

Public Law 103-322
103d Congress

An Act

Sept. 13, 1994
[H.R. 3355]

To control and prevent crime.

Violent Crime
Control and Law
Enforcement
Act of 1994.
Inter-
governmental
relations.
42 USC 13701
note.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Violent Crime Control and
Law Enforcement Act of 1994".

SEC. 2. TABLE OF CONTENTS.

The following is the table of contents for this Act:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—PUBLIC SAFETY AND POLICING

- Sec. 10001. Short title.
- Sec. 10002. Purposes.
- Sec. 10003. Community policing; "Cops on the Beat".

TITLE II—PRISONS

**Subtitle A—Violent Offender Incarceration and Truth in Sentencing Incentive
Grants**

- Sec. 20101. Grants for correctional facilities.
- Sec. 20102. Truth in sentencing incentive grants.
- Sec. 20103. Violent offender incarceration grants.
- Sec. 20104. Matching requirement.
- Sec. 20105. Rules and regulations.
- Sec. 20106. Technical assistance and training.
- Sec. 20107. Evaluation.
- Sec. 20108. Definitions.
- Sec. 20109. Authorization of appropriations.

Subtitle B—Punishment for Young Offenders

- Sec. 20201. Certain punishment for young offenders.

Subtitle C—Alien Incarceration

- Sec. 20301. Incarceration of undocumented criminal aliens.

Subtitle D—Miscellaneous Provisions

- Sec. 20401. Prisoner's place of imprisonment.
- Sec. 20402. Prison impact assessments.
- Sec. 20403. Sentences to account for costs to the Government of imprisonment, re-
lease, and probation.
- Sec. 20404. Application to prisoners to which prior law applies.
- Sec. 20405. Crediting of "good time".
- Sec. 20406. Task force on prison construction standardization and techniques.
- Sec. 20407. Efficiency in law enforcement and corrections.
- Sec. 20408. Amendments to the Department of Education Organization Act and the
National Literacy Act of 1991.
- Sec. 20409. Appropriate remedies for prison overcrowding.
- Sec. 20410. Congressional approval of any expansion at Lorton and congressional
hearings on future needs.

enforcement officer of the United States for the purposes of any other law, and no law enforcement agent designated under subsection (a) or other employee of the corporation shall receive an increase in compensation solely on account of this section.

“(h) RELATIONSHIP WITH ATTORNEY GENERAL.—The duties and powers of law enforcement agents designated under subsection (a) that are described in subsection (b) shall be exercised in accordance with guidelines approved by the Attorney General.”

SEC. 320932. ASSISTANT UNITED STATES ATTORNEY RESIDENCY.

Section 545(a) of title 28, United States Code, is amended—

- (1) by striking “and assistant United States attorney”; and
- (2) by inserting the following after the first sentence: “Each assistant United States attorney shall reside in the district for which he or she is appointed or within 25 miles thereof.”

SEC. 320933. LABELS ON PRODUCTS.

15 USC 45a.

To the extent any person introduces, delivers for introduction, sells, advertises, or offers for sale in commerce a product with a “Made in the U.S.A.” or “Made in America” label, or the equivalent thereof, in order to represent that such product was in whole or substantial part of domestic origin, such label shall be consistent with decisions and orders of the Federal Trade Commission issued pursuant to section 5 of the Federal Trade Commission Act. This section only applies to such labels. Nothing in this section shall preclude the application of other provisions of law relating to labeling. The Commission may periodically consider an appropriate percentage of imported components which may be included in the product and still be reasonably consistent with such decisions and orders. Nothing in this section shall preclude use of such labels for products that contain imported components under the label when the label also discloses such information in a clear and conspicuous manner. The Commission shall administer this section pursuant to section 5 of the Federal Trade Commission Act and may from time to time issue rules pursuant to section 553 of title 5, United States Code, for such purpose. If a rule is issued, such violation shall be treated by the Commission as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices. This section shall be effective upon publication in the Federal Register of a Notice of the provisions of this section. The Commission shall publish such notice within six months after the enactment of this section.

Effective date.
Federal
Register,
publication.

SEC. 320934. NON-DISCHARGEABILITY OF PAYMENT OF RESTITUTION ORDER.

Section 523(a) of title 11, United States Code, is amended—

- (1) by striking “or” at the end of paragraph (11);
- (2) by striking the period at the end of paragraph (12) and inserting “; or”; and
- (3) by adding at the end the following new paragraph:
“(13) for any payment of an order of restitution issued under title 18, United States Code.”

SEC. 320935. ADMISSIBILITY OF EVIDENCE OF SIMILAR CRIMES IN SEX OFFENSE CASES.

28 USC app.

(a) The Federal Rules of Evidence are amended by adding after Rule 412 the following new rules:

“Rule 413. Evidence of Similar Crimes in Sexual Assault Cases

“(a) In a criminal case in which the defendant is accused of an offense of sexual assault, evidence of the defendant’s commission of another offense or offenses of sexual assault is admissible, and may be considered for its bearing on any matter to which it is relevant.

“(b) In a case in which the Government intends to offer evidence under this rule, the attorney for the Government shall disclose the evidence to the defendant, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least fifteen days before the scheduled date of trial or at such later time as the court may allow for good cause.

“(c) This rule shall not be construed to limit the admission or consideration of evidence under any other rule.

“(d) For purposes of this rule and Rule 415, “offense of sexual assault” means a crime under Federal law or the law of a State (as defined in section 513 of title 18, United States Code) that involved—

“(1) any conduct proscribed by chapter 109A of title 18, United States Code;

“(2) contact, without consent, between any part of the defendant’s body or an object and the genitals or anus of another person;

“(3) contact, without consent, between the genitals or anus of the defendant and any part of another person’s body;

“(4) deriving sexual pleasure or gratification from the infliction of death, bodily injury, or physical pain on another person; or

“(5) an attempt or conspiracy to engage in conduct described in paragraphs (1)–(4).

“Rule 414. Evidence of Similar Crimes in Child Molestation Cases

“(a) In a criminal case in which the defendant is accused of an offense of child molestation, evidence of the defendant’s commission of another offense or offenses of child molestation is admissible, and may be considered for its bearing on any matter to which it is relevant.

“(b) In a case in which the Government intends to offer evidence under this rule, the attorney for the Government shall disclose the evidence to the defendant, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least fifteen days before the scheduled date of trial or at such later time as the court may allow for good cause.

“(c) This rule shall not be construed to limit the admission or consideration of evidence under any other rule.

“(d) For purposes of this rule and Rule 415, “child” means a person below the age of fourteen, and “offense of child molestation” means a crime under Federal law or the law of a State (as defined in section 513 of title 18, United States Code) that involved—

“(1) any conduct proscribed by chapter 109A of title 18, United States Code, that was committed in relation to a child;

“(2) any conduct proscribed by chapter 110 of title 18, United States Code;

“(3) contact between any part of the defendant’s body or an object and the genitals or anus of a child;

“(4) contact between the genitals or anus of the defendant and any part of the body of a child;

“(5) deriving sexual pleasure or gratification from the infliction of death, bodily injury, or physical pain on a child; or

“(6) an attempt or conspiracy to engage in conduct described in paragraphs (1)–(5).

“Rule 415. Evidence of Similar Acts in Civil Cases Concerning Sexual Assault or Child Molestation

“(a) In a civil case in which a claim for damages or other relief is predicated on a party’s alleged commission of conduct constituting an offense of sexual assault or child molestation, evidence of that party’s commission of another offense or offenses of sexual assault or child molestation is admissible and may be considered as provided in Rule 413 and Rule 414 of these rules.

“(b) A party who intends to offer evidence under this Rule shall disclose the evidence to the party against whom it will be offered, including statements of witnesses or a summary of the substance of any testimony that is expected to be offered, at least fifteen days before the scheduled date of trial or at such later time as the court may allow for good cause.

“(c) This rule shall not be construed to limit the admission or consideration of evidence under any other rule.”

(b) IMPLEMENTATION.—The amendments made by subsection (a) shall become effective pursuant to subsection (d).

(c) RECOMMENDATIONS BY JUDICIAL CONFERENCE.—Not later than 150 days after the date of enactment of this Act, the Judicial Conference of the United States shall transmit to Congress a report containing recommendations for amending the Federal Rules of Evidence as they affect the admission of evidence of a defendant’s prior sexual assault or child molestation crimes in cases involving sexual assault and child molestation. The Rules Enabling Act shall not apply to the recommendations made by the Judicial Conference pursuant to this section.

Reports.

(d) CONGRESSIONAL ACTION.—

Effective date.

(1) If the recommendations described in subsection (c) are the same as the amendment made by subsection (a), then the amendments made by subsection (a) shall become effective 30 days after the transmittal of the recommendations.

(2) If the recommendations described in subsection (c) are different than the amendments made by subsection (a), the amendments made by subsection (a) shall become effective 150 days after the transmittal of the recommendations unless otherwise provided by law.

(3) If the Judicial Conference fails to comply with subsection (c), the amendments made by subsection (a) shall become effective 150 days after the date the recommendations were due under subsection (c) unless otherwise provided by law.

(e) APPLICATION.—The amendments made by subsection (a) shall apply to proceedings commenced on or after the effective date of such amendments.

TITLE XXXIII—TECHNICAL CORRECTIONS

SEC. 330001. AMENDMENTS RELATING TO FEDERAL FINANCIAL ASSISTANCE FOR LAW ENFORCEMENT.

(a) **CROSS REFERENCE CORRECTIONS.**—Section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) is amended—

(1) in subsection (a) by striking “Of” and inserting “Subject to subsection (f), of”;

(2) in subsection (c) by striking “subsections (b) and (c)” and inserting “subsection (b)”;

(3) in subsection (e) by striking “or (e)” and inserting “or (f)”;

(4) in subsection (f)(1)—

(A) in subparagraph (A)—

(i) by striking “, taking into consideration subsection (e) but”;

(ii) by striking “this subsection,” and inserting “this subsection”;

(B) in subparagraph (B) by striking “amount” and inserting “funds”.

42 USC 3762a.

(b) **CORRECTIONAL OPTIONS GRANTS.**—(1) Section 515(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(A) by striking “subsection (a)(1) and (2)” and inserting “paragraphs (1) and (2) of subsection (a)”;

(B) in paragraph (2) by striking “States” and inserting “public agencies”.

42 USC 3762b.

(2) Section 516 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(A) in subsection (a) by striking “for section” each place it appears and inserting “shall be used to make grants under section”;

(B) in subsection (b) by striking “section 515(a)(1) or (a)(3)” and inserting “paragraph (1) or (3) of section 515(a)”.

(3) Section 1001(a)(5) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(5)) is amended by inserting “(other than chapter B of subpart 2)” after “and E”.

(c) **DENIAL OR TERMINATION OF GRANT.**—Section 802(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3783(b)) is amended by striking “M,” and inserting “M.”

(d) **DEFINITIONS.**—Section 901(a)(21) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(21)) is amended by adding a semicolon at the end.

(e) **PUBLIC SAFETY OFFICERS DISABILITY BENEFITS.**—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796) is amended—

42 USC 3796.

(1) in section 1201—

(A) in subsection (a) by striking “subsection (g)” and inserting “subsection (h),”;

(B) in subsection (b)—

(i) by striking “subsection (g)” and inserting “subsection (h),”;

(ii) by striking “personal”;

(2) Section 5(b)(3) of the Domestic Chemical Diversion Control Act of 1993 is amended by striking “at the end” and inserting “after paragraph (4)”. 21 USC 960.

(e) MISSING CONFORMING AMENDMENT.—Section 304(g) of the Controlled Substances Act is amended by inserting “or chemical” after “such substance” in the last sentence. 21 USC 824.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect as of the date that is 120 days after the date of enactment of the Domestic Chemical Diversion Control Act of 1993. 21 USC 802 note.

SEC. 330025. VICTIMS OF CRIME ACT.

(a) INCORRECT SECTION REFERENCE.—Section 1402(d)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(3)) is amended by striking “1404(a)” and inserting “1404A”.

(b) MISSING TEXT.—Section 1403(b)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(b)(1)) is amended by inserting after “domestic violence” the following: “for—

“(A) medical expenses attributable to a physical injury resulting from compensable crime, including expenses for mental health counseling and care;

“(B) loss of wages attributable to a physical injury resulting from a compensable crime; and

“(C) funeral expenses attributable to a death resulting from a compensable crime”.

Approved September 13, 1994.

LEGISLATIVE HISTORY—H.R. 3355 (H.R. 4092) (S. 1607):

HOUSE REPORTS: Nos. 103-324 (Comm. on the Judiciary), 103-694 and 103-711 (both from Comm. of Conference).

CONGRESSIONAL RECORD:

Vol. 139 (1993): Nov. 3, considered and passed House. S. 1607 considered in Senate.

Nov. 4, 5, 8-10, 16-19, H.R. 3355 considered and passed Senate, amended, in lieu of S. 1607.

Vol. 140 (1994): Mar. 23, Apr. 14, 19, 20, H.R. 4092 considered in House.

Apr. 21, considered and passed House. House concurred in Senate amendment to H.R. 3355 with an amendment.

Aug. 19, House recommitted conference report.

Aug. 21, House agreed to conference report.

Aug. 22-25, Senate considered and agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 30 (1994):
Sept. 13, Presidential remarks.