecution, treatment, and monitoring of sex offenders, with a particular focus on—

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

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

(3) the effectiveness of public dissemination of sex offender information on the Internet in in-

creasing public safety, and the costs and burdens associated with such dissemination; and

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

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

(c) **REPORTS.**—

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

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

(d) **APPROPRIATIONS.**—There are authorized to be appropriated \$3,000,000 to carry out this section.

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

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

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

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

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

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

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

SEC. 636. GOVERNMENT ACCOUNTABILITY OFFICE STUDIES ON FEASIBILITY OF USING DRIVER'S LICENSE REGISTRATION PROCESSES AS ADDITIONAL REGISTRATION REQUIREMENTS FOR SEX OFFENDERS.

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

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

the Federal Bureau of Investigation, with regard to the anticipated effects of such a national requirement, including potential for undesired side effects in terms of actual compliance with this Act and related laws.

(2) Not later than February 1, 2007, the Government Accountability Office shall complete a study to evaluate the provisions of Chapter 507 of Statutes of Nevada 2005 to determine—

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

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

(C) how those provisions might be modified to improve compliance by registered sex offenders.

SEC. 637. SEX OFFENDER RISK CLASSIFICATION STUDY.

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 638. STUDY OF THE EFFECTIVENESS OF RESTRICTING THE ACTIVITIES OF SEX OFFENDERS TO REDUCE THE OCCURRENCE OF REPEAT OFFENSES.

(a) **STUDY.**—The Attorney General shall conduct a study to evaluate the effectiveness of monitoring and restricting the activities of sex offenders to reduce the occurrence of repeat offenses by such sex offenders, through conditions imposed as part of supervised release or probation conditions. The study shall evaluate—

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

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

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

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

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

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

(b) **REPORT.**—Not later than 6 months after the date of enactment of this Act, the Attorney

General shall report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate the results of the study under this section.

SEC. 639. THE JUSTICE FOR CRIME VICTIMS FAMILY ACT.

(a) **SHORT TITLE.**—This section may be cited as the “Justice for Crime Victims Family Act”.

(b) **STUDY OF MEASURES NEEDED TO IMPROVE PERFORMANCE OF HOMICIDE INVESTIGATORS.**—Not later than 6 months after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report—

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

(2) including an examination of—

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

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

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

(D) the sources of funding that are in existence on the date of the enactment of this Act for State and local criminal investigators of homicide.

(c) **IMPROVEMENTS NEEDED FOR SOLVING HOMICIDES INVOLVING MISSING PERSONS AND UNIDENTIFIED HUMAN REMAINS.**—Not later than 6 months after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report—

(1) evaluating measures to improve the ability of Federal, State, and local criminal investigators of homicide to solve homicides involving missing persons and unidentified human remains; and

(2) including an examination of—

(A) measures to expand national criminal records databases with accurate information relating to missing persons and unidentified human remains;

(B) the collection of DNA samples from potential ‘high-risk’ missing persons;

(C) the benefits of increasing access to national criminal records databases for medical examiners and coroners;

(D) any improvement in the performance of postmortem examinations, autopsies, and reporting procedures of unidentified persons or remains;

(E) any coordination between the National Center for Missing Children and the National Center for Missing Adults;

(F) website postings (or other uses of the Internet) of information of identifiable information such as physical features and characteristics, clothing, and photographs of missing persons and unidentified human remains; and

(G) any improvement with respect to—

(i) the collection of DNA information for missing persons and unidentified human remains; and

(ii) entering such information into the Combined DNA Index System of the Federal Bureau of Investigation and national criminal records databases.

TITLE VII—INTERNET SAFETY ACT

SEC. 701. CHILD EXPLOITATION ENTERPRISES.

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

“(g) **CHILD EXPLOITATION ENTERPRISES.**—

“(1) Whoever engages in a child exploitation enterprise shall be fined under this title and imprisoned for any term of years not less than 20 or for life.

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

SEC. 702. INCREASED PENALTIES FOR REGISTERED SEX OFFENDERS.

(a) **OFFENSE.**—Chapter 110 of title 18, United States Code, is amended by adding at the end the following:

“**§2260A. Penalties for registered sex offenders**

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

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 110 of title 18, United States Code, is amended by adding at the end the following new item:

“2260A. Increased penalties for registered sex offenders.”.

SEC. 703. DECEPTION BY EMBEDDED WORDS OR IMAGES.

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

“**§2252C. Misleading words or digital images on the Internet**

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

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

“(c) **CONSTRUCTION.**—For the purposes of this section, a word or digital image that clearly indicates the sexual content of the site, such as ‘sex’ or ‘porn’, is not misleading.

“(d) **DEFINITIONS.**—As used in this section—

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

“(2) the term ‘source code’ means the combination of text and other characters comprising the content, both viewable and nonviewable, of a web page, including any website publishing language, programming language, protocol or functional content, as well as any successor languages or protocols.”.

(b) **TABLE OF SECTIONS.**—The table of sections for chapter 110 of title 18, United States Code, is amended by inserting after the item relating to section 2252B the following:

“2252C. Misleading words or digital images on the Internet.”.

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

(a) **DEFINITION.**—In this section, the term “offenses relating to the sexual exploitation of children” shall include any offense committed in violation of—

(1) chapter 71 of title 18, United States Code, involving an obscene visual depiction of a minor, or transfer of obscene materials to a minor;

(2) chapter 109A of title 18, United States Code, involving a victim who is a minor;

(3) chapter 109B of title 18, United States Code;

(4) chapter 110 of title 18, United States Code;

(5) chapter 117 of title 18, United States Code involving a victim who is a minor; and

(6) section 1591 of title 18, United States Code.

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

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Department of Justice for fiscal year 2007 such sums as may be necessary to carry out this section.

SEC. 705. ADDITIONAL COMPUTER-RELATED RESOURCES.

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

(b) **DEPARTMENT OF HOMELAND SECURITY RESOURCES.**—In fiscal year 2007, the Secretary of Homeland Security shall, subject to the availability of appropriations for such purposes, increase by not less than 15 the number of computer forensic examiners within the Cyber Crimes Center (C3). The additional computer forensic examiners shall be dedicated to investigating crimes involving the sexual exploitation of children and related offenses.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Department of Justice and the Department of Homeland Security for fiscal year 2007 such sums as may be necessary to carry out this section.

SEC. 706. ADDITIONAL ICAC TASK FORCES.

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

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

SEC. 707. MASHA'S LAW.

(a) **SHORT TITLE.**—This section may be cited as "Masha's Law".

(b) **IN GENERAL.**—Section 2255(a) of title 18, United States Code, is amended—

(1) in the first sentence—

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

"(a) **IN GENERAL.**—Any person who, while a minor, was";

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

(C) by striking "such minor" and inserting "such person"; and

(2) in the second sentence—

(A) by striking "Any minor" and inserting "Any person"; and

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

(c) **CONFORMING AMENDMENT.**—Section 2255(b) of title 18, United States Code, is amended by striking "(b) Any action" and inserting the following:

"(b) **STATUTE OF LIMITATIONS.**—Any action".

Amend the title so as to read: "An Act to protect children from sexual exploitation and violent crime, to prevent child abuse and child pornography, to promote Internet safety, and to honor the memory of Adam Walsh and other child crime victims."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 4472, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

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

Mr. Speaker, I had a lengthy statement that I wanted to put in the RECORD, but we have a lot of demands for speakers, so I will be brief and include the full statement in the RECORD under general leave.

I rise in strong support of H.R. 4472, the Adam Walsh Child Protection and Safety Act of 2006. The continued vulnerability of America's children to sexual predators is a national tragedy that demands strong congressional action. During the 109th Congress, the House has twice passed broad child safety legislation; in September 2005 and then in March of this year. I want to commend the other body for recognizing the importance of following the House's lead to address this issue.

Mr. Speaker, H.R. 4472 contains strict national offender registration and data sharing requirements to ensure that law enforcement agencies in America's communities know where sex offenders live and work, and to provide stiff criminal penalties for sex offenders who fail to comply with these enhanced registration requirements. This legislation would make it crystal clear to sex offenders: You better register, you better keep the information current, or you are going to jail.

The bill also increases criminal penalties to punish and deter those who prey on children, and it authorizes important grant programs that will help ensure the safety of our Nation's children.

Mr. Speaker, 25 years ago, John and Reve Walsh suffered the devastating loss of their 6-year-old son, Adam, who was abducted and murdered by a child predator. With courage and determination, the Walshes channeled the grief of their son's loss into a national campaign to spare other families from ever

facing the pain they will always endure.

And I would just like to point out that in the well, there is a picture of this darling child who was brutally murdered.

Their quarter century of sacrifice has made America's children safer, and it is in the memory of their son Adam that this legislation is named.

Mr. Speaker, the Adam Walsh Child Protection and Safety Act of 2006 represents the most comprehensive Federal child safety legislation ever considered by this House. It reflects this body's boldest commitment yet to protecting America's children against sexual predators.

I urge my colleagues to vote "yes" on the motion to suspend the rules and send this vital and historic legislation to the President's desk for his signature.

Mr. Speaker, I rise in strong support of H.R. 4472, the Adam Walsh Child Protection and Safety Act of 2006.

Adam Walsh, Jacob Wetterling, Megan Nicole Kanka, Pam Lychner, Jetseta Gage, Dru Sjodin, Jessica Lunsford, Sarah Lunde, Amie Zyla, Christy Fornoff, Alexandra Nicole Zapp, Polly Klaas, Jimmy Ryce, Carlie Brucia, Amanda Brown, Molly Bish, Elizabeth Smart, Samantha Rynnion. The names of these innocent victims are seared into the national consciousness but only represent a fraction of children victimized by violent sexual offenders. Their names comprise a roll call of insufferable loss and a call to national action—the injustice of each assault compounded by the cruel recognition that it might have been prevented. The continued vulnerability of America's children to sexual predators is a national tragedy demanding strong congressional action. Mr. Speaker, H.R. 4472 responds to this urgent call.

There are over a half million sex offenders in the United States and up to 100,000 offenders are unregistered and their locations unknown to the public and law enforcement. H.R. 4472 contains strict national offender registration and data sharing requirements to ensure that law enforcement agencies and America's communities know where sex offenders live and work. The legislation provides stiff criminal penalties for sex offenders who fail to comply with these enhanced registration requirements.

By requiring national registration obligations, regular updates, frequent in-person verification, and providing tough and targeted criminal penalties, we intend to make one thing clear to sex offenders across this country—you better register, and you better keep the information current, or you are going to jail. This legislation will also utilize the United States Marshals Service in assisting States to hunt down missing sex offenders.

To provide the public with important information concerning the status and location of sex offenders, the bill requires States to maintain Internet sites with accurate and accessible offender information, and to provide timely notification of changes in sex offender information to law enforcement authorities, as well as educational, and other community organizations. H.R. 4472 also creates the National Sex Offender Public Website so that anyone can search any location in the country to determine where sex offenders are located.

In addition to vital improvements to the sex offender registry, the bill increases criminal penalties to punish and deter those who prey on children. These tough new provisions include: the death penalty for the murder of a child; a mandatory minimum of 25 years in jail for kidnaping or maiming a child; and a 30-year mandatory minimum for having sex with a child under 12 or sexually assaulting a child between 13 and 17 years old. The bill would also make an alien's failure to register a deportable offense and bar convicted alien sex offenders from having family-based petitions approved.

In order to better protect America's children against the growing threat of online sexual predators, the Adam Walsh Act establishes a 20-year mandatory jail sentence for members of a child exploitation enterprise, provides a 10-year consecutive mandatory penalty for any sex offender who commits an offense against a child, authorizes additional resources to prosecute child pornographers, and expands civil remedies for sexual offenses against children. The bill also provides new grant programs to combat sexual abuse of children, authorizes new crime prevention campaigns, child fingerprinting campaigns, and establishes a national registry of substantiated child abuse cases.

Mr. Speaker, 25 years ago, John and Reve Walsh suffered the devastating loss of their 6-year-old son Adam, who was abducted and murdered by a child predator. With courage and determination, the Walshes channeled the grief of their son's loss into a national campaign to spare other families from ever facing the pain they will always endure. Their quarter century of sacrifice has made America's children safer, and it is in the memory of their son Adam—whose loss galvanized their heroic service—that this legislation is named.

During the 109th Congress, the House has twice passed broad child safety legislation in September, 2005, and in March of this year. I commend the other body for recognizing the importance of following the House's lead to address this issue.

Mr. Speaker, this legislation benefited greatly from the tireless efforts of many Members of this body. I wish to thank my colleague from Wisconsin, Mr. GREEN, for his efforts to further strengthen this legislation by requiring States to include juvenile sex offenders in these registries. The Chairman of the Subcommittee on Crime, Mr. COBLE, as well as Representatives FOLEY, CHABOT, PENCE, HARRIS, GILLMOR, POE, BROWN-WAITE, CRAMER, GRAVES, and POMEROY also deserve recognition for their important contributions to this bipartisan legislation.

Mr. Speaker, the Adam Walsh Child Protection and Safety Act of 2006 represents the most comprehensive Federal child safety legislation ever considered by this House. It reflects this body's boldest commitment yet to protecting America's most vulnerable and precious members—our children—against sexual offenders. I urge my colleagues to send this vital and historic legislation to the President's desk for his signature.

Mr. Speaker, I would like to take a moment to recognize all of those who worked so hard to see this bill through to completion.

From the House Judiciary Committee's Majority Staff, I would like to specifically thank Phil Kiko, Sean McLaughlin, Rob Tracci, Brian Benczkowski, and Katy Crooks. From the Sub-

committee on Crime, Terrorism and Homeland Security, I want to thank Michael Volkov, Caroline Lynch, and Spencer Morgan, and Johnny Mautz from Chairman COBLE's staff.

From the Leadership, I would like to thank Margaret Peterlin, from the Speaker's Office, Jo Marie St. Martin from the Majority Leader's Office, and April Ponnuru, from the Whip's Office.

Additional House Staff who I would like to thank are: Bobby Vassar, counsel to BOBBY SCOTT, Ranking Minority Member, Subcommittee on Crime, Terrorism and Homeland Security; Bradley Schreiber of Representative FOLEY's staff; Ryan Osterholm of Representative GREEN's staff; Ryan Walker of Representative GILLMOR's staff; Melanie Rhinehart of Representative POMEROY's staff; Josh Pitcock of Representative PENCE's staff; Tim Morrison of Representative KENNEDY's staff; Christine Calpin of Representative THOMAS's staff; Ian Ryder of Representative WASSERMAN-SCHULTZ's staff; Whitney Rhodes and Pam Davidson of the House Education and Workforce Committee staff; and David Cavick and Ryan Long, of the House Energy and Commerce Committee staff.

I would also like to thank Doug Bellis from the Legislative Counsel's Office for his dedication and assistance in the drafting of this important legislation.

From the Senate, I would like to thank Allen Hicks and Brandi White of Senator FRIST's staff; Michael O'Neill, Matt Miner, Todd Braunstein, of the Senate Judiciary Committee; Ken Valentine and Tom Jipping of Senator HATCH's staff; Joe Matal of Senator KYL's staff; James Galyean of Senator GRAHAM's staff; Dave Turk of Senator BIDEN's staff; Bruce Cohen, Julie Katzman and Noah Bookbinder of Senator LEAHY's staff, Nicole Gustafson of Senator GRASSLEY's staff, as well as Chad Groover, who has since left Senator GRASSLEY's office but who played a critical role in developing many of the penalty enhancements included in title II; Christine Leonard of Senator KENNEDY's staff; Lara Flint of Senator FEINGOLD's staff; Nate Jones of Senator KOHL's staff; Sharon Beth Kristal of Senator DEWINE's staff; Reed O'Connor, Matthew Johnson and Lynden Melmed of Senator CORNYN's staff; Jane Treat of Senator COBURN's staff; Greg Smith of Senator FEINSTEIN's staff; Marianne Upton of Senator DURBIN's staff; Bradley Hayes of Senator SESSIONS's staff; Preet Baharara of Senator SCHUMER's staff.

Additionally, I want to thank Avery Mann, from America's Most Wanted, who played a significant role; Michelle Laxalt, who took a great personal interest in this bill and from the outside helped a great deal. I also want to thank the National Center for Missing and Exploited Children, especially Ernie Allen, John Libonati, Robbie Callaway, and Carolyn Atwell-Davis, for their efforts.

Finally, I would like to pay respect to just some of the victims who really helped with this bill: Mark and Amie Zyla from my State of Wisconsin, who have been tireless advocates in support of this bill; Linda Walker, the mother of Dru Sjodin; Mark Lunsford; Erin Runnion; Marc Klass; Polly Franks, Patty Wetterling; and last but not least—really, really, we can never thank them enough—John and Reve Walsh.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the crimes committed against the children named in the bill, those not named, and the suffering of their families is a tragedy for all of us, yet this does not release us from the responsibility to legislate on a sound and reasoned basis. I believe the situation is serious and grave enough to warrant a bill that is based on approaches that have been proven to reduce this scourge in our society, not on sound bites that will merely pander to our emotions.

This bill focuses on establishing a national sex offender registry and an Internet posting system for the public to allegedly track the whereabouts of convicted and released sex offenders, and it also includes a number of gratuitous provisions, such as eight additional and duplicative Federal death penalties and 11 additional Federal mandatory minimum sentences.

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Virtually all of the death penalty cases, as with most criminal cases, are State cases. The cases referenced by children named in this bill, because of the grave tragedies they have suffered, are all State offenses, and I don't believe a single one of them would have been covered by Federal law. But I think all the Federal cases, you would think that all of them would be Federal cases from the provisions in the bill.

Mr. Speaker, we recently increased Federal sex offenses penalties in the PROTECT Act with mandatory minimums of at least 5 years and some up to mandatory life, even in cases involving consensual sex between teenagers. And these increases came right after the Sentencing Commission had already increased penalties for sex offenses at the direction of Congress. And all of these increases were Federal cases based on the name of the crime and the political appeal of striking out harshly against offenders.

But because of the few cases that are actually under Federal jurisdiction, they will primarily affect Native Americans on reservations, because all of their cases come under Federal jurisdiction. There is no evidence that Native American offenders warrant any harsher treatment than any other offenders.

Now, with no more basis than we had before, just the name of the crime and the continuing political appeal of appearing tough on sex offenders, we are again greatly increasing penalties with more death penalties and increased mandatory minimums, including more mandatory minimums for teenagers having consensual sex.

Now, we can all agree that 35, 45-year-old or even older persons, enticing or transporting a minor across State lines to engage in sexual activity is despicable and should be severely punished. However, the mandatory minimum sentences in this bill include the

18-year-old high school student who entices or transports a 17-year-old boyfriend or girlfriend across State lines.

Under the provisions of the bill, from night in the Washington D.C., Virginia, and Maryland area could have nightmarish consequences. And to show how ridiculous it could be, if two teenagers, one 18 and one 17, engage in sexual activity without crossing a State line, you will have, if there is any prosecution at all, it will be a misdemeanor on the part of the 18-year-old. So we have the absurd anomaly of making what is now an infrequently prosecuted misdemeanor into a 10-year mandatory minimum sentence for teens who cross State lines to do it. Imposing a 10-year mandatory prison term on teenagers engaged in consensual sex is not responsible legislating.

Rather than taking such cases out of the bill, we are told that we should simply trust the prosecutor. Don't trust the Sentencing Commission's discretion to set guidelines designed to reflect what sentence should be based on the facts and circumstances of the case or the background and role of the offender, rather than simply the name of the case, the name of the provision. And don't trust judges to look at the facts and circumstances of the case, the offender's role and background and guidelines to arrive at an appropriate sentence after hearing all of the evidence at trial. Take the discretion away from these officials and trust prosecutors to decide when to ignore law requiring a 10-year mandatory minimum sentence. And trust there are no prosecutors who can be affected by issues such as local political influences.

A few years ago, in Georgia, involving an interracial couple, a teenager got 10 years for having consensual sex with his teenage girlfriend.

The problem with mandatory minimum sentences is that they defy common sense. If you deserve the mandatory minimum, you can get it. If it violates common sense, you have to get it anyway.

Many studies have shown that mandatory minimums wasted taxpayers' money, are unfairly applied to minorities, and violate common sense.

The jury is out as to whether publicly accessible sex offender registers will have any beneficial effect on reducing sex crimes, but the studies that have been done indicate that the registries do not have any effect in reducing sex crimes. And I have seen no study that suggests that the policy of posting the name of juvenile delinquents, as this bill does, on the Internet, serves any constructive purpose.

Of course, programs and grants to assist children and to provide the type of sex offender treatment that studies have been shown that can cut recidivism in half are not in this bill.

And so, Mr. Speaker, unlike most of my colleagues we will hear from today, I believe that we can do better than

this bill to effectively address the scourge of child sexual assault.

Most of the criminals affected by the mandatory minimums in this bill deserve the punishment in the bill, but they would have gotten it anyway under present law. But a 10-year mandatory minimum for consensual prom night activities does not make sense.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Members, I rise in favor of the Adam Walsh Child Protection Safety Act. In my opinion, very honestly, I think this is the most important child safety legislation in modern times.

What makes this bill so powerful is that it gives law enforcement and, more importantly, families, vital tools for keeping our children safer. It expands the sex offender registry. It updates it. It makes it more usable in communities all across this country.

This legislation has the Amie Zyla Act, which I wrote with the help of Mark and Amie Zyla.

Ten years ago, Amie Zyla was then a young girl in Waukesha, Wisconsin. She was sexually assaulted by a 14-year-old boy. Her assailant was released after he turned 18, but because he committed that offense as a juvenile, law enforcement officials were not allowed to inform the community of his presence. He went on to get a job at a teen center, and he tragically victimized other children.

These crimes were absolutely preventable if only law enforcement had the authority and the tools to let people know they a serious sex offender in their midst.

Thanks to Amie's courage in telling America her story, we can now protect the public from dangerous criminals like her assailant because they will be included on the registry.

This great bill also contains the DNA fingerprinting provisions that I authored. These provisions will close a loophole that have let thousands of convicted sex offenders avoid submitting their DNA simply because they were convicted before we had the laws on the books requiring DNA to be taken upon their arrest and conviction.

I want to thank the chairman for his leadership in bringing this legislation to the floor. I want to thank Mark and Amie Zyla for telling their story. I want to thank my friend, Marc Klaas, for his dedication to improving our child safety laws. And of course, like so many today, I want to thank John Walsh for never giving up in the pursuit of justice.

John, I know that the pain is still there after 25 years. But I also know that you have lifted the lives of so many with your strong, clear voice. Thank you for helping us get to these days. Thank you for giving us the tools that we need to help keep family safer.

Mr. SCOTT of Virginia. Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1½ minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the chairman for yielding and I thank him from my heart, as a dad of three small children, for Chairman JIM SENSENBRENNER, once again, tenaciously achieving measurable gains in the law to protect our families and protect our children in the Adam Walsh Child Protection and Safety Act.

I am particularly humbled because title V of this legislation is derived from a bill that I introduced in Congress, the first session, the Child Pornography Prevention Act. As the title states, the intent of my legislation is to prevent American children from becoming victims of pornography because, as we know, child pornography is the fuel that fires the wicked hearts of child predators, in addition to abusing the children involved.

A main tenet of my bill is the addition of language that will fix a technicality that so-called home pornographers have used to evade Federal prosecutions, and it is in this legislation.

Another element of my bill is the addition of a new section to the criminal code, section 2257(a) which adds a recordkeeping requirement that will force producers of sexually explicit material to keep records of the names and ages of their subjects when they are engaged in simulated sexual activity, another measurable gain in the law for children.

Providing law enforcement with the tools to combat child pornography contained in this legislation is a much needed and overdue step that must be taken to protect our kids from those in society who have no decency, no conscience and no shame.

I urge passage of the Adam Walsh Child Protection and Safety Act of 2006. It is time to protect our kids. Today, thanks to the leadership of Judiciary Committee Chairman Jim Sensenbrenner, we take a giant step toward doing just that.

Mr. Speaker, before us today is the Adam Walsh Child Protection and Safety Act of 2006 (H.R. 4472). I am a strong supporter of this legislation, and urge and command Chairman SENSENBRENNER for tenaciously acting measurable gains for families and children again.

Title V of this legislation is derived from a bill that I introduced in the First Session of this Congress, the Child Pornography Prevention Act. As the title states, the intent of my legislation is to prevent American children from becoming victims of pornography because as we know, Mr. Speaker, the fuel that fires the wicked hearts of child predators is child pornography.

Every day in America, children are exploited in pornography—sometimes by those closest to them in their homes. In the home, children are forced to pose for pornographic pictures or act in pornographic videos by family members, family friends, caretakers and other trusted individuals who violate that trust. These pictures and videos are posted on the Internet or surreptitiously spread to sexual predators.

A main tenet of my legislation is the addition of language that will fix a technicality that so-called home pornographers have used to evade federal prosecution on child pornography charges. Home pornographers use digital cameras, Polaroid cameras and video cameras to make pornographic pictures and videos of children, and they download child pornography from the Internet onto their home computers. My legislation makes clear that federal prosecutions of home pornographers can proceed in federal courts because their activities impact interstate commerce. This is a fix that must be made now in order to protect children at home.

Another element of my bill is the addition of a section to the criminal code, Section 2257A, which adds a record-keeping requirement that will force producers of sexually explicit material to keep records of the names and ages of their subjects when they are engaged in simulated sexual activity.

Congress previously enacted the PROTECT Act of 2003 against the background of Department of Justice regulations applying section 2257 to both primary and secondary producers. That fact, along with the Act's specific reference to the regulatory definition that existed at the time, reflected Congress' agreement with the Department of Justice's view that it already had the authority to regulate secondary procedures under the applicable law.

A federal court in Colorado, however, recently enjoined the Department from enforcing the statute against secondary producers, relying on an earlier Tenth Circuit precedent holding that Congress had not authorized the Department to regulate secondary producers. These decisions conflicted with an earlier D.C. Circuit decision upholding Congress' authority to regulate secondary producers. Section 502 of the bill is meant to eliminate any doubt that section 2257 applies both to primary and secondary producers, and to reflect Congress' agreement with the regulatory approach adopted by the Department of Justice in enforcing the statute.

My bill goes a step further by requiring that records be kept for lascivious exhibitions—nude photographs and displays. No child should be used in either nude pictures or sexually explicit materials because these items only serve to inflame the prurient interest in child predators. Requiring that records be kept will serve as a deterrent.

Additionally, my bill requires that the records be made available to investigators for inspection. Failure to keep the records or allow inspections is a criminal offense. By strengthening the law in this manner, we will provide both a strong deterrent to the use of children in sexually explicit materials and the necessary tools to law enforcement to investigate and prosecute those who are not deterred.

Finally, the legislation expands the ability of investigators and prosecutors to pursue the people who distribute child pornography. These distributors also will be required to follow the record-keeping provision, and this will provide law enforcement with a powerful tool to use against them. These are devious people who work in cohorts with pornographers to sell child pornography, but who currently can work out of sham corporations to avoid prosecution. My legislation will empower prosecutors with the ability to charge and convict these people.

Providing law enforcement with the tools to combat child pornography contained in my legislation is a much-needed and overdue step that must be taken to protect our children from those in our society who have no decency and know no shame.

Mr. Speaker, I urge passage of the Adam Walsh Child Protection and Safety Act of 2006. It is time to protect our children, and today we take a significant step toward that goal.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY), one of the leading authors of the bill.

Mr. POMEROY. Mr. Speaker, 25 years ago the abduction and killing of Adam Walsh was a tragedy that changed forever the lives of his family members. And the change that occurred in his father, John Walsh, has, as a result, changed our Nation as he has become such a superbly effective advocate of the families of victims as they have stood for justice time and time again.

Today this Congress has a chance, in memory of Adam Walsh, to again change this country by passing a law that will bring much needed protections and fully capturing the marvelous new technologies of the Internet and using them as a means for families to protect themselves, to protect their children from those who would prey upon them. And the need to address this nationally is demonstrated time and time again.

Some might suggest the heart of this bill is the Dru Sjodin National Sex Registry, named in memory of Dru Sjodin.

I have a card that I carry of Dru. She was a talented, engaging, wonderful student at the University of North Dakota. She was abducted from the parking lot of a shopping center and killed.

The individual now on trial for her murder was a registered sex offender, but only across the State line, which, in the context of Grand Forks, North Dakota, is just across the river. So Alfonso Rodriguez, identified, long incarcerated in the State of Minnesota, identified as a high risk sex offender within the State of Minnesota, but unknown to those of us in North Dakota.

We need a national registry so we know where these high risk predators are and we can find them, not just law enforcement finding them, as has been advanced so nobly over the years by the Jacob Wetterling Registry, but all of our families. It is time for all of our families to have access to this information. And so this registry, providing name, providing residence, providing place of employment, providing automobile, is all very vitally important information to be available to the public.

Additionally, the components of this bill that have stepped up monitoring by local law enforcement, Federal grant dollars to assist them in the manpower required to keep an eye on these predators in our midst. And then the stiff minimum sentences, also an essential component of this legislation.

I commend the chairman, Chairman SENSENBRENNER, with whom it has been my great pleasure to work as one of the Democrats strongly supporting this legislation. I believe that there is nothing more fitting for us to do in honor of these victims than pass the legislation which will keep other families safe.

I urge support of this legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I rise to offer my strong support for the Adam Walsh Child Protection and Safety Act.

I remember that tragic day in Hollywood, Florida, when a young Adam Walsh hit the headlines, having been abducted from a mall in our State. Over 2 years ago, his father, John Walsh, and Ernie Allen approached me to discuss what they saw as a growing and dangerous threat to our children, sex offenders. We talked about the fact there were over 500,000 sex offenders listed on various State registries, but because of poor Federal and State laws, we were missing over 150,000 of them. Soon after that meeting, I began work on the Sex Offender Registration Notification Act, which is contained in this bill today.

The Adam Walsh Act is the most comprehensive piece of child protection legislation this Congress has ever considered. The bill creates, among other things, new State and Federal regulations, community notification requirements, as well as new Federal criminal penalties for sex offenders. It also gives law enforcement new resources, including authorizing U.S. Marshals to go after missing sex offenders, 20 new task forces, 200 new Federal prosecutors, 45 new forensic scientists dedicated to investigating crimes against children.

□ 1200

It used to be that we tracked library books better than we do sex offenders, but this bill will even that score.

I am grateful to Chairman SENSENBRENNER for his leadership and willingness to work with so many Members across the political aisle on this important issue. I want to thank the Speaker for keeping his word to get this bill to the President by July 27, the 25th anniversary of Adam's death.

Mr. Speaker, there are many people who made this day a reality, but the two people who should take the most credit are the parents of Adam Walsh, and that is John and his wife, Reve. It still amazes me to this day the way they were able to turn Adam's death into a lifelong crusade to protect our Nation's children. Their passion and commitment have led to the creation of the National Center for Missing and Exploited Children and to the rescue of countless children.

John and Reve, our Nation thanks you for everything you have done.

I want to especially thank Bradley Schreiber, my legislative director; Michael Volkov; Phil Kiko; and Sean

McLaughlin of the House Judiciary Committee for their outstanding efforts.

Mr. Speaker, as Co-chairman of the Congressional Missing and Exploited Children's Caucus and author of the Sex Offender Registration and Notification Act and the Internet Safety Act contained in this bill, I rise to offer my strong support for the Adam Walsh Child Protection and Safety Act and urge my colleagues to vote for it.

Over two years ago, John Walsh and Ernie Allen approached me at a missing children's conference I was hosting in Florida to discuss what they saw as a growing and dangerous threat to our children—sex offenders. We talked about the fact that there were over 500,000 sex offenders listed on the various state registries but, that because of the patchwork of federal laws on the books, we were missing over 150,000 of them. I also discovered—which was even more surprising to me—that there is a 200,000 person difference between all of the state registries and the federal National Sex Offender Registry. Soon after that meeting, I began work on the Sex Offender Registration and Notification Act which is contained in the measure we have before us today.

The Adam Walsh Act is arguably the most comprehensive piece of child protection legislation that Congress has ever considered. The bill creates, among other things, new state and federal registration and community notification requirements, as well as new federal criminal penalties, for sex offenders. It also gives law enforcement new resources including: authorizing the U.S. Marshals to go after absconded sex offenders; 20 new Internet Crimes Against Children Task Forces; 200 new federal prosecutors for prosecuting child sex offense; and, 45 new computer forensic scientists dedicated to investigating crimes involving the sexual exploitation of children and related offenses.

One of the basic tenets of the Due Process Clause is to give criminal suspects notice. So, for those pedophiles and predators across this country that have harmed a child or are considering harming a child let me tell you now that you are on notice. We will find you, prosecute you and monitor you—in some cases, for the rest of your life. Your days in the shadows are over and our children will no longer be your prey.

We used to track library books better than we do sex offenders, but this bill will even that score.

I am very grateful to Chairman SENSENBRENNER for not only his leadership and his willingness to work with me on this issue but for the fact that he did not bend to the Senate and was able to produce the strong bill we are going to pass today.

I want to thank Speaker HASTERT for keeping his word to get the Adam Walsh bill to the President by July 27th—the 25th Anniversary of Adam's death. I know that both John and Reve are truly appreciative for all that you have done.

I also want to thank Senators HATCH and BIDEN for their continued, unwavering commitment to protecting our nation's children. These two men have been associated with every major child protection bill in the past 20 years and I am very thankful that they took the lead on the Adam Walsh bill in the Senate.

Mr. Speaker, there are many people to thank who made this day a reality. But the two

people who should take the most credit are John and Reve Walsh. It still amazes me to this day the way they were able to turn Adam's death into a lifelong crusade to protect our nation's children. Their passion and commitment have led to the creation of the National Center for Missing and Exploited Children, the Adam Walsh Center in Florida and to the rescue of countless children. John and Reve: our nation thanks you for everything you have done.

I also want to thank Mark Lunsford and the other victim's families. It was their tireless efforts that broke the logjam in the Senate and got us here today.

I would also like to thank Ernie Allen, Robbie Calloway and Michelle Laxalt for all they did during the past few years helping me try to shepard this bill through Congress and working to keep this issue at the forefront of everyone's minds.

Last, but not least, I want to thank the staff who committed long hours and a great deal of their personal time to this bill. Phil Kiko, Sean McLaughlin, and Michael Volkov with Chairman Sensenbrenner's staff; Margaret Peterlin with Speaker HASTERT's staff; Ken Valentine with Senator HATCH's staff; Dave Turk with Senator BIDEN's staff; Matt Miner, Todd Bruanstein and Brett Tolman with Chairman SPECTER's staff; Allen Hicks and Brandi White with Senator FRIST's staff; Joe Matal with Senator KYL's staff; Christine Leonard with Senator KENNEDY's staff; Julie Katzman and Noah Bookbinder with Senator LEAHY's staff; Nicole Gustafson with Senator GRASSLEY's staff; and Sharon Beth Kristal of Senator DEWINE's staff.

Mr. Speaker, I truly appreciate everyone's efforts in making this day a reality.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. CRAMER).

Mr. CRAMER. Mr. Speaker, I too stand in strong support of this bill. I want to compliment the chairman of the Judiciary Committee for giving us this opportunity. My colleague, Mark Foley, who just spoke, he and I co-chaired the Caucus for Missing and Exploited Children.

Prior to my time here in Congress, I was a district attorney, and I saw too many children victimized by predators that had slipped between the cracks, predators that lived in neighborhoods. Neighbors didn't know it. Schools didn't know it. We can tighten this net of safety around children and families, but only through this bill can we do that.

I joined with John Walsh in the early 1980s in an effort to form a stronger network of child abuse intervention programs that we built around the country called the National Children's Advocacy Center programs. They exist in 700 or 800 communities around this country, and they are one-stop service centers where child abuse victims and their families can come to get help and support.

But in establishing centers like this, in bringing network teams together in communities, we found out that that safety net to protect those children and families simply did not exist, and that was because the registration and notification system was practically

nonexistent. And even though we, from the 1990s forward, have done everything we can to improve that, we still kept the notice factors in that too private, too available to only a certain select few so that neighbors and communities and schools did not know what they needed to do.

I want to congratulate John Walsh and his wife, Reve, as well for making sure that they are establishing the next chapter in honor of Adam Walsh. John and Reve have given so much to the rest of this country in making sure that children are protected.

We need to pass this bill today in Adam Walsh's memory.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, I would like to thank Chairman SENSENBRENNER for his hard work on this piece of legislation, which goes a long way toward protecting our children from predators and abusers.

Our Nation loses four children a day to abuse and neglect. Our government owes it to these children to provide our law enforcement and child protective service communities with a deep, ready, and effective arsenal that they can utilize to protect the most vulnerable element of our society.

The conference report contains a provision I authored in the House to create a Federal registry of child abuse and neglect at the Department of Health and Human Services. This registry will close a glaring loophole in our current law which allows child abusers to find sanctuary by merely crossing States' borders.

This legislation puts a "go-to" Federal resource in place to help local jurisdictions identify and track those with a history of child abuse anywhere in this country. Now our State and local child protection services will be able to access this valuable tool to weed out predators and help them fight child abuse and neglect across State lines. It is a commonsense child protection measure. It was passed by the House twice, and I am very happy to see it included in this conference report before us today.

With the establishment of the Federal Child Abuse and Neglect Registry, local and State child advocacy services will have a full picture of the individual who would have children placed in their care, abuse them, and then try to escape; and our Nation's most vulnerable children will now be protected.

I would like to thank Chairman SENSENBRENNER again for his leadership on this issue, and I also want to thank my constituent John Walsh for his hard work over many years to bring this bill to fruition.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. FITZPATRICK).

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I would also like to thank Chairman SENSENBRENNER for his leadership in protecting America's families

and for his determination in bringing this bill, H.R. 4472, to the House floor today.

Mr. Speaker, as the father of six children, I am deeply committed to finding better ways to safeguard the welfare of America's families. That is why I introduced the Justice for Crime Victims Families Act and, with Congressman FOLEY, the Internet SAFETY Act of 2006. Both of these bills have been included into H.R. 4472, and they will strengthen what is already a sweeping set of improvements to the way law enforcement solve murders and protect kids from online sexual predators.

The Internet SAFETY Act will increase penalties for registered sex offenders who commit felony offenses involving a minor and set fines and imprisonment for Internet providers who facilitate child pornography. The legislation will also establish an Office of Sexual Crimes and Violence Against Children within the United States Department of Justice.

These are strong additions to an already thoughtful and comprehensive set of policies outlined in H.R. 4472. Mr. Speaker, I urge my colleagues to adopt this legislation.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 6 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER) and ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore (Mr. CHOCOLA). Is there objection to the request of the gentleman from Virginia? There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I thank the gentleman from Virginia for yielding the time, and I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

(Mr. GINGREY asked and was given permission to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today in support of H.R. 4472, the Adam Walsh Child Protection and Safety Act.

Mr. Speaker, this bipartisan legislation is a victory in the fight to keep our children safe. There are many critical and important provisions included in this bill. In particular, Mr. Speaker, I want to thank the House and Senate conferees for including in this legislation a provision that I introduced in the House earlier this year, a provision that is entitled Masha's Law.

Last year I learned of a shocking inequity that exists in our current law. Currently, a person who illegally downloads music faces penalties in civil court that are three times as harsh as a person who downloads child pornography. This horrible inequity was the inspiration behind the introduction of Masha's Law, and this provision dramatically increases civil statutory damages for child exploitation, creating a civil avenue victims of child sexual exploitation can pursue to recover monetary damages from these predators. This includes those who produce, distribute, and consume child pornography.

Mr. Speaker, I want my colleagues to know that Masha's Law is named after a brave 13-year-old girl from my district, Masha Allen. Masha was born in Russia and placed in a state orphanage because her mother was an alcoholic and a drug addict. When she was 5 years old, a man from the United States was allowed to adopt her through an international adoption agency. This man started sexually abusing her the very first night she arrived in America.

Fortunately, this perpetrator is now behind bars. However, over the years of his abuse of Masha, he photographed her, posted her pictures, and traded her pornographic images over the Internet. The sad reality is that, although these monsters can be put behind bars, the victims of Internet child pornography will continue to be exploited, and this is why I introduced Masha's Law.

Mr. Speaker, a compassionate society looks after the most vulnerable among us, our children. I urge my colleagues to support the Adam Walsh Child Protection and Safety Act so we can protect our most precious commodity, innocent children like Masha, and give back hope to those who need it most.

Mr. Speaker, I rise today in support of H.R. 4472, the Adam Walsh Child Protection and Safety Act. This bipartisan legislation is a victory in the fight to keep our children safe. There are many critical and important provisions included in this bill, provisions that allow States to better track convicted sex offenders, ones that tighten up loop holes in current sex offender registration and notification laws, and ones that empower law enforcement through increased coordination.

In particular, Mr. Speaker, I want to thank the House and Senate conferees for including in this legislation a provision I introduced in the House earlier this year, a provision entitled "Masha's Law."

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bars, the victims of internet child pornography will continue to be exploited.

This is why I introduced Masha's law. It allows these individuals a pathway to recover damages they have suffered from these crimes and allows them to pursue this avenue even after they are no longer a minor. Therefore as their pictures are downloaded and traded, year and year, these victims can continue to seek justice from these horrendous crimes.

Mr. Speaker, a compassionate society looks after the most vulnerable among us, our children. I urge my colleagues to support the Adam Walsh Child Protection and Safety Act, so we can protect our most precious commodity, innocent, children like Masha, and give back hope to those who need it the most.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in strong support of H.R. 4472, the Adam Walsh Child Protection and Safety Act of 2006.

Finally, we have a bill passed by both this body and the Senate for the President to sign. Finally, Mark Lunsford has a legacy for his daughter Jessica of a guardian angel keeping children safe by closing dangerous loopholes in our law. Finally, the family and friends of Adam Walsh, Carlie Brucia, Sarah Lunde, and so many others can sleep a little better at night knowing we are helping to protect America's precious children.

My heart is still broken for the loss of Jessica Lunsford and all the joys in life that she will miss. At least she will be in a better place where no one can ever harm her again.

Mr. Speaker, certainly Chairman SENSENBRENNER, who worked tirelessly on this bill, deserves a great deal of credit.

Back when I first heard about Jessica's disappearance, I knew that we could not sit back and do nothing. For instance, the probation officer for Jessica's alleged killer, John Couey, never knew that he was a convicted sex offender. I introduced a bill, and Chairman SENSENBRENNER was kind enough to include it in this comprehensive bill, that fixes that.

The alleged perpetrator also did not have a current address on file with law enforcement, as he should have. This bill demands more frequent updates and checks. It also provides some grant mechanisms to be sure that the localities can pay for this additional registration. The bill empowers States to do just as Florida has done and use GPS monitoring devices to track offenders.

I know in my heart that these changes will genuinely help equip our law enforcement to better protect the most innocent in our society, our children.

My good friend Congressman MARK FOLEY has said numerous times that previously we tracked library books better than we tracked sex offenders. Thankfully, that will be no more.

Mr. Speaker, I rise today in strong support of H.R. 4472, Adam Walsh Child Protection and Safety Act of 2006.

Finally, we have a bill passed by both this body and the Senate for the President to sign.

Finally, Mark Lunsford has a legacy for his daughter Jessica of a guardian angel, keeping children safe by closing dangerous loopholes in the law.

Finally, the family and friends of Adam Walsh, Carlie Brucia, Sarah Lunde, and so many others can sleep a little better at night, knowing we are helping to protect America's precious children.

My heart is still broken for the loss of little Jessica Lunsford and for all the joys in life that she will miss.

At least she is in a better place, where no one can ever harm her again.

Mr. Speaker, I am awed and humbled to have worked on this legislation with Chairman SENSENBRENNER, who has worked tirelessly to pass this bill.

When I heard about the manor of Jessica's disappearance, I knew I could not sit back while there were many changes I could make to fix the law.

For instance, the probation officer for Jessica's alleged killer, John Couey, never knew he was a convicted sex offender. This bill fixes that.

Couey did not keep a current address on file with law enforcement as he should have. This bill demands more frequent updates and checks.

And we didn't have any method of tracking sex offenders after release from prison, though they have such high rates of recidivism. This bill empowers states to do as Florida has done and use GPS monitoring devices to track offenders.

I know in my heart that these changes will genuinely help equip law enforcement to protect the most innocent in our society—our children.

My good friend, Congressman MARK FOLEY, has said numerous times that we track library books better than we track sex offenders. Well, no more.

I urge my colleagues to support this bill and send it to the President for his signature.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. HAYWORTH).

(Mr. HAYWORTH asked and was given permission to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I rise in strong support of this good common-sense bill. It will protect our children from sexual predators and sex trafficking and provide more tools for law enforcement to help defend our kids.

Last year during House floor consideration of this important legislation, Representative SUE KELLY and I offered an amendment to create a national child abuse registry within the Department of Health and Human Services. This registry will remove the loophole in our local laws that allows child abusers to remain anonymous by moving to another State. This provision will require that States share with other States information that they already collect and share with their counties, cities, and towns.

A national child abuse registry is strongly supported by a number of

child advocacy organizations including ChildHelp USA.

Mr. Speaker, my colleagues, by working together, we can strengthen our efforts to protect children from predators. Again, I urge this House to pass this commonsense legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. GILLMOR).

(Mr. GILLMOR asked and was given permission to revise and extend his remarks.)

Mr. GILLMOR. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in wholehearted support of this legislation. I think it stands as a testament to Congress's heeding the call of the American public for increased protections from these dangerous sexual predators.

I would like to commend Chairman SENSENBRENNER for his leadership and for his unwavering commitment to ensure that American families receive the necessary tools to protect their loved ones. As a father of three young children, I feel a special appreciation for the benefits that this legislation will provide, not the least of which is a national database of sexually violent offenders accessible to all Americans via the Internet, enhanced community notification measures, and a study to assess the merits of a standardized national risk-based classification system. I particularly want to thank the chairman for working with me in including those provisions which were set forth in two bills I had previously introduced.

I urge passage of the bill.

Mr. SCOTT of Virginia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me say that this vote will draw to a close congressional consideration of legislation that has brought together Republicans and Democrats, concerned parents, and those who are related to victims from around the country. And this has become somewhat of a crusade in order to make necessary changes to prevent more sexual predators from falling through the cracks and molesting and harming and even murdering innocent victims.

□ 1215

The Child Safety Act of 2006, I believe, is appropriately named after Adam Walsh. One of the things I did early in my service in Congress was to work with the Walshes to pass the first bill which put the names of missing children in the FBI's National Crime Identification File. There were problems in alerting law enforcement back in the early 1980's when a child had been abducted, and, as a result, those who did abduct the children were able to take them far away before law enforcement was able to weave the net

around these people, and many tragedies occurred, including the brutal murder of the Walsh's beloved son, Adam.

I really want to commend John Walsh and his wife, because they have used the tragedy of their son's death and the grief that it caused to be able to make America a safer place for children, not only those that are here now, but those that are to be born in this country and who come to this country.

The Children's Safety Act of 2003 was a necessary start. This bill improves on the Children's Safety Act of 2003, plugs more loopholes, and America will be a safer place as a result of all of the people who have worked on behalf of this legislation. I would like to publicly thank all of them. There are too many to list by name, but in my full statement that I put into the record, I listed the names of a lot of very well-publicized victims. Let's hope that this bill makes sure that there are no more names added to that list.

Vote in favor of the bill, send it to the President.

Mr. Speaker, I include for the RECORD an exchange of letters between Mr. THOMAS, Chairman of the Committee on Ways and Means, and myself.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,

Washington, DC, July 24, 2006.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary, Wash-
ington, DC.

DEAR CHAIRMAN SENSENBRENNER: I am writing concerning H.R. 4472, the "Adam Walsh Child Protection and Safety Act of 2006," which is scheduled for floor action on Tuesday, July 25, 2006.

As you know, the Committee on Ways and Means has jurisdiction over matters concerning certain child welfare programs, particularly as they pertain to foster care and adoption. Section 152 of the bill would require States to conduct safety checks of would-be foster and adoptive homes as well as eliminate the ability of States to opt-out of Federal background check requirements restricting Federal support for children placed with foster or adoptive parents with serious criminal histories. Section 152 also would require States to check child abuse registries for potential foster and adoptive parents. Thus these provisions fall within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this bill for floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 4472, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 25, 2006.

Hon. BILL THOMAS,
Chairman, Committee on Ways and Means,
House of Representatives, Washington, DC.

DEAR CHAIRMAN THOMAS: Thank you for your letter regarding H.R. 4472, the "Adam

Walsh Child Protection and Safety Act of 2006.” I acknowledge your jurisdictional interest in this legislation and agree that your decision to waive consideration of this bill shall not be construed to prejudice the jurisdiction of the Committee on Ways and Means over this or similar legislation.

I will include a copy of your letter and this response in the Congressional Record during consideration of H.R. 4472 on the House floor.

Thank you for your assistance in this matter.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this legislation, which embodies a bipartisan and bi-cameral agreement that includes important provisions to protect children.

The bill will create a National Sex Offender Registry with uniform standards for the registration of sex offenders, including a lifetime registration requirement for the most serious offenders. This is a vital step to improve the current patch-work quilt of 50 different state systems for identifying and tracking sex offenders. The bill also authorizes much-needed grants to help local law enforcement agencies establish and integrate sex offender registry systems.

Under the bill, states will be required to maintain sex offender registries accessible to the public on the Internet and to make failure to register a felony. Sex offenders will be required to provide DNA samples and will be subjected to more frequent in-person verification of information about their residences and workplaces.

The bill targets child-exploitation enterprises and registered sex offenders who commit offenses against minors, including obscene visual representations of sexual abuse of children and sex trafficking of children. It includes several provisions designed to better combat child pornography, including authorizing civil and criminal asset forfeiture in child pornography cases. And it authorizes new grant programs that will help local law enforcement agencies combat sexual abuse of children by enabling them to hire more people, add computer hardware and software, and take other steps to apprehend sex offenders who violate registry requirements. It also authorizes a new grant program for the National Crime Prevention Council, a private, nonprofit organization that has expertise in promoting crime prevention programs through public outreach and media campaigns.

The bill also authorizes 88 new prosecutors within the U.S. Attorneys' Offices to prosecute child sex offenses, including child exploitation, child sexual abuse, and child obscenity and pornography offenses. It authorizes 10 additional Justice Department task forces to address Internet crimes against children. It authorizes the Justice Department to provide grants to states, local governments, and nonprofit organizations to establish and maintain programs to educate children and parents on the best way to be safe using the Internet. It authorizes the Justice Department, in consultation with the National Center for Missing and Exploited Children, to develop and carry out a public awareness campaign to demonstrate how to better protect children when using the Internet. And it authorizes the Justice Department to provide fingerprint-based background checks to child welfare agencies as well as to private and public educational

agencies so they can carry out background checks on prospective adoption or foster parents, private and public teachers, and school employees.

As a cosponsor of H.R. 4005, the National Police Athletic League (PAL) Youth Enrichment Reauthorization Act of 2005, I am also glad to note that the version of the bill now before the House includes provisions similar to those of that bill.

The PAL program brings youth under the supervision and positive influence of a law enforcement agency and expands public awareness about the role of a police officer in the local community and reinforces responsible values and attitudes instilled in young people by their parents. It utilizes educational, athletic and recreational activities to create trust and understanding between police officers and youth. It is based on the conviction that young people—if they are reached early enough—can develop strong positive attitudes towards police officers in their journey through life toward the goal of maturity and good citizenship.

A volunteer-driven organization with an estimated 80,000 volunteers across the country supporting all levels of programming, PAL has a 90-year history of caring and providing alternatives for youth at risk. Today, it offers structured and personal guidance in a safe, friendly environment and provides a variety of activities, from organized competitive sports, recreational activities, arts and educational programming to cultural and social skill development programs. This bill will help it carry out that important work.

I do have concerns about some aspects of the bill, including a provision allowing some juvenile offenders over 14 to be included in publicly available sex offender registries. However, on balance I think this is a good, strong bill and I support its enactment.

Mr. EMANUEL. Mr. Speaker, I rise today in strong support of H.R. 4472, the Adam Walsh Child Protection and Safety Act of 2006. This Act will greatly improve the national program to register and monitor child predators.

I am especially pleased that the Act includes all of the major provisions of the Jessica Lunsford and Sarah Lunde Act, which I introduced in July of 2005. This act creates grants for state and local governments to implement electronic monitoring programs of child sex offenders, using GPS technology and other electronic methods to track sexual predators upon their release from prison.

Electronic tracking of sexual predators will provide law enforcement with the real time location of the offender within 10 feet of their location. These measures enhance the capability of law enforcement to provide children and their parents with the protections they need.

Today there are nearly 550,000 registered sex offenders in the United States, approximately one offender for every 200 children under 18 years old. As the numbers grow, it's becoming almost impossible for law enforcement to track these offenders. Electronic monitoring cannot replace law enforcement officers monitoring convicted sex predators, but it will provide officials with the tools they need to protect our children and grant parents much deserved peace of mind.

The Adam Walsh Child Protection and Safety Act of 2006 also requires every state to maintain a sex offender-registry and directs the Attorney General and FBI to maintain a

National Sex Offender registry with updated and detailed information about sex offenders. Accessible and thorough information about sexual predators is essential to guaranteeing the safety of our children and preventing previous offenders from striking again.

Mr. Speaker, far too many sex offenders are able to slip through the cracks and become lost to law enforcement officials. The Adam Walsh Child Protection and Safety Act of 2006 greatly increases law enforcement's ability to protect our children and provide peace of mind to parents. This Act is an important step to ensuring the safety of our nation's children and I urge my colleagues to support it.

Mr. MEEK of Florida. Mr. Speaker, I rise in strong support of this bill.

Today, the House is considering the Senate-passed version of H.R. 4472, the Adam Walsh Child Protection and Safety Act, which includes the language of the National Police Athletic/Activities League (PAL) Youth Enrichment Reauthorization Act of 2005, H.R. 4005, of which I am a prime sponsor.

PAL is a youth crime prevention program that utilizes educational, athletic and recreational activities to create trust and understanding between police officers and youth. It is based on the understanding that young people—if they are reached early enough—can develop strong positive attitudes toward police officers and gain the skills needed to achieve success throughout their lives.

The bill will reauthorize the National Police Athletic League Youth Enrichment Act of 2000 (P.L. 106-367). It will also authorize \$16 million per year in assistance to National PAL and the 350 local PAL chapters around the country; help establish 250 (50 per year) new PAL chapters; and provide support for the annual Youth Leadership Conference.

The PAL program brings youth under the supervision and positive influence of a law enforcement agency and expands public awareness about the role of a police officer in the local community and reinforces responsible values and attitudes instilled in young people by their parents.

I strongly urge my colleagues to support this important legislation, so that we can continue to fund this program, which provides such good guidance and direction to so many of our youth.

Mr. PENCE. Mr. Speaker, before us today is the Adam Walsh Child Protection and Safety Act of 2006 (H.R. 4472). I am a strong supporter of this legislation, and urge its passage.

Title V of this legislation is derived from a bill that I introduced in the First Session of this Congress, the Child Pornography Prevention Act. As the title states, the intent of my legislation is to prevent American children from becoming victims of pornography because as we know, Mr. Speaker, the fuel that fires the wicked hearts of child predators is child pornography.

Every day in America, children are exploited in pornography—sometimes by those closest to them in their homes. In the home, children are forced to pose for pornographic pictures or act in pornographic videos by family members, family friends, caretakers and other trusted individuals who violate that trust. These pictures and videos are posted on the Internet or surreptitiously spread to sexual predators.

A main tenet of my legislation is the addition of language that will fix a technicality that so-called home pornographers have used to

evade federal prosecution on child pornography charges. Home pornographers use digital cameras, Polaroid cameras and video cameras to make pornographic pictures and videos of children, and they download child pornography from the Internet onto their home computers. My legislation makes clear that federal prosecutions of home pornographers can proceed in federal courts because their activities impact interstate commerce. This is a fix that must be made now in order to protect children at home.

Another element of my bill is the addition of a new section to the criminal code, Section 2257A, which adds a record-keeping requirement that will force producers of sexually explicit material to keep records of the names and ages of their subjects when they are engaged in simulated sexual activity.

Congress previously enacted the PROTECT Act of 2003 against the background of Department of Justice regulations applying section 2257 to both primary and secondary producers. That fact, along with the Act's specific reference to the regulatory definition that existed at the time, reflected Congress' agreement with the Department of Justice's view that it already had the authority to regulate secondary producers under the applicable law.

A federal court in Colorado, however, recently enjoined the Department from enforcing the statute against secondary producers, relying on an earlier Tenth Circuit precedent holding that Congress had not authorized the Department to regulate secondary producers. These decisions conflicted with an earlier D.C. Circuit decision upholding Congress' authority to regulate secondary producers. Section 502 of the bill is meant to eliminate any doubt that section 2257 applies both to primary and secondary producers, and to reflect Congress' agreement with the regulatory approach adopted by the Department of Justice in enforcing the statute."

My bill goes a step further by requiring that records be kept for lascivious exhibitions nude photographs and displays. No child should be used in either nude pictures or sexually explicit materials because these items only serve to inflame the prurient interest in child predators. Requiring that records be kept will serve as a deterrent. Additionally, my bill requires that the records be made available to investigators for inspection. Failure to keep the records or allow inspections is a criminal offense. By strengthening the law in this manner, we will provide both a strong deterrent to the use of children in sexually explicit materials and the necessary tools to law enforcement to investigate and prosecute those who are not deterred.

Finally, the legislation expands the ability of investigators and prosecutors to pursue the people who distribute child pornography. These distributors also will be required to follow the record-keeping provision, and this will provide law enforcement with a powerful tool to use against them. These are devious people who work in cohorts with pornographers to sell child pornography, but who currently can work out of sham corporations to avoid prosecution. My legislation will empower prosecutors with the ability to charge and convict these people.

Providing law enforcement with the tools to combat child pornography contained in my

legislation is a much-needed and overdue step that must be taken to protect our children from those in our society who have no decency and know no shame.

Mr. Speaker, I urge passage of the Adam Walsh Child Protection and Safety Act of 2006. It is time to protect our children, and today we take a significant step toward that goal.

Mr. HERGER. Mr. Speaker, I rise in strong support of H.R. 4472, the Adam Walsh Child Protection and Safety Act of 2006. This is good legislation that will go a long way towards keeping our children safe from harm.

I am especially pleased this legislation includes an important provision that I believe will help improve our Nation's child protection system. As part of the Adoption and Safe Families Act of 1997, Federal law was amended to require that States complete background checks prior to approving a prospective foster or adoptive home. If these background checks reveal that would-be foster or adoptive parents have been convicted of certain felonies including murder and crimes against children, such adults are permanently disqualified from receiving Federal funds as foster or adoptive parents. Felony convictions for physical assault, battery, or drug-related offenses disqualify an adult from receiving Federal payments for the child for 5 years. To be clear, States could still place foster children in those homes, they just couldn't use Federal dollars to pay such adults for the care of the children.

These provisions are designed to ensure children are placed in safe homes and Federal funds are used properly. Currently, 43 States including the District of Columbia comply with these requirements. However, because Federal law currently gives States a choice, eight States opt out of this requirement, which allows them to apply weaker standards concerning which adults are to be entrusted with foster or adoptive children and when Federal funds can be used in such homes.

In practice, it is our understanding that most of the States actually follow Federal guidelines, leaving only a handful of States that actually apply weaker standards than Federal law expects.

H.R. 4472 will allow States that opt out of the current Federal standards to continue to do so for the next 2 years. But then all States must comply with the current requirements, which most already follow. States will continue to have the flexibility to define requirements that are stronger than Federal law. It is my hope that during the next 2 years the States that apply weaker standards for who can be a foster or adoptive parent and receive Federal funds will examine their policies and take steps to bring them in line with Federal policy, as the overwhelming majority of States already do.

It is important that all States satisfy minimum requirements to ensure the safety of children. Children in foster care are literally our responsibility. It is not too much to expect certain minimum standards involving who can be entrusted with their care, especially when Federal tax dollars are paid to such adults. Amazingly enough, some suggest this provision may not increase child safety. I disagree. It is difficult to understand how some can insist that Federal taxpayers must pay adults to be foster or adoptive parents when a back-

ground check has uncovered their involvement in past crimes such as murder and crimes against children. Again, States may choose to do whatever they wish with their own dollars, but we have a responsibility to see that children are protected and Federal tax dollars are used wisely. I'm pleased H.R. 4472 will ensure all States follow the same minimum standards for determining who may be entrusted with these vulnerable children and receive Federal funds for their care. I urge my colleagues to support this important legislation.

Mr. VAN HOLLEN. Mr. Speaker, I rise today in support of H.R. 4472, the Adam Walsh Child Protection and Safety Act of 2006 that will revamp this country's sex offenders registration system. This bill is named in honor of Adam Walsh, the son of John and Reve Walsh, who was abducted 25 years ago. Through the strength and perseverance of John and Reve, they turned the gut wrenching tragedy of the abduction and killing of their son Adam into a lifelong crusade to protect the children of others. The bill before us today is another weapon in this country's arsenal to protect our children from what seems to be an epidemic of abduction and exploitation.

The National Center for Missing and Exploited Children (NCMEC) estimates that today there are more than 563,000 sex offenders that are "supposed" to be registered in this country. Unfortunately, approximately 100,000 of these offenders are currently unaccounted for and therefore, are under the watchful eye of no one.

H.R. 4472 will create a National registry that will provide enhanced information on a uniform basis thereby replacing a patchwork of individual systems administered and maintained by each State. Through this bill, sex offenders will have the same requirements to register throughout the country. Sex offenders will be required to register before they are released from prison to insure that they don't slip through the cracks. Moreover, this bill will impose stiff penalties for failing to register by imposing a felony.

While we can never do enough to protect our children, this bill does tighten the weave of the safety net through which many predators have slipped. A uniform national registry of sexual predators will assist law enforcement, parents, and concerned citizens in their vigilance and awareness of who is lurking on our neighborhood waiting to rob our children of their innocence and, all too often, of their lives.

We owe a special debt of gratitude to the bipartisan group of legislators who steered this bill successfully through Conference, the Walshes, and the National Center for Missing and Exploited Children for making this national registry a reality.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 4472.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

FHA MANUFACTURED HOUSING LOAN MODERNIZATION ACT OF 2006

Mr. GILLMOR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4804) to modernize the manufactured housing loan insurance program under title I of the National Housing Act, as amended.

The Clerk read as follows:

H.R. 4804

SECTION 1. SHORT TITLE.

This title may be cited as the "FHA Manufactured Housing Loan Modernization Act of 2006".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) manufactured housing plays a vital role in providing housing for low- and moderate-income families in the United States;

(2) the FHA title I insurance program for manufactured home loans traditionally has been a major provider of mortgage insurance for home-only transactions;

(3) the manufactured housing market is in the midst of a prolonged downturn which has resulted in a severe contraction of traditional sources of private lending for manufactured home purchases;

(4) during past downturns the FHA title I insurance program for manufactured homes has filled the lending void by providing stability until the private markets could recover;

(5) in 1992, during the manufactured housing industry's last major recession, over 30,000 manufactured home loans were insured under title I;

(6) in 2004, fewer than 2,000 manufactured housing loans were insured under title I;

(7) the loan limits for title I manufactured housing loans have not been adjusted for inflation since 1992; and

(8) these problems with the title I program have resulted in an atrophied market for manufactured housing loans, leaving American families who have the most difficulty achieving homeownership without adequate financing options for home-only manufactured home purchases.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide adequate funding for FHA-insured manufactured housing loans for low- and moderate-income homebuyers during all economic cycles in the manufactured housing industry;

(2) to modernize the FHA title I insurance program for manufactured housing loans to enhance participation by Ginnie Mae and the private lending markets; and

(3) to adjust the low loan limits for title I manufactured home loan insurance to reflect the increase in costs since such limits were last increased in 1992 and to index the limits to inflation.

SEC. 3. EXCEPTION TO LIMITATION ON FINANCIAL INSTITUTION PORTFOLIO.

The second sentence of section 2(a) of the National Housing Act (12 U.S.C. 1703(a)) is amended—

(1) by striking "In no case" and inserting "Other than in connection with a manufactured home or a lot on which to place such a home (or both), in no case"; and

(2) by striking "": Provided, That with" and inserting ". With".

SEC. 4. INSURANCE BENEFITS.

(a) IN GENERAL.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), is amended by adding at the end the following new paragraph:

"(8) INSURANCE BENEFITS FOR MANUFACTURED HOUSING LOANS.—Any contract of insurance with respect to loans, advances of credit, or purchases in connection with a manufactured home or a lot on which to place a manufactured home (or both) for a financial institution that is executed under this title after the date of the enactment of the FHA Manufactured Housing Loan Modernization Act of 2006 by the Secretary shall be conclusive evidence of the eligibility of such financial institution for insurance, and the validity of any contract of insurance so executed shall be incontestable in the hands of the bearer from the date of the execution of such contract, except for fraud or misrepresentation on the part of such institution."

(b) APPLICABILITY.—The amendment made by subsection (a) shall only apply to loans that are registered or endorsed for insurance after the date of the enactment of this Act.

SEC. 5. MAXIMUM LOAN LIMITS.

(a) DOLLAR AMOUNTS.—Paragraph (1) of section 2(b) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended—

(1) in clause (ii) of subparagraph (A), by striking "\$17,500" and inserting "\$24,500";

(2) in subparagraph (C) by striking "\$48,600" and inserting "\$68,040";

(3) in subparagraph (D) by striking "\$64,800" and inserting "\$90,720";

(4) in subparagraph (E) by striking "\$16,200" and inserting "\$22,680"; and

(5) by realigning subparagraphs (C), (D), and (E) 2 ems to the left so that the left margins of such subparagraphs are aligned with the margins of subparagraphs (A) and (B).

(b) ANNUAL INDEXING.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new paragraph:

"(9) ANNUAL INDEXING OF MANUFACTURED HOUSING LOANS.—The Secretary shall develop a method of indexing in order to annually adjust the loan limits established in subparagraphs (A)(ii), (C), (D), and (E) of this subsection. Such index shall be based on the manufactured housing price data collected by the United States Census Bureau. The Secretary shall establish such index no later than one year after the date of the enactment of the FHA Manufactured Housing Loan Modernization Act of 2006."

(c) TECHNICAL AND CONFORMING CHANGES.—Paragraph (1) of section 2(b) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended—

(1) by striking "No" and inserting "Except as provided in the last sentence of this paragraph, no"; and

(2) by adding after and below subparagraph (G) the following:

"The Secretary shall, by regulation, annually increase the dollar amount limitations in subparagraphs (A)(ii), (C), (D), and (E) (as such limitations may have been previously adjusted under this sentence) in accordance with the index established pursuant to paragraph (9)."

SEC. 6. INSURANCE PREMIUMS.

Subsection (f) of section 2 of the National Housing Act (12 U.S.C. 1703(f)) is amended—

(1) by inserting "(1) PREMIUM CHARGES.—" after "(f)"; and

(2) by adding at the end the following new paragraph:

"(2) MANUFACTURED HOME LOANS.—Notwithstanding paragraph (1), in the case of a loan, advance of credit, or purchase in connection with a manufactured home or a lot on which to place such a home (or both), the premium charge for the insurance granted under this section shall be paid by the borrower under the loan or advance of credit, as follows:

"(A) At the time of the making of the loan, advance of credit, or purchase, a single premium payment in an amount not to exceed 2.25 percent of the amount of the original insured principal obligation.

"(B) In addition to the premium under subparagraph (A), annual premium payments dur-

ing the term of the loan, advance, or obligation purchased in an amount not exceeding 1.0 percent of the remaining insured principal balance (excluding the portion of the remaining balance attributable to the premium collected under subparagraph (A) and without taking into account delinquent payments or prepayments).

"(C) Premium charges under this paragraph shall be established in amounts that are sufficient, but do not exceed the minimum amounts necessary, to maintain a negative credit subsidy for the program under this section for insurance of loans, advances of credit, or purchases in connection with a manufactured home or a lot on which to place such a home (or both), as determined based upon risk to the Federal Government under existing underwriting requirements.

"(D) The Secretary may increase the limitations on premium payments to percentages above those set forth in subparagraphs (A) and (B), but only if necessary, and not in excess of the minimum increase necessary, to maintain a negative credit subsidy as described in subparagraph (C)."

SEC. 7. TECHNICAL CORRECTIONS.

(a) DATES.—Subsection (a) of section 2 of the National Housing Act (12 U.S.C. 1703(a)) is amended—

(1) by striking "on and after July 1, 1939," each place such term appears; and

(2) by striking "made after the effective date of the Housing Act of 1954".

(b) AUTHORITY OF SECRETARY.—Subsection (c) of section 2 of the National Housing Act (12 U.S.C. 1703(c)) is amended to read as follows:

"(c) HANDLING AND DISPOSAL OF PROPERTY.—

"(1) AUTHORITY OF SECRETARY.—Notwithstanding any other provision of law, the Secretary may—

"(A) deal with, complete, rent, renovate, modernize, insure, or assign or sell at public or private sale, or otherwise dispose of, for cash or credit in the Secretary's discretion, and upon such terms and conditions and for such consideration as the Secretary shall determine to be reasonable, any real or personal property conveyed to or otherwise acquired by the Secretary, in connection with the payment of insurance heretofore or hereafter granted under this title, including any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with the payment of insurance heretofore or hereafter granted under this section; and

"(B) pursue to final collection, by way of compromise or otherwise, all claims assigned to or held by the Secretary and all legal or equitable rights accruing to the Secretary in connection with the payment of such insurance, including unpaid insurance premiums owed in connection with insurance made available by this title.

"(2) ADVERTISEMENTS FOR PROPOSALS.—Section 3709 of the Revised Statutes shall not be construed to apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of such property if the amount thereof does not exceed \$25,000.

"(3) DELEGATION OF AUTHORITY.—The power to convey and to execute in the name of the Secretary, deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest therein heretofore or hereafter acquired by the Secretary pursuant to the provisions of this title may be exercised by an officer appointed by the Secretary without the execution of any express delegation of power or power of attorney. Nothing in this subsection shall be construed to prevent the Secretary from delegating such power by order or by power of attorney, in the Secretary's discretion, to any officer or agent the Secretary may appoint."

SEC. 8. REVISION OF UNDERWRITING CRITERIA.

(a) IN GENERAL.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as