

## Calendar No. 382

110TH CONGRESS  
1ST SESSION**S. 2084****[Report No. 110-183]**

To promote school safety, improved law enforcement, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2007

Mr. LEAHY, from the Committee on the Judiciary, reported the following original bill; which was read twice and placed on the calendar

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**A BILL**

To promote school safety, improved law enforcement, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

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

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “School Safety and Law Enforcement Improvement Act  
6 of 2007”.

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

Sec. 1. Short title and table of contents.

## TITLE I—SCHOOL SAFETY ENHANCEMENTS ACT

Sec. 101. Short title.

Subtitle A—Elementary and Secondary Education Safety Enhancements

Sec. 111. Grant program for school security.

Sec. 112. Applications.

Sec. 113. Authorization of appropriations.

Subtitle B—Campus Public Safety Enhancement

Sec. 121. National center for campus public safety.

Sec. 122. Grants for campus law enforcement.

## TITLE II—NICS IMPROVEMENT AMENDMENTS ACT OF 2007

Sec. 201. Short title.

Sec. 202. Findings.

Sec. 203. Definitions.

Subtitle A—Transmittal of Records

Sec. 211. Enhancement of requirement that Federal departments and agencies provide relevant information to the National Instant Criminal Background Check System.

Sec. 212. Requirements to obtain waiver.

Sec. 213. Implementation assistance to States.

Sec. 214. Penalties for noncompliance.

Sec. 215. Relief from disabilities program required as condition for participation in grant programs.

Sec. 216. Illegal immigrant gun purchase notification.

Subtitle B—Focusing Federal Assistance on the Improvement of Relevant Records

Sec. 221. Continuing evaluations.

Subtitle C—Grants to State Court Systems for the Improvement in Automation and Transmittal of Disposition Records

Sec. 231. Disposition records automation and transmittal improvement grants.

Subtitle D—GAO Audit

Sec. 241. GAO audit.

## TITLE III—EQUITY IN LAW ENFORCEMENT ACT

Sec. 301. Short title.

Sec. 302. Line-of-duty death and disability benefits.

Sec. 303. Law enforcement armor vests.

Sec. 304. Byrne grants.

## TITLE IV—LAW ENFORCEMENT OFFICERS SAFETY ACT OF 2007

Sec. 401. Short title.

Sec. 402. Amendments to law enforcement officers safety provisions of title 18.

Sec. 403. Government Accountability Office study of qualified active and retired law enforcement officers.

## TITLE V—PRECAUTION ACT

- Sec. 501. Short title.  
 Sec. 502. Purposes.  
 Sec. 503. Definitions.  
 Sec. 504. National Commission on Public Safety Through Crime Prevention.  
 Sec. 505. Innovative crime prevention and intervention strategy grants.

## TITLE VI—TERRORIST HOAX IMPROVEMENTS ACT OF 2007

- Sec. 601. Short title.  
 Sec. 602. Improvements to the terrorist hoax statute.

1           **TITLE I—SCHOOL SAFETY**  
 2                   **ENHANCEMENTS ACT**

3 **SEC. 101. SHORT TITLE.**

4           This title may be cited as the “School Safety En-  
 5 hancements Act”.

6 **Subtitle A—Elementary and Sec-**  
 7 **ondary Education Safety En-**  
 8 **hancements**

9 **SEC. 111. GRANT PROGRAM FOR SCHOOL SECURITY.**

10          Section 2701 of the Omnibus Crime Control and Safe  
 11 Streets Act of 1968 (42 U.S.C. 3797a) is amended—

12                   (1) in subsection (b)—

13                           (A) in paragraph (1), by inserting “surveil-  
 14 lance equipment,” after “detectors,”;

15                           (B) by striking paragraph (2) and insert-  
 16 ing the following:

17                           “(2) Establishment of hotlines or tiplines for  
 18 the reporting of potentially dangerous students and  
 19 situations.”;

1 (C) by redesignating paragraph (5) as  
2 paragraph (6); and

3 (D) by inserting after paragraph (4) the  
4 following:

5 “(5) Capital improvements to make school fa-  
6 cilities more secure.”;

7 (2) by striking subsection (d)(1) and inserting  
8 the following:

9 “(1) The Federal share of the costs of a pro-  
10 gram provided by a grant under subsection (a) shall  
11 be 50 percent of the total of such costs. The non-  
12 Federal share of such costs shall be 50 percent of  
13 such costs.”; and

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

15 “(g) INTERAGENCY TASK FORCE.—Not later than 60  
16 days after the date of enactment of the School Safety and  
17 Law Enforcement Improvement Act of 2007, the Director  
18 and the Secretary of Education, or the designee of the  
19 Secretary, shall establish an interagency task force to de-  
20 velop and promulgate a set of advisory school safety guide-  
21 lines. The advisory school safety guidelines shall be pub-  
22 lished in the Federal Register by not later than June 1,  
23 2008.”.

1 **SEC. 112. APPLICATIONS.**

2 Section 2702(a)(2) of the Omnibus Crime Control  
3 and Safe Streets Act of 1968 (42 U.S.C. 3797b(a)(2)) is  
4 amended to read as follows:

5 “(2) be accompanied by a report, prepared in  
6 consultation with senior school professionals and  
7 senior law enforcement officers, demonstrating that  
8 each proposed use of the grant funds will be—

9 “(A) an effective means for improving the  
10 safety of one or more schools;

11 “(B) consistent with a comprehensive ap-  
12 proach to preventing school violence; and

13 “(C) individualized to the needs of each  
14 school at which those improvements are to be  
15 made.”.

16 **SEC. 113. AUTHORIZATION OF APPROPRIATIONS.**

17 Section 2705 of the Omnibus Crime Control and Safe  
18 Streets Act of 1968 (42 U.S.C. 3797e) is amended by  
19 striking “\$30,000,000 for each of fiscal years 2001  
20 through 2009” and inserting “\$50,000,000 for each of the  
21 fiscal years 2008 and 2009”.

22 **Subtitle B—Campus Public Safety**  
23 **Enhancement**

24 **SEC. 121. NATIONAL CENTER FOR CAMPUS PUBLIC SAFETY.**

25 (a) IN GENERAL.—The Attorney General of the  
26 United States is authorized to make grants, through the

1 Office of Community Oriented Policing Services, to estab-  
2 lish and operate a National Center for Campus Public  
3 Safety (referred to in this section as the “Center”). The  
4 Center shall—

5 (1) provide quality education and training for  
6 campus public safety agencies and the agencies’ col-  
7 laborative partners;

8 (2) foster quality research to strengthen the  
9 safety and security of the institutions of higher edu-  
10 cation in the United States;

11 (3) serve as a clearinghouse for the identifica-  
12 tion and dissemination of information, policies, pro-  
13 cedures, and best practices relevant to campus safe-  
14 ty and emergency response and evacuation proce-  
15 dures;

16 (4) develop protocols, in conjunction with the  
17 Attorney General, the Secretary of Homeland Secu-  
18 rity, the Secretary of Education, State, local and  
19 tribal governments and law enforcement agencies,  
20 private and nonprofit organizations and associations,  
21 and other stakeholders, to prevent, protect against,  
22 respond to, and recover from natural and man-made  
23 emergencies or dangerous situations involving an im-  
24 mediate threat to the health or safety of the campus  
25 community;

1           (5) promote the development and dissemination  
2 of effective behavioral threat assessment and man-  
3 agement models to prevent campus violence;

4           (6) coordinate campus safety information and  
5 resources available from the Department of Justice,  
6 the Department of Homeland Security, the Depart-  
7 ment of Education, State, local and tribal govern-  
8 ments and law enforcement agencies, and private  
9 and nonprofit organizations and associations;

10          (7) increase cooperation, collaboration, and con-  
11 sistency in prevention, response, and problem-solving  
12 methods among agencies and jurisdictions serving  
13 institutions of higher education in the United States;

14          (8) develop standardized formats and models  
15 for mutual aid agreements and memoranda of un-  
16 derstanding between campus safety and security  
17 agencies and other public safety organizations; and

18          (9) report annually to Congress and the Attor-  
19 ney General on activities performed by the Center  
20 during the previous 12 months.

21       (b) COORDINATION WITH AVAILABLE RESOURCES.—

22 In establishing the Center, the Attorney General shall—

23           (1) consult with the Secretary of Homeland Se-  
24 curity, the Secretary of Education, and the Attor-  
25 neys General of each State; and

1           (2) coordinate the establishment and operation  
 2           of the Center with campus public safety resources  
 3           that may already be available within the Department  
 4           of Homeland Security and the Department of Edu-  
 5           cation.

6           (c) DEFINITION OF INSTITUTION OF HIGHER EDU-  
 7           CATION.—In this section, the term “institution of higher  
 8           education” has the meaning given the term in section 101  
 9           of the Higher Education Act of 1965 (20 U.S.C. 1001).

10          (d) AUTHORIZATION OF APPROPRIATIONS.—There  
 11          are authorized to be appropriated to carry out this section  
 12          \$2,750,000 for each of the fiscal years 2008 and 2009  
 13          and such sums as may be necessary thereafter.

14          **SEC. 122. GRANTS FOR CAMPUS LAW ENFORCEMENT.**

15          The Omnibus Crime Control and Safe Streets Act of  
 16          1968 (42 U.S.C. 3711 et seq.) is amended by adding at  
 17          the end of title I the following:

18          **“PART JJ—MATCHING GRANT PROGRAM FOR**

19                                 **CAMPUS SAFETY AND SECURITY**

20          **“SEC. 2998. MATCHING GRANT PROGRAM FOR CAMPUS**

21                                 **SAFETY AND SECURITY.**

22          “(a) IN GENERAL.—The Attorney General is author-  
 23          ized to make grants, through the Office of Community  
 24          Oriented Policing Services, to institutions of higher edu-  
 25          cation or consortia of institutions of higher education to

1 pay the Federal share of the costs of providing improved  
2 security at those institutions.

3 “(b) PREFERENTIAL CONSIDERATION.—In awarding  
4 grants under this part, the Attorney General shall give  
5 preferential consideration, if feasible, to an application  
6 from an institution of higher education that—

7 “(1) has a demonstrated need for improved se-  
8 curity;

9 “(2) has a demonstrated need for financial as-  
10 sistance; and

11 “(3) has evidenced the ability to make the im-  
12 provements for which the grant amounts are sought.

13 “(c) FEDERAL SHARE, NON-FEDERAL SHARE.—

14 “(1) IN GENERAL.—The Federal share of the  
15 costs of the activities under this part shall be 50  
16 percent of the total of such costs. The non-Federal  
17 share of such costs shall be 50 percent of such costs.

18 “(2) SPECIAL RULE.—Any funds appropriated  
19 by Congress for the activities of any agency of an  
20 Indian tribal government or the Bureau of Indian  
21 Affairs performing law enforcement functions on any  
22 Indian lands may be used by the tribal colleges and  
23 universities to provide the non-Federal share under  
24 this subsection.

1           “(3) WAIVER OR ALTERATION.—The Attorney  
2           General may provide, in the guidelines implementing  
3           this section, for the requirement of paragraph (1) to  
4           be waived or altered in the case of a recipient with  
5           a financial need for such a waiver or alteration.

6           “(d) EQUITABLE DISTRIBUTION.—In awarding  
7           grants under this part, the Attorney General shall ensure,  
8           to the extent practicable, an equitable geographic distribu-  
9           tion among the regions of the United States and among  
10          urban, suburban, and rural areas.

11          “(e) ADMINISTRATIVE COSTS.—The Attorney Gen-  
12          eral may reserve not more than 2 percent from amounts  
13          appropriated to carry out this part for administrative  
14          costs.

15          **“SEC. 2998-1. APPLICATIONS.**

16          “(a) IN GENERAL.—To request a grant under this  
17          part, the institution of higher education or consortium  
18          shall submit an application to the Attorney General at  
19          such time, in such manner, and accompanied by such in-  
20          formation as the Attorney General may require. Each ap-  
21          plication shall—

22                  “(1) include a detailed explanation of—

23                          “(A) the intended uses of funds provided  
24                          under the grant; and

1           “(B) how the activities funded under the  
2           grant will meet the purpose of this part; and

3           “(2) be accompanied by a report, signed by the  
4           chief executive or designated administrator of each  
5           institution of higher education receiving assistance  
6           under the grant, demonstrating that each proposed  
7           use of the grant funds will be—

8           “(A) an effective means for improving the  
9           safety of 1 or more institutions of higher edu-  
10          cation;

11          “(B) consistent with a comprehensive ap-  
12          proach to preventing campus crime and ensur-  
13          ing campus security; and

14          “(C) individualized to the needs of each in-  
15          stitution of higher education or consortium at  
16          which those improvements are to be made.

17          “(b) GUIDELINES.—Not later than 90 days after the  
18          date of enactment of the School Safety and Law Enforce-  
19          ment Improvement Act of 2007, the Attorney General  
20          shall promulgate guidelines to implement this section re-  
21          garding submitting the applications required under this  
22          section.

23          **“SEC. 2998-2. USE OF FUNDS.**

24          “Grants awarded under this part shall be distributed  
25          directly to institutions of higher education or consortia

1 and shall be used to improve campus security at institu-  
2 tions of higher education, whether public or private, in the  
3 jurisdiction of the grantee through 1 or more of the fol-  
4 lowing:

5           “(1) Hiring of additional campus public safety  
6 and security officers (sworn and nonsworn) as well  
7 as additional staff and support staff necessary for  
8 emergency management.

9           “(2) Placement and use of surveillance equip-  
10 ment, locks, lighting, metal detectors, and other de-  
11 terrent measures.

12           “(3) Developing and implementing emergency  
13 communications systems for campuses in order to  
14 contact students using state-of-the-art communica-  
15 tions methods.

16           “(4) Security assessments.

17           “(5) Security training of personnel and stu-  
18 dents.

19           “(6) Coordination with Federal, State, and local  
20 law enforcement.

21           “(7) Testing of emergency response and evacu-  
22 ation procedures.

23           “(8) Capital improvements to make school fa-  
24 cilities more secure.

1           “(9) Establishment of hotlines or tiplines for  
2           the reporting of potentially dangerous students and  
3           situations.

4           “(10) Establishment and operation of an office  
5           of campus public safety.

6           “(11) Computer-aided dispatch and record  
7           management systems.

8           “(12) Any other measure that, in the deter-  
9           mination of the Attorney General, may provide a sig-  
10          nificant improvement in security.

11 **“SEC. 2998–3. ANNUAL REPORT TO CONGRESS.**

12          “Not later than November 30 of each year, the Attor-  
13          ney General shall submit a report to Congress regarding  
14          the activities carried out under this part. Each such report  
15          shall include, for the preceding fiscal year—

16                 “(1) the number of grants funded under this  
17                 part;

18                 “(2) the amount of funds provided under those  
19                 grants; and

20                 “(3) the activities for which those funds were  
21                 used.

22 **“SEC. 2998–4. DEFINITION.**

23          “For purposes of this part, the term ‘institution of  
24          higher education’ means an institution of higher education  
25          as defined in section 101 of the Higher Education Act (20

1 U.S.C. 1001) and includes tribal colleges and universities  
2 as defined in 20 U.S.C. 1059c(b)(3);

3 **“SEC. 2998–5. AUTHORIZATION OF APPROPRIATIONS.**

4 “There are authorized to be appropriated to carry out  
5 this part \$50,000,000 for each of the fiscal years 2008  
6 and 2009.”.

7 **TITLE II—NICS IMPROVEMENT**  
8 **AMENDMENTS ACT OF 2007**

9 **SEC. 201. SHORT TITLE.**

10 This title may be cited as the “NICS Improvement  
11 Amendments Act of 2007”.

12 **SEC. 202. FINDINGS.**

13 Congress finds the following:

14 (1) Approximately 916,000 individuals were  
15 prohibited from purchasing a firearm for failing a  
16 background check between November 30, 1998, (the  
17 date the National Instant Criminal Background  
18 Check System (NICS) began operating) and Decem-  
19 ber 31, 2004.

20 (2) From November 30, 1998, through Decem-  
21 ber 31, 2004, nearly 49,000,000 Brady background  
22 checks were processed through NICS.

23 (3) Although most Brady background checks  
24 are processed through NICS in seconds, many back-  
25 ground checks are delayed if the Federal Bureau of

1 Investigation (FBI) does not have automated access  
2 to complete information from the States concerning  
3 persons prohibited from possessing or receiving a  
4 firearm under Federal or State law.

5 (4) Nearly 21,000,000 criminal records are not  
6 accessible by NICS and millions of criminal records  
7 are missing critical data, such as arrest dispositions,  
8 due to data backlogs.

9 (5) The primary cause of delay in NICS back-  
10 ground checks is the lack of—

11 (A) updates and available State criminal  
12 disposition records; and

13 (B) automated access to information con-  
14 cerning persons prohibited from possessing or  
15 receiving a firearm because of mental illness,  
16 restraining orders, or misdemeanor convictions  
17 for domestic violence.

18 (6) Automated access to this information can  
19 be improved by—

20 (A) computerizing information relating to  
21 criminal history, criminal dispositions, mental  
22 illness, restraining orders, and misdemeanor  
23 convictions for domestic violence; or

24 (B) making such information available to  
25 NICS in a usable format.

1           (7) Helping States to automate these records  
2 will reduce delays for law-abiding gun purchasers.

3           (8) On March 12, 2002, the senseless shooting,  
4 which took the lives of a priest and a parishioner at  
5 the Our Lady of Peace Church in Lynbrook, New  
6 York, brought attention to the need to improve in-  
7 formation-sharing that would enable Federal and  
8 State law enforcement agencies to conduct a com-  
9 plete background check on a potential firearm pur-  
10 chaser. The man who committed this double murder  
11 had a prior disqualifying mental health commitment  
12 and a restraining order against him, but passed a  
13 Brady background check because NICS did not have  
14 the necessary information to determine that he was  
15 ineligible to purchase a firearm under Federal or  
16 State law.

17 **SEC. 203. DEFINITIONS.**

18       As used in this title, the following definitions shall  
19 apply:

20           (1) COURT ORDER.—The term “court order”  
21 includes a court order (as described in section  
22 922(g)(8) of title 18, United States Code).

23           (2) MENTAL HEALTH TERMS.—The terms “ad-  
24 judicated as a mental defective”, “committed to a  
25 mental institution”, and related terms have the

1 meanings given those terms in regulations imple-  
 2 menting section 922(g)(4) of title 18, United States  
 3 Code, as in effect on the date of the enactment of  
 4 this Act.

5 (3) MISDEMEANOR CRIME OF DOMESTIC VIO-  
 6 LENCE.—The term “misdemeanor crime of domestic  
 7 violence” has the meaning given the term in section  
 8 921(a)(33) of title 18, United States Code.

## 9 **Subtitle A—Transmittal of Records**

### 10 **SEC. 211. ENHANCEMENT OF REQUIREMENT THAT FED- 11 ERAL DEPARTMENTS AND AGENCIES PRO- 12 VIDE RELEVANT INFORMATION TO THE NA- 13 TIONAL INSTANT CRIMINAL BACKGROUND 14 CHECK SYSTEM.**

15 (a) IN GENERAL.—Section 103(e)(1) of the Brady  
 16 Handgun Violence Prevention Act (18 U.S.C. 922 note)  
 17 is amended—

18 (1) by striking “Notwithstanding” and insert-  
 19 ing the following:

20 “(A) IN GENERAL.—Notwithstanding”;

21 (2) by striking “On request” and inserting the  
 22 following:

23 “(B) REQUEST OF ATTORNEY GENERAL.—  
 24 On request”;

1           (3) by striking “furnish such information” and  
2           inserting “furnish electronic versions of the informa-  
3           tion described under subparagraph (A)”; and

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

5                   “(C) QUARTERLY SUBMISSION TO ATTOR-  
6           NEY GENERAL.—If a department or agency  
7           under subparagraph (A) has any record of any  
8           person demonstrating that the person falls  
9           within one of the categories described in sub-  
10          section (g) or (n) of section 922 of title 18,  
11          United States Code, the head of such depart-  
12          ment or agency shall, not less frequently than  
13          quarterly, provide the pertinent information  
14          contained in such record to the Attorney Gen-  
15          eral.

16                   “(D) INFORMATION UPDATES.—The agen-  
17          cy, on being made aware that the basis under  
18          which a record was made available under sub-  
19          paragraph (A) does not apply, or no longer ap-  
20          plies, shall—

21                           “(i) update, correct, modify, or re-  
22                           move the record from any database that  
23                           the agency maintains and makes available  
24                           to the Attorney General, in accordance

1 with the rules pertaining to that database;  
2 or

3 “(ii) notify the Attorney General that  
4 such basis no longer applies so that the  
5 National Instant Criminal Background  
6 Check System is kept up to date.

7 “(E) ANNUAL REPORT.—The Attorney  
8 General shall submit an annual report to Con-  
9 gress that describes the compliance of each de-  
10 partment or agency with the provisions of this  
11 paragraph.”.

12 (b) PROVISION AND MAINTENANCE OF NICS  
13 RECORDS.—

14 (1) DEPARTMENT OF HOMELAND SECURITY.—  
15 The Secretary of Homeland Security shall make  
16 available to the Attorney General—

17 (A) records, updated not less than quar-  
18 terly, which are relevant to a determination of  
19 whether a person is disqualified from possessing  
20 or receiving a firearm under subsection (g) or  
21 (n) of section 922 of title 18, United States  
22 Code, for use in background checks performed  
23 by the National Instant Criminal Background  
24 Check System; and

1 (B) information regarding all the persons  
2 described in subparagraph (A) of this para-  
3 graph who have changed their status to a cat-  
4 egory not identified under section 922(g)(5) of  
5 title 18, United States Code, for removal, when  
6 applicable, from the National Instant Criminal  
7 Background Check System.

8 (2) DEPARTMENT OF JUSTICE.—The Attorney  
9 General shall—

10 (A) ensure that any information submitted  
11 to, or maintained by, the Attorney General  
12 under this section is kept accurate and con-  
13 fidential, as required by the laws, regulations,  
14 policies, or procedures governing the applicable  
15 record system;

16 (B) provide for the timely removal and de-  
17 struction of obsolete and erroneous names and  
18 information from the National Instant Criminal  
19 Background Check System; and

20 (C) work with States to encourage the de-  
21 velopment of computer systems, which would  
22 permit electronic notification to the Attorney  
23 General when—

1 (i) a court order has been issued, lift-  
2 ed, or otherwise removed by order of the  
3 court; or

4 (ii) a person has been adjudicated as  
5 mentally defective or committed to a men-  
6 tal institution.

7 (c) STANDARD FOR ADJUDICATIONS, COMMITMENTS,  
8 AND DETERMINATIONS RELATED TO MENTAL  
9 HEALTH.—

10 (1) IN GENERAL.—No department or agency of  
11 the Federal Government may provide to the Attor-  
12 ney General any record of an adjudication or deter-  
13 mination related to the mental health of a person,  
14 or any commitment of a person to a mental institu-  
15 tion if—

16 (A) the adjudication, determination, or  
17 commitment, respectively, has been set aside or  
18 expunged, or the person has otherwise been  
19 fully released or discharged from all mandatory  
20 treatment, supervision, or monitoring;

21 (B) the person has been found by a court,  
22 board, commission, or other lawful authority to  
23 no longer suffer from the mental health condi-  
24 tion that was the basis of the adjudication, de-  
25 termination, or commitment, respectively, or

1 has otherwise been found to be rehabilitated  
2 through any procedure available under law; or  
3 (C) the adjudication, determination, or  
4 commitment, respectively, is based solely on a  
5 medical finding of disability, without a finding  
6 that the person is a danger to himself or to oth-  
7 ers or that the person lacks the mental capacity  
8 to manage his own affairs, except that nothing  
9 in this section or any other provision of law  
10 shall prevent a department or agency from pro-  
11 viding to the Attorney General any record dem-  
12 onstrating that a person was adjudicated or de-  
13 termined to be not guilty by reason of insanity,  
14 or based on lack of mental responsibility, or  
15 found incompetent to stand trial, in any crimi-  
16 nal case or under the Uniform Code of Military  
17 Justice.

18 (2) TREATMENT OF CERTAIN ADJUDICATIONS,  
19 DETERMINATIONS, AND COMMITMENTS.—

20 (A) PROGRAM FOR RELIEF FROM DISABIL-  
21 ITIES.—Each department or agency of the  
22 United States that makes any adjudication or  
23 determination related to the mental health of a  
24 person or imposes any commitment to a mental  
25 institution, as described in subsection (d)(4)

1 and (g)(4) of section 922 of title 18, United  
2 States Code, shall establish a program that per-  
3 mits such a person to apply for relief from the  
4 disabilities imposed by such subsections. Relief  
5 and judicial review shall be available according  
6 to the standards prescribed in section 925(c) of  
7 title 18, United States Code.

8 (B) RELIEF FROM DISABILITIES.—In the  
9 case of an adjudication or determination related  
10 to the mental health of a person or a commit-  
11 ment of a person to a mental institution, a  
12 record of which may not be provided to the At-  
13 torney General under paragraph (1), including  
14 because of the absence of a finding described in  
15 subparagraph (C) of such paragraph, or from  
16 which a person has been granted relief under a  
17 program established under subparagraph (A),  
18 the adjudication, determination, or commit-  
19 ment, respectively, shall be deemed not to have  
20 occurred for purposes of subsections (d)(4) and  
21 (g)(4) of section 922 of title 18, United States  
22 Code.

23 (d) INFORMATION EXCLUDED FROM NICS  
24 RECORDS.—

1           (1) IN GENERAL.—No department or agency of  
2           the Federal Government may make available to the  
3           Attorney General, for use by the National Instant  
4           Criminal Background Check System (nor may the  
5           Attorney General make available to such system),  
6           the name or any other relevant identifying informa-  
7           tion of any person adjudicated or determined to be  
8           mentally defective or any person committed to a  
9           mental institution for purposes of assisting the At-  
10          torney General in enforcing subsections (d)(4) and  
11          (g)(4) of section 922 of title 18, United States Code,  
12          unless such adjudication, determination, or commit-  
13          ment, respectively, included a finding that the per-  
14          son is a danger to himself or to others or that the  
15          person lacks the mental capacity to manage his own  
16          affairs.

17          (2) EFFECTIVE DATE.—Paragraph (1) shall  
18          apply to names and other information provided be-  
19          fore, on, or after the date of the enactment of this  
20          Act. Any name or information provided in violation  
21          of paragraph (1) before such date shall be removed  
22          from the National Instant Criminal Background  
23          Check System.

1 **SEC. 212. REQUIREMENTS TO OBTAIN WAIVER.**

2 (a) IN GENERAL.—Beginning 3 years after the date  
3 of the enactment of this Act, a State shall be eligible to  
4 receive a waiver of the 10 percent matching requirement  
5 for National Criminal History Improvement Grants under  
6 the Crime Identification Technology Act of 1988 (42  
7 U.S.C. 14601) if the State provides at least 90 percent  
8 of the information described in subsection (c). The length  
9 of such a waiver shall not exceed 2 years.

10 (b) STATE ESTIMATES.—

11 (1) INITIAL STATE ESTIMATE.—

12 (A) IN GENERAL.—To assist the Attorney  
13 General in making a determination under sub-  
14 section (a) of this section, and under section  
15 214, concerning the compliance of the States in  
16 providing information to the Attorney General  
17 for the purpose of receiving a waiver under sub-  
18 section (a) of this section, or facing a loss of  
19 funds under section 214, by a date not later  
20 than 180 days after the date of the enactment  
21 of this Act, each State shall provide the Attor-  
22 ney General with a reasonable estimate, as cal-  
23 culated by a method determined by the Attor-  
24 ney General and in accordance with section  
25 214(d), of the number of the records described  
26 in subparagraph (C) applicable to such State

1 that concern persons who are prohibited from  
2 possessing or receiving a firearm under sub-  
3 section (g) or (n) of section 922 of title 18,  
4 United States Code.

5 (B) FAILURE TO PROVIDE INITIAL ESTI-  
6 MATE.—A State that fails to provide an esti-  
7 mate described in subparagraph (A) by the date  
8 required under such subparagraph shall be in-  
9 eligible to receive any funds under section 213,  
10 until such date as it provides such estimate to  
11 the Attorney General.

12 (C) RECORD DEFINED.—For purposes of  
13 subparagraph (A), a record is the following:

14 (i) A record that identifies a person  
15 who has been convicted in any court of a  
16 crime punishable by imprisonment for a  
17 term exceeding 1 year.

18 (ii) A record that identifies a person  
19 for whom an indictment has been returned  
20 for a crime punishable by imprisonment  
21 for a term exceeding 1 year that is valid  
22 under the laws of the State involved or  
23 who is a fugitive from justice, as of the  
24 date of the estimate, and for which a  
25 record of final disposition is not available.

1 (iii) A record that identifies a person  
2 who is an unlawful user of, or addicted to  
3 a controlled substance (as such terms “un-  
4 lawful user” and “addicted” are respec-  
5 tively defined in regulations implementing  
6 section 922(g)(3) of title 18, United States  
7 Code, as in effect on the date of the enact-  
8 ment of this Act) as demonstrated by ar-  
9 rests, convictions, and adjudications, and  
10 whose record is not protected from disclo-  
11 sure to the Attorney General under any  
12 provision of State or Federal law.

13 (iv) A record that identifies a person  
14 who has been adjudicated mentally defec-  
15 tive or committed to a mental institution  
16 (as determined in regulations implementing  
17 section 922(g)(4) of title 18, United States  
18 Code, as in effect on the date of the enact-  
19 ment of this Act) and whose record is not  
20 protected from disclosure to the Attorney  
21 General under any provision of State or  
22 Federal law.

23 (v) A record that is electronically  
24 available and that identifies a person who,  
25 as of the date of such estimate, is subject

1 to a court order described in section  
2 922(g)(8) of title 18, United States Code.

3 (vi) A record that is electronically  
4 available and that identifies a person con-  
5 victed in any court of a misdemeanor crime  
6 of domestic violence, as defined in section  
7 921(a)(33) of title 18, United States Code.

8 (2) SCOPE.—The Attorney General, in deter-  
9 mining the compliance of a State under this section  
10 or section 214 for the purpose of granting a waiver  
11 or imposing a loss of Federal funds, shall assess the  
12 total percentage of records provided by the State  
13 concerning any event occurring within the prior 20  
14 years, which would disqualify a person from pos-  
15 sessed a firearm under subsection (g) or (n) of sec-  
16 tion 922 of title 18, United States Code.

17 (3) CLARIFICATION.—Notwithstanding para-  
18 graph (2), States shall endeavor to provide the Na-  
19 tional Instant Criminal Background Check System  
20 with all records concerning persons who are prohib-  
21 ited from possessing or receiving a firearm under  
22 subsection (g) or (n) of section 922 of title 18,  
23 United States Code, regardless of the elapsed time  
24 since the disqualifying event.

1           (c) ELIGIBILITY OF STATE RECORDS FOR SUBMIS-  
2 SION TO THE NATIONAL INSTANT CRIMINAL BACK-  
3 GROUND CHECK SYSTEM.—

4           (1) REQUIREMENTS FOR ELIGIBILITY.—

5           (A) IN GENERAL.—From the information  
6 collected by a State, the State shall make elec-  
7 tronically available to the Attorney General  
8 records relevant to a determination of whether  
9 a person is disqualified from possessing or re-  
10 ceiving a firearm under subsection (g) or (n) of  
11 section 922 of title 18, United States Code, or  
12 applicable State law.

13           (B) NICS UPDATES.—The State, on being  
14 made aware that the basis under which a record  
15 was made available under subparagraph (A)  
16 does not apply, or no longer applies, shall, as  
17 soon as practicable—

18           (i) update, correct, modify, or remove  
19 the record from any database that the  
20 Federal or State government maintains  
21 and makes available to the National In-  
22 stant Criminal Background Check System,  
23 consistent with the rules pertaining to that  
24 database; or

1                   (ii) notify the Attorney General that  
2                   such basis no longer applies so that the  
3                   record system in which the record is main-  
4                   tained is kept up to date.

5                   (C) CERTIFICATION.—To remain eligible  
6                   for a waiver under subsection (a), a State shall  
7                   certify to the Attorney General, not less than  
8                   once during each 2-year period, that at least 90  
9                   percent of all records described in subparagraph  
10                  (A) has been made electronically available to  
11                  the Attorney General in accordance with sub-  
12                  paragraph (A).

13                  (D) INCLUSION OF ALL RECORDS.—For  
14                  purposes of this paragraph, a State shall iden-  
15                  tify and include all of the records described  
16                  under subparagraph (A) without regard to the  
17                  age of the record.

18                  (2) APPLICATION TO PERSONS CONVICTED OF  
19                  MISDEMEANOR CRIMES OF DOMESTIC VIOLENCE.—  
20                  The State shall make available to the Attorney Gen-  
21                  eral, for use by the National Instant Criminal Back-  
22                  ground Check System, records relevant to a deter-  
23                  mination of whether a person has been convicted in  
24                  any court of a misdemeanor crime of domestic vio-  
25                  lence. With respect to records relating to such

1 crimes, the State shall provide information specifi-  
2 cally describing the offense and the specific section  
3 or subsection of the offense for which the defendant  
4 has been convicted and the relationship of the de-  
5 fendant to the victim in each case.

6 (3) APPLICATION TO PERSONS WHO HAVE BEEN  
7 ADJUDICATED AS A MENTAL DEFECTIVE OR COM-  
8 MITTED TO A MENTAL INSTITUTION.—The State  
9 shall make available to the Attorney General, for use  
10 by the National Instant Criminal Background Check  
11 System, the name and other relevant identifying in-  
12 formation of persons adjudicated as mentally defec-  
13 tive or those committed to mental institutions to as-  
14 sist the Attorney General in enforcing section  
15 922(g)(4) of title 18, United States Code.

16 (d) PRIVACY PROTECTIONS.—For any information  
17 provided to the Attorney General for use by the National  
18 Instant Criminal Background Check System, relating to  
19 persons prohibited from possessing or receiving a firearm  
20 under section 922(g)(4) of title 18, United States Code,  
21 the Attorney General shall work with States and local law  
22 enforcement and the mental health community to establish  
23 regulations and protocols for protecting the privacy of in-  
24 formation provided to the system. The Attorney General  
25 shall make every effort to meet with any mental health

1 group seeking to express its views concerning these regula-  
2 tions and protocols and shall seek to develop regulations  
3 as expeditiously as practicable.

4 (e) ATTORNEY GENERAL REPORT.—Not later than  
5 January 31 of each year, the Attorney General shall sub-  
6 mit to the Committee on the Judiciary of the Senate and  
7 the Committee on the Judiciary of the House of Rep-  
8 resentatives a report on the progress of States in auto-  
9 mating the databases containing the information described  
10 in subsection (b) and in making that information elec-  
11 tronically available to the Attorney General pursuant to  
12 the requirements of subsection (c).

13 **SEC. 213. IMPLEMENTATION ASSISTANCE TO STATES.**

14 (a) AUTHORIZATION.—

15 (1) IN GENERAL.—From amounts made avail-  
16 able to carry out this section and subject to section  
17 212(b)(1)(B), the Attorney General shall make  
18 grants to States and Indian tribal governments, in  
19 a manner consistent with the National Criminal His-  
20 tory Improvement Program, which shall be used by  
21 the States and Indian tribal governments, in con-  
22 junction with units of local government and State  
23 and local courts, to establish or upgrade information  
24 and identification technologies for firearms eligibility  
25 determinations.

1           (2) GRANTS TO INDIAN TRIBES.—Up to 5 per-  
2           cent of the grant funding available under this sec-  
3           tion may be reserved for Indian tribal governments,  
4           including tribal judicial systems.

5           (b) USE OF GRANT AMOUNTS.—Grants awarded to  
6 States or Indian tribes under this section may only be  
7 used to—

8           (1) create electronic systems, which provide ac-  
9           curate and up-to-date information which is directly  
10          related to checks under the National Instant Crimi-  
11          nal Background Check System (referred to in this  
12          section as “NICS”), including court disposition and  
13          corrections records;

14          (2) assist States in establishing or enhancing  
15          their own capacities to perform NICS background  
16          checks;

17          (3) supply accurate and timely information to  
18          the Attorney General concerning final dispositions of  
19          criminal records to databases accessed by NICS;

20          (4) supply accurate and timely information to  
21          the Attorney General concerning the identity of per-  
22          sons who are prohibited from obtaining a firearm  
23          under section 922(g)(4) of title 18, United States  
24          Code, to be used by the Federal Bureau of Inves-  
25          tigation solely to conduct NICS background checks;

1           (5) supply accurate and timely court orders and  
2 records of misdemeanor crimes of domestic violence  
3 for inclusion in Federal and State law enforcement  
4 databases used to conduct NICS background checks;  
5 and

6           (6) collect and analyze data needed to dem-  
7 onstrate levels of State compliance with this Act.

8           (c) ELIGIBILITY.—To be eligible for a grant under  
9 this section, a State shall certify, to the satisfaction of  
10 the Attorney General, that the State has implemented a  
11 relief from disabilities program in accordance with section  
12 215.

13          (d) CONDITION.—As a condition of receiving a grant  
14 under this section, a State shall specify the projects for  
15 which grant amounts will be used, and shall use such  
16 amounts only as specified. A State that violates this sub-  
17 section shall be liable to the Attorney General for the full  
18 amount of the grant received under this section.

19          (e) AUTHORIZATION OF APPROPRIATIONS.—

20           (1) IN GENERAL.—There are authorized to be  
21 appropriated to carry out this section \$400,000,000  
22 for each of the fiscal years 2009 through 2013.

23           (2) ALLOCATIONS.—For fiscal years 2009 and  
24 2010, the Attorney General shall endeavor to allo-  
25 cate at least ½ of the authorized appropriations to

1 those States providing more than 50 percent of the  
2 records required to be provided under sections 212  
3 and 213. For fiscal years 2011, 2012, and 2013, the  
4 Attorney General shall endeavor to allocate at least  
5  $\frac{1}{2}$  of the authorized appropriations to those States  
6 providing more than 70 percent of the records re-  
7 quired to be provided under section 212 and 213.  
8 The allocations in this paragraph shall be subject to  
9 the discretion of the Attorney General, who shall  
10 have the authority to make adjustments to the dis-  
11 tribution of the authorized appropriations as nec-  
12 essary to maximize incentives for State compliance.

13 (f) USER FEE.—The Federal Bureau of Investigation  
14 shall not charge a user fee for background checks pursu-  
15 ant to section 922(t) of title 18, United States Code.

16 **SEC. 214. PENALTIES FOR NONCOMPLIANCE.**

17 (a) ATTORNEY GENERAL REPORT.—

18 (1) IN GENERAL.—Not later than January 31  
19 of each year, the Attorney General shall submit to  
20 the Committee on the Judiciary of the Senate and  
21 the Committee on the Judiciary of the House of  
22 Representatives a report on the progress of the  
23 States in automating the databases containing infor-  
24 mation described under sections 212 and 213, and

1 in providing that information pursuant to the re-  
2 quirements of sections 212 and 213.

3 (2) AUTHORIZATION OF APPROPRIATIONS.—

4 There are authorized to be appropriated to the De-  
5 partment of Justice, such funds as may be necessary  
6 to carry out paragraph (1).

7 (b) PENALTIES.—

8 (1) DISCRETIONARY REDUCTION.—

9 (A) During the 2-year period beginning 3  
10 years after the date of enactment of this Act,  
11 the Attorney General may withhold not more  
12 than 3 percent of the amount that would other-  
13 wise be allocated to a State under section 505  
14 of the Omnibus Crime Control and Safe Streets  
15 Act of 1968 (42 U.S.C. 3755) if the State pro-  
16 vides less than 50 percent of the records re-  
17 quired to be provided under sections 212 and  
18 213.

19 (B) During the 5-year period after the ex-  
20 piration of the period referred to in subpara-  
21 graph (A), the Attorney General may withhold  
22 not more than 4 percent of the amount that  
23 would otherwise be allocated to a State under  
24 section 505 of the Omnibus Crime Control and  
25 Safe Streets Act of 1968 (42 U.S.C. 3755) if

1           the State provides less than 70 percent of the  
2           records required to be provided under sections  
3           212 and 213.

4           (2) MANDATORY REDUCTION.—After the expi-  
5           ration of the periods referred to in paragraph (1),  
6           the Attorney General shall withhold 5 percent of the  
7           amount that would otherwise be allocated to a State  
8           under section 505 of the Omnibus Crime Control  
9           and Safe Streets Act of 1968 (42 U.S.C. 3755), if  
10          the State provides less than 90 percent of the  
11          records required to be provided under sections 212  
12          and 213.

13          (3) WAIVER BY ATTORNEY GENERAL.—The At-  
14          torney General may waive the applicability of para-  
15          graph (2) to a State if the State provides substantial  
16          evidence, as determined by the Attorney General,  
17          that the State is making a reasonable effort to com-  
18          ply with the requirements of sections 212 and 213,  
19          including an inability to comply due to court order  
20          or other legal restriction.

21          (c) REALLOCATION.—Any funds that are not allo-  
22          cated to a State because of the failure of the State to com-  
23          ply with the requirements of this title shall be reallocated  
24          to States that meet such requirements.

1 (d) METHODOLOGY.—The method established to cal-  
 2 culate the number of records to be reported, as set forth  
 3 in section 212(b)(1)(A), and State compliance with the re-  
 4 quired level of reporting under sections 212 and 213 shall  
 5 be determined by the Attorney General. The Attorney  
 6 General shall calculate the methodology based on the total  
 7 number of records to be reported from all subcategories  
 8 of records, as described in section 212(b)(1)(C).

9 **SEC. 215. RELIEF FROM DISABILITIES PROGRAM REQUIRED**  
 10 **AS CONDITION FOR PARTICIPATION IN**  
 11 **GRANT PROGRAMS.**

12 (a) PROGRAM DESCRIBED.—A relief from disabilities  
 13 program is implemented by a State in accordance with this  
 14 section if the program—

15 (1) permits a person who, pursuant to State  
 16 law, has been adjudicated as described in subsection  
 17 (g)(4) of section 922 of title 18, United States Code,  
 18 or has been committed to a mental institution, to  
 19 apply to the State for relief from the disabilities im-  
 20 posed by subsections (d)(4) and (g)(4) of such sec-  
 21 tion by reason of the adjudication or commitment;

22 (2) provides that a State court, board, commis-  
 23 sion, or other lawful authority shall grant the relief,  
 24 pursuant to State law and in accordance with the  
 25 principles of due process, if the circumstances re-

1        regarding the disabilities referred to in paragraph (1),  
2        and the person's record and reputation, are such  
3        that the person will not be likely to act in a manner  
4        dangerous to public safety and that the granting of  
5        the relief would not be contrary to the public inter-  
6        est; and

7            (3) permits a person whose application for the  
8        relief is denied to file a petition with the State court  
9        of appropriate jurisdiction for a de novo judicial re-  
10       view of the denial.

11        (b) **AUTHORITY TO PROVIDE RELIEF FROM CER-**  
12 **TAIN DISABILITIES WITH RESPECT TO FIREARMS.**—If,  
13 under a State relief from disabilities program implemented  
14 in accordance with this section, an application for relief  
15 referred to in subsection (a)(1) of this section is granted  
16 with respect to an adjudication or a commitment to a men-  
17 tal institution, the adjudication or commitment, as the  
18 case may be, is deemed not to have occurred for purposes  
19 of subsections (d)(4) and (g)(4) of section 922 of title 18,  
20 United States Code.

21 **SEC. 216. ILLEGAL IMMIGRANT GUN PURCHASE NOTIFICA-**  
22 **TION.**

23        (a) **IN GENERAL.**—Notwithstanding any other provi-  
24 sion of law or of this title, all records obtained by the Na-  
25 tional Instant Criminal Background Check system rel-

1 evant to whether an individual is prohibited from pos-  
2 sessing a firearm because such person is an alien illegally  
3 or unlawfully in the United States shall be made available  
4 to U.S. Immigration and Customs Enforcement.

5 (b) REGULATIONS.—The Attorney General, at his or  
6 her discretion, shall promulgate guidelines relevant to  
7 what records relevant to illegal aliens shall be provided  
8 pursuant to the provisions of this title.

9 **Subtitle B—Focusing Federal As-**  
10 **sistance on the Improvement of**  
11 **Relevant Records**

12 **SEC. 221. CONTINUING EVALUATIONS.**

13 (a) EVALUATION REQUIRED.—The Director of the  
14 Bureau of Justice Statistics (referred to in this section  
15 as the “Director”) shall study and evaluate the operations  
16 of the National Instant Criminal Background Check Sys-  
17 tem. Such study and evaluation shall include compilations  
18 and analyses of the operations and record systems of the  
19 agencies and organizations necessary to support such Sys-  
20 tem.

21 (b) REPORT ON GRANTS.—Not later than January  
22 31 of each year, the Director shall submit to Congress  
23 a report containing the estimates submitted by the States  
24 under section 212(b).

1 (c) REPORT ON BEST PRACTICES.—Not later than  
2 January 31 of each year, the Director shall submit to Con-  
3 gress, and to each State participating in the National  
4 Criminal History Improvement Program, a report of the  
5 practices of the States regarding the collection, mainte-  
6 nance, automation, and transmittal of information rel-  
7 evant to determining whether a person is prohibited from  
8 possessing or receiving a firearm by Federal or State law,  
9 by the State or any other agency, or any other records  
10 relevant to the National Instant Criminal Background  
11 Check System, that the Director considers to be best prac-  
12 tices.

13 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
14 are authorized to be appropriated such sums as may be  
15 necessary for each of the fiscal years 2009 through 2011  
16 to complete the studies, evaluations, and reports required  
17 under this section.

18 **Subtitle C—Grants to State Court**  
19 **Systems for the Improvement in**  
20 **Automation and Transmittal of**  
21 **Disposition Records**

22 **SEC. 231. DISPOSITION RECORDS AUTOMATION AND**  
23 **TRANSMITTAL IMPROVEMENT GRANTS.**

24 (a) GRANTS AUTHORIZED.—From amounts made  
25 available to carry out this section, the Attorney General

1 shall make grants to each State, consistent with State  
2 plans for the integration, automation, and accessibility of  
3 criminal history records, for use by the State court system  
4 to improve the automation and transmittal of criminal his-  
5 tory dispositions, records relevant to determining whether  
6 a person has been convicted of a misdemeanor crime of  
7 domestic violence, court orders, and mental health adju-  
8 dications or commitments, to Federal and State record re-  
9 positories in accordance with sections 212 and 213 and  
10 the National Criminal History Improvement Program.

11 (b) GRANTS TO INDIAN TRIBES.—Up to 5 percent  
12 of the grant funding available under this section may be  
13 reserved for Indian tribal governments for use by Indian  
14 tribal judicial systems.

15 (c) USE OF FUNDS.—Amounts granted under this  
16 section shall be used by the State court system only—

17 (1) to carry out, as necessary, assessments of  
18 the capabilities of the courts of the State for the au-  
19 tomation and transmission of arrest and conviction  
20 records, court orders, and mental health adjudica-  
21 tions or commitments to Federal and State record  
22 repositories; and

23 (2) to implement policies, systems, and proce-  
24 dures for the automation and transmission of arrest  
25 and conviction records, court orders, and mental

1 health adjudications or commitments to Federal and  
2 State record repositories.

3 (d) ELIGIBILITY.—To be eligible to receive a grant  
4 under this section, a State shall certify, to the satisfaction  
5 of the Attorney General, that the State has implemented  
6 a relief from disabilities program in accordance with sec-  
7 tion 215.

8 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
9 are authorized to be appropriated to the Attorney General  
10 to carry out this section \$125,000,000 for each of the fis-  
11 cal years 2008 through 2010.

## 12 **Subtitle D—GAO Audit**

### 13 **SEC. 241. GAO AUDIT.**

14 (a) IN GENERAL.—The Comptroller General of the  
15 United States shall conduct an audit of the expenditure  
16 of all funds appropriated for criminal records improve-  
17 ment pursuant to section 106(b) of the Brady Handgun  
18 Violence Prevention Act (Public Law 103–159) to deter-  
19 mine if the funds were expended for the purposes author-  
20 ized by the Act and how those funds were expended for  
21 those purposes or were otherwise expended.

22 (b) REPORT.—Not later than 6 months after the date  
23 of enactment of this Act, the Comptroller General shall  
24 submit a report to Congress describing the findings of the  
25 audit conducted pursuant to subsection (a).

1           **TITLE III—EQUITY IN LAW**  
2                           **ENFORCEMENT ACT**

3 **SEC. 301. SHORT TITLE.**

4           This title may be cited as the “Equity in Law En-  
5           forcement Act”.

6 **SEC. 302. LINE-OF-DUTY DEATH AND DISABILITY BENEFITS.**

7           Section 1204(8) of part L of the Omnibus Crime  
8           Control and Safe Streets Act of 1968 (42 U.S.C.  
9           3796b(8)) is amended—

10                   (1) in subparagraph (B), by striking “or” at  
11           the end;

12                   (2) in subparagraph (C), by striking the period  
13           at the end and inserting a semicolon; and

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

15                           “(D) an individual who is—

16                                   “(i) serving a private institution of  
17                                   higher education in an official capacity,  
18                                   with or without compensation, as a law en-  
19                                   forcement officer; and

20                                   “(ii) sworn, licensed, or certified  
21                                   under the laws of a State for the purposes  
22                                   of law enforcement (and trained to meet  
23                                   the training standards for law enforcement  
24                                   officers established by the relevant govern-  
25                                   mental appointing authority); or

1                   “(E) a rail police officer who is—  
2                           “(i) employed by a rail carrier; and  
3                           “(ii) sworn, licensed, or certified  
4                   under the laws of a State for the purposes  
5                   of law enforcement (and trained to meet  
6                   the training standards for law enforcement  
7                   officers established by the relevant govern-  
8                   mental appointing authority).”.

9 **SEC. 303. LAW ENFORCEMENT ARMOR VESTS.**

10           (a) GRANT PROGRAM.—Section 2501 of part Y of the  
11 Omnibus Crime Control and Safe Streets Act of 1968 (42  
12 U.S.C. 3796ll) is amended—

13                   (1) in subsection (a)—

14                           (A) by striking “and Indian tribes” and in-  
15                           serting “Indian tribes, private institutions of  
16                           higher education, and rail carriers”; and

17                           (B) by inserting before the period the fol-  
18                           lowing: “and law enforcement officers serving  
19                           private institutions of higher education and rail  
20                           carriers who are sworn, licensed, or certified  
21                           under the laws of a State for the purposes of  
22                           law enforcement (and trained to meet the train-  
23                           ing standards for law enforcement officers es-  
24                           tablished by the relevant governmental appoint-  
25                           ing authority)”;

1           (2) in subsection (b)(1), by striking “or Indian  
2           tribe” and inserting “Indian tribe, private institution  
3           of higher education, or rail carrier”; and

4           (3) in subsection (e), by striking “or Indian  
5           tribe” and inserting “Indian tribe, private institution  
6           of higher education, or rail carrier”.

7           (b) APPLICATIONS.—Section 2502 of part Y of the  
8           Omnibus Crime Control and Safe Streets Act of 1968 (42  
9           U.S.C. 3796ll–1) is amended—

10           (1) in subsection (a), by striking “or Indian  
11           tribe” and inserting “Indian tribe, private institution  
12           of higher education, or rail carrier”; and

13           (2) in subsection (b), by striking “and Indian  
14           tribes” and inserting “Indian tribes, private institu-  
15           tions of higher education, and rail carriers”.

16           (c) DEFINITIONS.—Section 2503(6) of part Y of the  
17           Omnibus Crime Control and Safe Streets Act of 1968 (42  
18           U.S.C. 3796ll–2(6)) is amended by striking “or Indian  
19           tribe” and inserting “Indian tribe, private institution of  
20           higher education, or rail carrier”.

21           **SEC. 304. BYRNE GRANTS.**

22           Section 501(b)(2) of part E of title I of the Omnibus  
23           Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
24           3751(b)(2)) is amended by inserting after “units of local

1 government” the following: “, private institutions of high-  
 2 er education, and rail carriers”.

3 **TITLE IV—LAW ENFORCEMENT**  
 4 **OFFICERS SAFETY ACT OF 2007**

5 **SEC. 401. SHORT TITLE.**

6 This title may be cited as the “Law Enforcement Of-  
 7 ficers Safety Act of 2007”.

8 **SEC. 402. AMENDMENTS TO LAW ENFORCEMENT OFFICERS**  
 9 **SAFETY PROVISIONS OF TITLE 18.**

10 (a) IN GENERAL.—Section 926B of title 18, United  
 11 States Code, is amended by adding at the end the fol-  
 12 lowing:

13 “(f) For purposes of this section, a law enforcement  
 14 officer of the Amtrak Police Department or a law enforce-  
 15 ment or police officer of the executive branch of the Fed-  
 16 eral Government qualifies as an employee of a govern-  
 17 mental agency who is authorized by law to engage in or  
 18 supervise the prevention, detection, investigation, or pros-  
 19 ecution of, or the incarceration of any person for, any vio-  
 20 lation of law, and has statutory powers of arrest.”.

21 (b) RETIRED LAW ENFORCEMENT OFFICERS.—Sec-  
 22 tion 926C of title 18, United States Code, is amended—

23 (1) in subsection (c)—

24 (A) in paragraph (3)(A), by striking “was  
 25 regularly employed as a law enforcement officer

1 for an aggregate of 15 years or more” and in-  
2 serting “served as a law enforcement officer for  
3 an aggregate of 10 years or more”;

4 (B) by striking paragraphs (4) and (5) and  
5 inserting the following:

6 “(4) during the most recent 12-month period,  
7 has met, at the expense of the individual, the stand-  
8 ards for qualification in firearms training for active  
9 law enforcement officers as set by the officer’s  
10 former agency, the State in which the officer resides  
11 or, if the State has not established such standards,  
12 a law enforcement agency within the State in which  
13 the officer resides;” and

14 (C) by redesignating paragraphs (6) and  
15 (7) as paragraphs (5) and (6), respectively;  
16 (2) in subsection (d)—

17 (A) in paragraph (1), by striking “to meet  
18 the standards established by the agency for  
19 training and qualification for active law enforce-  
20 ment officers to carry a firearm of the same  
21 type as the concealed firearm; or” and inserting  
22 “to meet the active duty standards for quali-  
23 fication in firearms training as established by  
24 the agency to carry a firearm of the same type  
25 as the concealed firearm or”; and

1 (B) in paragraph (2)(B), by striking “that  
2 indicates that the individual has, not less re-  
3 cently than 1 year before the date the indi-  
4 vidual is carrying the concealed firearm, been  
5 tested or otherwise found by the State to meet  
6 the standards established by the State for train-  
7 ing and qualification for active law enforcement  
8 officers to carry a firearm of the same type as  
9 the concealed firearm.” and inserting “or by a  
10 certified firearms instructor that is qualified to  
11 conduct a firearms qualification test for active  
12 duty officers within that State that indicates  
13 that the individual has, not less recently than 1  
14 year before the date the individual is carrying  
15 the concealed firearms, been tested or otherwise  
16 found by the State or a certified firearms in-  
17 structor that is qualified to conduct a firearms  
18 qualification test for active duty officers within  
19 that State to have met—

20 “(i) the active duty standards for  
21 qualification in firearms training as estab-  
22 lished by the State to carry a firearm of  
23 the same type as the concealed firearm; or

24 “(ii) if the State has not established  
25 such standards, standards set by any law

1 enforcement agency within that State to  
2 carry a firearm of the same type as the  
3 concealed firearm.”; and

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

5 “(f) In this section, the term ‘service with a public  
6 agency as a law enforcement officer’ includes service as  
7 a law enforcement officer of the Amtrak Police Depart-  
8 ment or as a law enforcement or police officer of the execu-  
9 tive branch of the Federal Government.”.

10 **SEC. 403. GOVERNMENT ACCOUNTABILITY OFFICE STUDY**  
11 **OF QUALIFIED ACTIVE AND RETIRED LAW**  
12 **ENFORCEMENT OFFICERS.**

13 (a) IN GENERAL.—Not later than 6 months after the  
14 date of the enactment of this Act, the Comptroller General  
15 of the United States shall begin a study of the number  
16 of active and retired law enforcement officers carrying  
17 concealed firearms pursuant to sections 926B and 926C  
18 of title 18, United States Code.

19 (b) CONTENTS.—The study shall determine and ana-  
20 lyze the following:

21 (1) The number of qualified law enforcement  
22 officers in each State or any political subdivision  
23 thereof carrying a concealed firearm under section  
24 926B of title 18, United States Code.

1           (2) The number of qualified retired law enforce-  
2           ment officers in each State or any political subdivi-  
3           sion thereof carrying a concealed firearm under sec-  
4           tion 926C of title 18, United States Code.

5           (3) The number of qualified retired law enforce-  
6           ment officers with less than 15 years of service car-  
7           rying a concealed firearm.

8           (4) The number of qualified retired law enforce-  
9           ment officers obtaining certification from a certified  
10          firearms instructor that is qualified to conduct a  
11          firearms qualification test for active duty officers  
12          within that State to have met the active duty stand-  
13          ards for qualification in firearms training as estab-  
14          lished by the State or, if the State has not estab-  
15          lished such standards, standards set by a law en-  
16          forcement agency for training and qualification for  
17          active duty law enforcement officers within that  
18          State, to carry a firearm of the same type as the  
19          concealed firearm. The report shall also include de-  
20          tailed information on the differences between the  
21          certification requirements set forth by each State  
22          and each law enforcement agency within that State  
23          authorized to issue certifications for concealed weap-  
24          ons under sections 926B and 926C of title 18,  
25          United States Code.

1           (5) A detailed analysis and comparison of the  
 2           criteria used in each State or any political subdivi-  
 3           sion thereof to determine whether an individual is  
 4           qualified to carry a concealed weapon under section  
 5           926C(c)(5) of title 18, United States Code.

6           (c) OPPORTUNITY FOR PUBLIC COMMENT.—The  
 7           Comptroller General shall provide an opportunity for pub-  
 8           lic comment on the proposed scope and methodology for  
 9           the report required by subsections (a) and (b), making  
 10          such modifications in response to such comments as he  
 11          deems appropriate.

12          (d) REPORT.—Not later than 15 months after the  
 13          date of the enactment of this Act, the Comptroller General  
 14          shall complete the study under this section and submit a  
 15          report to the Committees on the Judiciary of the Senate  
 16          and the Committee on the Judiciary of the House of Rep-  
 17          resentatives regarding the findings of the study.

## 18           **TITLE V—PRECAUTION ACT**

### 19          **SEC. 501. SHORT TITLE.**

20          This title may be cited as the “Prevention Resources  
 21          for Eliminating Criminal Activity Using Tailored Inter-  
 22          ventions in Our Neighborhoods Act of 2007” or the  
 23          “PRECAUTION Act”.

### 24          **SEC. 502. PURPOSES.**

25          The purposes of this title are to—

1           (1) establish a commitment on the part of the  
2 Federal Government to provide leadership on suc-  
3 cessful crime prevention and intervention strategies;

4           (2) further the integration of crime prevention  
5 and intervention strategies into traditional law en-  
6 forcement practices of State and local law enforce-  
7 ment offices around the country;

8           (3) develop a plain-language, implementation-  
9 focused assessment of those current crime and delin-  
10 quency prevention and intervention strategies that  
11 are supported by rigorous evidence;

12           (4) provide additional resources to the National  
13 Institute of Justice to administer research and devel-  
14 opment grants for promising crime prevention and  
15 intervention strategies;

16           (5) develop recommendations for Federal prior-  
17 ities for crime and delinquency prevention and inter-  
18 vention research, development, and funding that  
19 may augment important Federal grant programs, in-  
20 cluding the Edward Byrne Memorial Justice Assist-  
21 ance Grant Program under subpart 1 of part E of  
22 title I of the Omnibus Crime Control and Safe  
23 Streets Act of 1968 (42 U.S.C. 3750 et seq.), grant  
24 programs administered by the Office of Community  
25 Oriented Policing Services of the Department of

1 Justice, grant programs administered by the Office  
2 of Safe and Drug-Free Schools of the Department  
3 of Education, and other similar programs; and

4 (6) reduce the costs that rising violent crime  
5 imposes on interstate commerce.

6 **SEC. 503. DEFINITIONS.**

7 In this title, the following definitions shall apply:

8 (1) COMMISSION.—The term “Commission”  
9 means the National Commission on Public Safety  
10 Through Crime Prevention established under section  
11 134(a).

12 (2) RIGOROUS EVIDENCE.—The term “rigorous  
13 evidence” means evidence generated by scientifically  
14 valid forms of outcome evaluation, particularly ran-  
15 domized trials (where practicable).

16 (3) SUBCATEGORY.—The term “subcategory”  
17 means 1 of the following categories:

18 (A) Family and community settings (in-  
19 cluding public health-based strategies).

20 (B) Law enforcement settings (including  
21 probation-based strategies).

22 (C) School settings (including antigang  
23 and general antiviolence strategies).

24 (4) TOP-TIER.—The term “top-tier” means any  
25 strategy supported by rigorous evidence of the siz-

1       able, sustained benefits to participants in the strat-  
2       egy or to society.

3 **SEC. 504. NATIONAL COMMISSION ON PUBLIC SAFETY**  
4                                   **THROUGH CRIME PREVENTION.**

5       (a) **ESTABLISHMENT.**—There is established a com-  
6 mission to be known as the National Commission on Pub-  
7 lic Safety Through Crime Prevention.

8       (b) **MEMBERS.**—

9               (1) **IN GENERAL.**—The Commission shall be  
10 composed of 9 members, of whom—

11                   (A) 3 shall be appointed by the President,  
12                   1 of whom shall be the Assistant Attorney Gen-  
13                   eral for the Office of Justice Programs or a  
14                   representative of such Assistant Attorney Gen-  
15                   eral;

16                   (B) 2 shall be appointed by the Speaker of  
17                   the House of Representatives, unless the Speak-  
18                   er is of the same party as the President, in  
19                   which case 1 shall be appointed by the Speaker  
20                   of the House of Representatives and 1 shall be  
21                   appointed by the minority leader of the House  
22                   of Representatives;

23                   (C) 1 shall be appointed by the minority  
24                   leader of the House of Representatives (in addi-

1           tion to any appointment made under subpara-  
2           graph (B));

3           (D) 2 shall be appointed by the majority  
4           leader of the Senate, unless the majority leader  
5           is of the same party as the President, in which  
6           case 1 shall be appointed by the majority leader  
7           of the Senate and 1 shall be appointed by the  
8           minority leader of the Senate; and

9           (E) 1 member appointed by the minority  
10          leader of the Senate (in addition to any ap-  
11          pointment made under subparagraph (D)).

12          (2) PERSONS ELIGIBLE.—

13           (A) IN GENERAL.—Each member of the  
14           Commission shall be an individual who has  
15           knowledge or expertise in matters to be studied  
16           by the Commission.

17           (B) REQUIRED REPRESENTATIVES.—At  
18           least—

19           (i) 2 members of the Commission  
20           shall be respected social scientists with ex-  
21           perience implementing or interpreting rig-  
22           orous, outcome-based trials; and

23           (ii) 2 members of the Commission  
24           shall be law enforcement practitioners.

1           (3) CONSULTATION REQUIRED.—The President,  
2           the Speaker of the House of Representatives, the mi-  
3           nority leader of the House of Representatives, and  
4           the majority leader and minority leader of the Sen-  
5           ate shall consult prior to the appointment of the  
6           members of the Commission to achieve, to the max-  
7           imum extent possible, fair and equitable representa-  
8           tion of various points of view with respect to the  
9           matters to be studied by the Commission.

10          (4) TERM.—Each member shall be appointed  
11          for the life of the Commission.

12          (5) TIME FOR INITIAL APPOINTMENTS.—The  
13          appointment of the members shall be made not later  
14          than 60 days after the date of enactment of this  
15          Act.

16          (6) VACANCIES.—A vacancy in the Commission  
17          shall be filled in the manner in which the original  
18          appointment was made, and shall be made not later  
19          than 60 days after the date on which the vacancy  
20          occurred.

21          (7) EX OFFICIO MEMBERS.—The Director of  
22          the National Institute of Justice, the Director of the  
23          Office of Juvenile Justice and Delinquency Preven-  
24          tion, the Director of the Community Capacity Devel-  
25          opment Office, the Director of the Bureau of Justice

1       Statistics, the Director of the Bureau of Justice As-  
2       sistance, and the Director of Community Oriented  
3       Policing Services (or a representative of each such  
4       director) shall each serve in an ex officio capacity on  
5       the Commission to provide advice and information to  
6       the Commission.

7       (c) OPERATION.—

8           (1) CHAIRPERSON.—At the initial meeting of  
9       the Commission, the members of the Commission  
10      shall elect a chairperson from among its voting  
11      members, by a vote of  $\frac{2}{3}$  of the members of the  
12      Commission. The chairperson shall retain this posi-  
13      tion for the life of the Commission. If the chair-  
14      person leaves the Commission, a new chairperson  
15      shall be selected, by a vote of  $\frac{2}{3}$  of the members of  
16      the Commission.

17          (2) MEETINGS.—The Commission shall meet at  
18      the call of the chairperson. The initial meeting of the  
19      Commission shall take place not later than 30 days  
20      after the date on which all the members of the Com-  
21      mission have been appointed.

22          (3) QUORUM.—A majority of the members of  
23      the Commission shall constitute a quorum to con-  
24      duct business, and the Commission may establish a

1 lesser quorum for conducting hearings scheduled by  
2 the Commission.

3 (4) RULES.—The Commission may establish by  
4 majority vote any other rules for the conduct of  
5 Commission business, if such rules are not incon-  
6 sistent with this subtitle or other applicable law.

7 (d) PUBLIC HEARINGS.—

8 (1) IN GENERAL.—The Commission shall hold  
9 public hearings. The Commission may hold such  
10 hearings, sit and act at such times and places, take  
11 such testimony, and receive such evidence as the  
12 Commission considers advisable to carry out its du-  
13 ties under this section.

14 (2) FOCUS OF HEARINGS.—The Commission  
15 shall hold at least 3 separate public hearings, each  
16 of which shall focus on 1 of the subcategories.

17 (3) WITNESS EXPENSES.—Witnesses requested  
18 to appear before the Commission shall be paid the  
19 same fees as are paid to witnesses under section  
20 1821 of title 28, United States Code. The per diem  
21 and mileage allowances for witnesses shall be paid  
22 from funds appropriated to the Commission.

23 (e) COMPREHENSIVE STUDY OF EVIDENCE-BASED  
24 CRIME PREVENTION AND INTERVENTION STRATEGIES.—

1           (1) IN GENERAL.—The Commission shall carry  
2 out a comprehensive study of the effectiveness of  
3 crime and delinquency prevention and intervention  
4 strategies, organized around the 3 subcategories.

5           (2) MATTERS INCLUDED.—The study under  
6 paragraph (1) shall include—

7                   (A) a review of research on the general ef-  
8 fectiveness of incorporating crime prevention  
9 and intervention strategies into an overall law  
10 enforcement plan;

11                   (B) an evaluation of how to more effec-  
12 tively communicate the wealth of social science  
13 research to practitioners;

14                   (C) a review of evidence regarding the ef-  
15 fectiveness of specific crime prevention and  
16 intervention strategies, focusing on those strate-  
17 gies supported by rigorous evidence;

18                   (D) an identification of—

19                           (i) promising areas for further re-  
20 search and development; and

21                           (ii) other areas representing gaps in  
22 the body of knowledge that would benefit  
23 from additional research and development;

1           (E) an assessment of the best practices for  
2           implementing prevention and intervention strat-  
3           egies;

4           (F) an assessment of the best practices for  
5           gathering rigorous evidence regarding the im-  
6           plementation of intervention and prevention  
7           strategies; and

8           (G) an assessment of those top-tier strate-  
9           gies best suited for duplication efforts in a  
10          range of settings across the country.

11          (3) INITIAL REPORT ON TOP-TIER CRIME PRE-  
12          VENTION AND INTERVENTION STRATEGIES.—

13           (A) DISTRIBUTION.—Not later than 18  
14          months after the date on which all members of  
15          the Commission have been appointed, the Com-  
16          mission shall submit a public report on the  
17          study carried out under this subsection to—

18                   (i) the President;

19                   (ii) Congress;

20                   (iii) the Attorney General;

21                   (iv) the Chief Federal Public Defender  
22          of each district;

23                   (v) the chief executive of each State;

24                   (vi) the Director of the Administrative  
25          Office of the Courts of each State;

1 (vii) the Director of the Administra-  
2 tive Office of the United States Courts;  
3 and

4 (viii) the attorney general of each  
5 State.

6 (B) CONTENTS.—The report under sub-  
7 paragraph (A) shall include—

8 (i) the findings and conclusions of the  
9 Commission;

10 (ii) a summary of the top-tier strate-  
11 gies, including—

12 (I) a review of the rigorous evi-  
13 dence supporting the designation of  
14 each strategy as top-tier;

15 (II) a brief outline of the keys to  
16 successful implementation for each  
17 strategy; and

18 (III) a list of references and  
19 other information on where further in-  
20 formation on each strategy can be  
21 found;

22 (iii) recommended protocols for imple-  
23 menting crime and delinquency prevention  
24 and intervention strategies generally;

1 (iv) recommended protocols for evalu-  
2 ating the effectiveness of crime and delin-  
3 quency prevention and intervention strate-  
4 gies; and

5 (v) a summary of the materials relied  
6 upon by the Commission in preparation of  
7 the report.

8 (C) CONSULTATION WITH OUTSIDE AU-  
9 THORITIES.—In developing the recommended  
10 protocols for implementation and rigorous eval-  
11 uation of top-tier crime and delinquency preven-  
12 tion and intervention strategies under this para-  
13 graph, the Commission shall consult with the  
14 Committee on Law and Justice at the National  
15 Academy of Science and with national associa-  
16 tions representing the law enforcement and so-  
17 cial science professions, including the National  
18 Sheriffs' Association, the Police Executive Re-  
19 search Forum, the International Association of  
20 Chiefs of Police, the Consortium of Social  
21 Science Associations, and the American Society  
22 of Criminology.

23 (f) RECOMMENDATIONS REGARDING DISSEMINATION  
24 OF THE INNOVATIVE CRIME PREVENTION AND INTER-  
25 VENTION STRATEGY GRANTS.—

1 (1) SUBMISSION.—

2 (A) IN GENERAL.—Not later than 30 days  
3 after the date of the final hearing under sub-  
4 section (d) relating to a subcategory, the Com-  
5 mission shall provide the Director of the Na-  
6 tional Institute of Justice with recommenda-  
7 tions on qualifying considerations relating to  
8 that subcategory for selecting grant recipients  
9 under section 505.

10 (B) DEADLINE.—Not later than 13  
11 months after the date on which all members of  
12 the Commission have been appointed, the Com-  
13 mission shall provide all recommendations re-  
14 quired under this subsection.

15 (2) MATTERS INCLUDED.—The recommenda-  
16 tions provided under paragraph (1) shall include rec-  
17 ommendations relating to—

18 (A) the types of strategies for the applica-  
19 ble subcategory that would best benefit from  
20 additional research and development;

21 (B) any geographic or demographic tar-  
22 gets;

23 (C) the types of partnerships with other  
24 public or private entities that might be perti-  
25 nent and prioritized; and

1 (D) any classes of crime and delinquency  
2 prevention and intervention strategies that  
3 should not be given priority because of a pre-  
4 existing base of knowledge that would benefit  
5 less from additional research and development.

6 (g) FINAL REPORT ON THE RESULTS OF THE INNO-  
7 VATIVE CRIME PREVENTION AND INTERVENTION STRAT-  
8 EGY GRANTS.—

9 (1) IN GENERAL.—Following the close of the 3-  
10 year implementation period for each grant recipient  
11 under section 505, the Commission shall collect the  
12 results of the study of the effectiveness of that grant  
13 under section 505(b)(3) and shall submit a public  
14 report to the President, the Attorney General, Con-  
15 gress, the chief executive of each State, and the at-  
16 torney general of each State describing each strategy  
17 funded under section 505 and its results. This re-  
18 port shall be submitted not later than 5 years after  
19 the date of the selection of the chairperson of the  
20 Commission.

21 (2) COLLECTION OF INFORMATION AND EVI-  
22 DENCE REGARDING GRANT RECIPIENTS.—The Com-  
23 mission's collection of information and evidence re-  
24 garding each grant recipient under section 505 shall  
25 be carried out by—

1 (A) ongoing communications with the  
2 grant administrator at the National Institute of  
3 Justice;

4 (B) visits by representatives of the Com-  
5 mission (including at least 1 member of the  
6 Commission) to the site where the grant recipi-  
7 ent is carrying out the strategy with a grant  
8 under section 505, at least once in the second  
9 and once in the third year of that grant;

10 (C) a review of the data generated by the  
11 study monitoring the effectiveness of the strat-  
12 egy; and

13 (D) other means as necessary.

14 (3) MATTERS INCLUDED.—The report sub-  
15 mitted under paragraph (1) shall include a review of  
16 each strategy carried out with a grant under section  
17 505, detailing—

18 (A) the type of crime or delinquency pre-  
19 vention or intervention strategy;

20 (B) where the activities under the strategy  
21 were carried out, including geographic and de-  
22 mographic targets;

23 (C) any partnerships with public or private  
24 entities through the course of the grant period;

1 (D) the type and design of the effective-  
2 ness study conducted under section 505(b)(3)  
3 for that strategy;

4 (E) the results of the effectiveness study  
5 conducted under section 505(b)(3) for that  
6 strategy;

7 (F) lessons learned regarding implementa-  
8 tion of that strategy or of the effectiveness  
9 study conducted under section 505(b)(3), in-  
10 cluding recommendations regarding which types  
11 of environments might best be suited for suc-  
12 cessful replication; and

13 (G) recommendations regarding the need  
14 for further research and development of the  
15 strategy.

16 (h) PERSONNEL MATTERS.—

17 (1) TRAVEL EXPENSES.—The members of the  
18 Commission shall be allowed travel expenses, includ-  
19 ing per diem in lieu of subsistence, at rates author-  
20 ized for employees of agencies under subchapter I of  
21 chapter 57 of title 5, United States Code, while  
22 away from their homes or regular places of business  
23 in the performance of service for the Commission.

24 (2) COMPENSATION OF MEMBERS.—Members of  
25 the Commission shall serve without compensation.

1 (3) STAFF.—

2 (A) IN GENERAL.—The chairperson of the  
3 Commission may, without regard to the civil  
4 service laws and regulations, appoint and termi-  
5 nate an executive director and such other addi-  
6 tional personnel as may be necessary to enable  
7 the Commission to perform its duties. The em-  
8 ployment of an executive director shall be sub-  
9 ject to confirmation by the Commission.

10 (B) COMPENSATION.—The chairperson of  
11 the Commission may fix the compensation of  
12 the executive director and other personnel with-  
13 out regard to the provisions of chapter 51 and  
14 subchapter III of chapter 53 of title 5, United  
15 States Code, relating to classification of posi-  
16 tions and General Schedule pay rates, except  
17 that the rate of pay for the executive director  
18 and other personnel may not exceed the rate  
19 payable for level V of the Executive Schedule  
20 under section 5316 of such title.

21 (4) DETAIL OF FEDERAL EMPLOYEES.—With  
22 the affirmative vote of  $\frac{2}{3}$  of the members of the  
23 Commission, any Federal Government employee,  
24 with the approval of the head of the appropriate  
25 Federal agency, may be detailed to the Commission

1 without reimbursement, and such detail shall be  
2 without interruption or loss of civil service status,  
3 benefits, or privileges.

4 (i) CONTRACTS FOR RESEARCH.—

5 (1) NATIONAL INSTITUTE OF JUSTICE.—With a  
6  $\frac{2}{3}$  affirmative vote of the members of the Commis-  
7 sion, the Commission may select nongovernmental  
8 researchers and experts to assist the Commission in  
9 carrying out its duties under this Act. The National  
10 Institute of Justice shall contract with the research-  
11 ers and experts selected by the Commission to pro-  
12 vide funding in exchange for their services.

13 (2) OTHER ORGANIZATIONS.—Nothing in this  
14 subsection shall be construed to limit the ability of  
15 the Commission to enter into contracts with other  
16 entities or organizations for research necessary to  
17 carry out the duties of the Commission under this  
18 section.

19 (j) AUTHORIZATION OF APPROPRIATIONS.—There  
20 are authorized to be appropriated \$5,000,000 to carry out  
21 this section.

22 (k) TERMINATION.—The Commission shall terminate  
23 on the date that is 30 days after the date on which the  
24 Commission submits the last report required by this sec-  
25 tion.

1 (l) EXEMPTION.—The Commission shall be exempt  
2 from the Federal Advisory Committee Act.

3 **SEC. 505. INNOVATIVE CRIME PREVENTION AND INTERVEN-**  
4 **TION STRATEGY GRANTS.**

5 (a) GRANTS AUTHORIZED.—The Director of the Na-  
6 tional Institute of Justice may make grants to public and  
7 private entities to fund the implementation and evaluation  
8 of innovative crime or delinquency prevention or interven-  
9 tion strategies. The purpose of grants under this section  
10 shall be to provide funds for all expenses related to the  
11 implementation of such a strategy and to conduct a rig-  
12 orous study on the effectiveness of that strategy.

13 (b) GRANT DISTRIBUTION.—

14 (1) PERIOD.—A grant under this section shall  
15 be made for a period of not more than 3 years.

16 (2) AMOUNT.—The amount of each grant under  
17 this section—

18 (A) shall be sufficient to ensure that rig-  
19 orous evaluations may be performed; and

20 (B) shall not exceed \$2,000,000.

21 (3) EVALUATION SET-ASIDE.—

22 (A) IN GENERAL.—A grantee shall use not  
23 less than \$300,000 and not more than  
24 \$700,000 of the funds from a grant under this  
25 section for a rigorous study of the effectiveness

1 of the strategy during the 3-year period of the  
2 grant for that strategy.

3 (B) METHODOLOGY OF STUDY.—

4 (i) IN GENERAL.—Each study con-  
5 ducted under subparagraph (A) shall use  
6 an evaluator and a study design approved  
7 by the employee of the National Institute  
8 of Justice hired or assigned under sub-  
9 section (c).

10 (ii) CRITERIA.—The employee of the  
11 National Institute of Justice hired or as-  
12 signed under subsection (c) shall ap-  
13 prove—

14 (I) an evaluator that has success-  
15 fully carried out multiple studies pro-  
16 ducing rigorous evidence of effective-  
17 ness; and

18 (II) a proposed study design that  
19 is likely to produce rigorous evidence  
20 of the effectiveness of the strategy.

21 (iii) APPROVAL.—Before a grant is  
22 awarded under this section, the evaluator  
23 and study design of a grantee shall be ap-  
24 proved by the employee of the National In-

1           stitute of Justice hired or assigned under  
2           subsection (c).

3           (4) DATE OF AWARD.—Not later than 6 months  
4           after the date of receiving recommendations relating  
5           to a subcategory from the Commission under section  
6           504(f), the Director of the National Institute of Jus-  
7           tice shall award all grants under this section relating  
8           to that subcategory.

9           (5) TYPE OF GRANTS.—One-third of the grants  
10          made under this section shall be made in each sub-  
11          category. In distributing grants, the recommenda-  
12          tions of the Commission under section 504(f) shall  
13          be considered.

14          (6) AUTHORIZATION OF APPROPRIATIONS.—  
15          There are authorized to be appropriated  
16          \$18,000,000 to carry out this subsection.

17          (c) DEDICATED STAFF.—

18           (1) IN GENERAL.—The Director of the National  
19           Institute of Justice shall hire or assign a full-time  
20           employee to oversee the grants under this section.

21           (2) STUDY OVERSIGHT.—The employee of the  
22           National Institute of Justice hired or assigned under  
23           paragraph (1) shall be responsible for ensuring that  
24           grantees adhere to the study design approved before  
25           the applicable grant was awarded.

1           (3) LIAISON.—The employee of the National  
2           Institute of Justice hired or assigned under para-  
3           graph (1) may be used as a liaison between the  
4           Commission and the recipients of a grant under this  
5           section. That employee shall be responsible for en-  
6           suring timely cooperation with Commission requests.

7           (4) AUTHORIZATION OF APPROPRIATIONS.—  
8           There are authorized to be appropriated \$150,000  
9           for each of fiscal years 2008 through 2012 to carry  
10          out this subsection.

11          (d) APPLICATIONS.—A public or private entity desir-  
12          ing a grant under this section shall submit an application  
13          at such time, in such manner, and accompanied by such  
14          information as the Director of the National Institute of  
15          Justice may reasonably require.

16          (e) COOPERATION WITH THE COMMISSION.—Grant  
17          recipients shall cooperate with the Commission in pro-  
18          viding them with full information on the progress of the  
19          strategy being carried out with a grant under this section,  
20          including—

21                 (1) hosting visits by the members of the Com-  
22                 mission to the site where the activities under the  
23                 strategy are being carried out;

24                 (2) providing pertinent information on the lo-  
25                 gistics of establishing the strategy for which the

1 grant under this section was received, including de-  
 2 tails on partnerships, selection of participants, and  
 3 any efforts to publicize the strategy; and

4 (3) responding to any specific inquiries that  
 5 may be made by the Commission.

6 **TITLE VI—TERRORIST HOAX**  
 7 **IMPROVEMENTS ACT OF 2007**

8 **SEC. 601. SHORT TITLE.**

9 This title may be cited as the “Terrorist Hoax Im-  
 10 provements Act of 2007”.

11 **SEC. 602. IMPROVEMENTS TO THE TERRORIST HOAX STAT-**

12 **UTE.**

13 (a) HOAX STATUTE.—Section 1038 of title 18,  
 14 United States Code, is amended—

15 (1) in subsection (a)—

16 (A) in paragraph (1), after “title 49,” in-  
 17 sert “or any other offense listed under section  
 18 2332b(g)(5)(B) of this title,”; and

19 (B) in paragraph (2)—

20 (i) in subparagraph (A), by striking  
 21 “5 years” and inserting “10 years”; and

22 (ii) in subparagraph (B), by striking  
 23 “20 years” and inserting “25 years”; and

24 (2) by amending subsection (b) to read as fol-  
 25 lows:

1 “(b) CIVIL ACTION.—

2 “(1) IN GENERAL.—Whoever engages in any  
3 conduct with intent to convey false or misleading in-  
4 formation under circumstances where such informa-  
5 tion may reasonably be believed and where such in-  
6 formation indicates that an activity has taken, is  
7 taking, or will take place that would constitute an  
8 offense listed under subsection (a)(1) is liable in a  
9 civil action to any party incurring expenses incident  
10 to any emergency or investigative response to that  
11 conduct, for those expenses.

12 “(2) EFFECT OF CONDUCT.—

13 “(A) IN GENERAL.—A person described in  
14 subparagraph (B) is liable in a civil action to  
15 any party described in subparagraph (B)(ii) for  
16 any expenses that are incurred by that party—

17 “(i) incident to any emergency or in-  
18 vestigative response to any conduct de-  
19 scribed in subparagraph (B)(i); and

20 “(ii) after the person that engaged in  
21 that conduct should have informed that  
22 party of the actual nature of the activity.

23 “(B) APPLICABILITY.—A person described  
24 in this subparagraph is any person that—

1           “(i) engages in any conduct that has  
2           the effect of conveying false or misleading  
3           information under circumstances where  
4           such information may reasonably be be-  
5           lieved to indicate that an activity has  
6           taken, is taking, or will take place that  
7           would constitute an offense listed under  
8           subsection (a)(1);

9           “(ii) receives actual notice that an-  
10          other party is taking emergency or inves-  
11          tigative action because that party believes  
12          that the information indicates that an ac-  
13          tivity has taken, is taking, or will take  
14          place that would constitute an offense list-  
15          ed under subsection (a)(1); and

16          “(iii) after receiving such notice, fails  
17          to promptly and reasonably inform 1 or  
18          more parties described in clause (ii) of the  
19          actual nature of the activity.”.

20       (b) THREATENING COMMUNICATIONS.—

21           (1) MAILED WITHIN THE UNITED STATES.—

22       Section 876 of title 18, United States Code, is  
23       amended by adding at the end thereof the following  
24       new subsection:

1           “(e) For purposes of this section, the term ‘addressed  
2 to any other person’ includes an individual (other than the  
3 sender), a corporation or other legal person, and a govern-  
4 ment or agency or component thereof.”.

5           (2) MAILED TO A FOREIGN COUNTRY.—Section  
6           877 of title 18, United States Code, is amended by  
7           adding at the end thereof the following new para-  
8           graph:

9           “‘For purposes of this section, the term ‘addressed to  
10 any person’ includes an individual, a corporation or other  
11 legal person, and a government or agency or component  
12 thereof.”.

Calendar No. 382

110<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 2084**

[Report No. 110-183]

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## **A BILL**

To promote school safety, improved law enforcement, and for other purposes.

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SEPTEMBER 21, 2007

Read twice and placed on the calendar