



Joseph R. Biden, Jr.

UNITED STATES SENATOR - DELAWARE

<http://www.senate.gov/~biden>



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CONTACT: Elizabeth Alexander
202-224-5042

BIDEN Unveils Most Comprehensive Anti-crime Legislation in Over a Decade

BIDEN Builds upon revolutionary approach of 1994 Biden Crime Bill while promoting new, innovative programs to focus on today's problems

Washington, DC – Chairman of the Senate Judiciary Subcommittee on Crime and Drugs and author of the landmark 1994 Crime Bill, **Joseph R. Biden, Jr. (D-DE)** unveiled today the most comprehensive anti-crime legislation in over a decade. The 2007 Biden Crime Bill builds upon the revolutionary approach of his 1994 legislation, while promoting new, innovative programs to focus on today's problems.

In the 1990s, our nation was facing a coast-to-coast crime wave. As a response, Sen. Biden authored the historic 1994 Crime Bill, which is credited by many as driving down crime rates to the lowest in a generation. Unfortunately, due largely to cuts to programs contained in the 1994 Bill, our nation is now facing a similar crime crisis. Last month, the FBI released its 2006 crime report based on data from the Uniform Crime Reporting (UCR) database. For the second consecutive year, there were measurable increases in violent crime nationwide. This is the first time the crime rate has risen for two years in a row since the passage of the 1994 Biden Crime Bill, with violent crimes increasing 1.9 percent nationally. In 2005, the FBI found that murders were up 3.4 percent – the largest percentage increase in 15 years – with 16,692 murders in 2005 – the most since 1998.

“It should be a surprise to no one that crime is up for the second year in a row,” **said Sen. Biden.** “The federal government has taken its focus off of street crime since 9/11, asking law enforcement to do more with less. Fewer police on the street protecting communities, plus fewer FBI agents focused on crime control, plus fewer federal law enforcement dollars equals more crime – it's as simple that. We need to meet this problem head-on, with a comprehensive approach that blends traditional crime-fighting tools with 2007 technology.”

The 2007 Biden Crime Bill builds upon the three-part approach which reduced crime in the 1990s: invest in prevention programs, dedicate federal support to community-oriented policing, and ensure that offenders serve tough-but-fair prison sentences. The bill also addresses the problems of 2007, such as computer hacking, on-line child exploitation, intellectual property violations, and teenage prescription drug abuse. The bill focuses on the new challenges everyday police officers face. For example, in a post 9/11 world, our nation is asking our police to shoulder increased homeland security duties, with less and less federal resources. In addition, the Bush Administration has transitioned approximately 1,000 FBI agents away from traditional crime-fighting, to focus on terrorism. To help deal with these new problems, the 2007 Biden Crime Bill authorizes funds to hire 50,000 new police officers and 1,000 new FBI agents specifically to focus on traditional crime.

“Fighting terrorism is and should be a top priority for the FBI,” **said Sen. Biden.** “But it’s a false choice between fighting terrorism and fighting crime - we can walk and chew gum at the same time.”

“Since 1994, the COPS funding has assisted the Delaware State Police in bringing many innovative policing initiatives to bear in the fight against violent crime and, also, in ensuring that we protect the homeland,” Delaware State Police Lt. Col. Mark Seifert said. “We added countless tools to our troopers’ toolboxes – such as mobile data computers, automated fingerprint analysis systems, in car cameras – and these tools are critical to success in fighting crime and terrorism. With a gathering storm of violent crime being evidenced nationwide, the Delaware State Police looks for further federal assistance in expanding our ranks of troopers through the ‘COPS universal hiring’ and ‘Troops to COPS’ programs. We’ve been fortunate to keep pace and grow our organization through state allocated funds, but the COPS office plays a critical role in helping the State Police to foster innovation in meeting the demands of our communities.”

Specifically, the 2007 Biden Crime Bill will:

- **Reauthorize the Office of Community Oriented Policing Services (COPS).** A Brookings Institute study determined that for every \$1.4 billion invested in hiring law enforcement officers, society will get back \$6 billion to \$12 billion. The 2007 Biden Crime Bill revitalizes the Department of Justice COPS program by authorizing \$1.15 billion per year, with \$600 million set aside for hiring over the next six years – resulting in a benefit to society of \$15.4 to \$30 billion. The legislation authorizes: \$600 million per year for the police hiring program – enough for up to 50,000 officers to combat terrorism, school violence, and engage in community policing; \$350 million per year for police departments to acquire new technology and equipment to track and fight crime; and \$200 million per year to help local district attorneys hire and train community prosecutors. Over the next six years we can expect roughly a 5% reduction in the crime rate based on a Government Accountability Office (GAO) study of the effect of COPS from 1993 to 2000.
- **Add 1,000 FBI Agents to Focus on Traditional Crime.** Since 2001, between 1,000 and 2,400 FBI criminal investigators have been transitioned away from traditional crime fighting to focus on terrorism – without being replaced. The Bush Administration’s budget calls for cutting more than 650 positions from the criminal program while transferring hundreds more agents to terrorism-prevention operations. The 2007 Biden Crime Bill authorizes funding for an additional 1,000 FBI field agents to fight violent crime so that the FBI does not have to continue to make the trade-off between fighting crime and terrorism—they must do both. A total of \$160 million per year for the next four years is authorized for this purpose.
- **Add 500 Drug Enforcement Agency (DEA) Agents to Fight Drug Trafficking.** The DEA has been suffering from a hiring freeze that has crippled the agency’s ability to deny funding to drug trafficking organizations. The 2007 Biden Crime Bill authorizes these desperately needed agents. Earlier this year, DEA Administrator Karen Tandy testified to a House subcommittee about the effect of the DEA hiring freeze: “[T]he impact of the freeze and the loss of these positions is expected to amount to 180-plus fewer primary drug organizations that we will be able to disrupt or dismantle, and most likely, approximately \$300 million less in revenue that we will be able to deny the traffickers.” While circumstances are slowly improving at DEA, there should be a vigorous effort to restore the special agent positions lost through attrition. This provision achieves that.
- **Reduce Recidivism.** If we are going to reduce recidivism and crime, we simply have to make concerted, common-sense efforts now to help the 650,000 ex-offenders released from Federal and State prisons every year successfully re-enter and re-integrate into their communities. Currently, ex-offenders make a real contribution to our rising crime rates – two-thirds of released State prisoners will be rearrested for a felony or serious misdemeanor within three years of release. The

2007 Biden Crime Bill provides more than \$1 billion for substance abuse treatment programs, academic and vocational education programs, housing and job counseling programs, and mentoring for offenders who are approaching release and who have been released.

- **Create A National Commission on Crime Intervention And Prevention Strategies.** There is a sea of information on intervention and prevention strategies and we need a central source to identify intervention and prevention programs that are most ready for replication around the country. We also must provide resources and guidance in a direct and accessible format to state and local law enforcement on how to implement those strategies. The 2007 Biden Crime Bill will create a National Commission to address these issues and provide this kind of information and resources.
- **Arm Law Enforcement And Youth With The Tools Needed To Fight Gangs.** Gangs are gaining a foothold in our communities and we need stronger penalties to deter violent crime. We also need to invest in our youth to prevent them from joining gangs in the first place. The 2007 Biden Crime Bill amends the federal criminal code to define and expand prohibitions and penalties against criminal street gangs.
- **Curb the Rise in Prescription and Over-the-Counter Drug Abuse.** Trends in drug abuse are like a balloon: squeeze one side of the balloon, and the other side expands. Recently reports show that abuse of prescription drugs, including popular painkillers, are on the rise. 1 in 5 teens has abused a prescription medication and 1 in 10 has gotten high off over-the-counter cough and cold medicines. The 2007 Biden Crime Bill counters this movement by restoring and ratcheting up critical funding for prevention and treatment, authorizing new grant programs that are tailored to emerging drug threats, and shutting down rogue, Internet pharmacies that dispense these dangerous drugs without a valid prescription.
- **Stop Senseless Gun Violence: Renewing the Assault Weapons Ban and Closing the Gun Show Loophole.** The Biden Crime Bill provides for a straight-forward reauthorization of the assault weapons ban that became law in 1994 and it closes the so-called gun show loophole by requiring all gun show sales submit to federal background checks, just like any store-based firearm sale.
- **Update Current Law to Keep Up with Changing Technologies:** The 2007 Biden Crime Bill also updates federal laws relating to child exploitation and violence against children, drug possession and trafficking, firearms, computer crimes and intellectual property and victims rights.

The 2007 Biden Crime Bill enjoys the support of many leading law enforcement groups, including the International Chiefs of Police and the National Association of Police Organizations.

Sen. Biden was joined at a press conference unveiling this new legislation by several Chiefs of Police and representatives of local law enforcement from his home state of Delaware: Lt. Colonel Mark Seifert of the Delaware State Police; Major Stewart Snyder of New Castle County Police; Jeff Horvath, Chief of Dover Police; Mike Capriglione, Chief of Newport Police and president of the Delaware Police Chiefs Council; Neal Strauss, Chief of Elsmere Police; Trinidad Navarro of New Castle County Police; Billy Toppings, Chief of Georgetown Police; and Martin Johnson, Coordinator of the Delaware Police Chiefs Council and retired Major from the Delaware State Police.

At the press conference, Sen. Biden also released a report called "Crime in America: The Federal Government's Responsibility to Help Fight Crime in our Communities." A copy of this report is attached.

THE BIDEN CRIME CONTROL & PREVENTION ACT OF 2007

FACT SHEET

Our communities and our criminal justice system face a perfect storm. President Bush has reassigned 1,000 FBI agents from fighting crime to combating terrorism and slashed billions of dollars in federal assistance for local law enforcement. Meanwhile, crime rates are steadily on the rise for the first time in more than a decade and ex-offenders are being released from our prisons in record numbers. Congress needs to take decisive action. The Biden Crime Control and Prevention Act (the "CCPA") will make American communities safer again by re-establishing a Federal, state and local partnership to implement effective prevention programs; to hire, train, and equip more law enforcement officers; and to reform prisons to safely house offenders and prepare them to reenter society as productive, law-abiding citizens.

BACKGROUND

In the early nineties, crime was at an all-time high. The Federal approach to fighting crime, which amounted simply to increasing sentences for Federal offenses, was having little impact. In 1994, Congress passed the Biden Crime Bill which revolutionized the Federal approach to fighting crime. The Crime Bill established a comprehensive crime control policy that invested in prevention programs, dedicated federal support to community oriented policing, and ensured that offenders served tough-but-fair prison sentences.

This three-part approach worked. We reduced crime from all-time highs to the historic lows. Violent crime and murders dropped nearly 30%. President Bush has abandoned this approach, however, and crime is on the rise again. The President's first budget submission killed the COPS hiring program. Funding to assist state and local law enforcement has been slashed by billions of dollars – from \$2.1 billion in the nineties to a proposed level of \$32 million in FY 2007.

We are beginning to feel the effects of this short-sighted approach. While crime remains low by historical standards, there were over 17,000 murders last year. The recently released FBI Uniform Crime Reports show the first back-to-back increases in crime since 1994. The crime wave is hitting in all regions of the country in small and large cities alike. Recent analysis by the Police Executive Research Forum found double digit crime increases in cities throughout the nation and concluded that the situation is "a gathering storm."

THE BIDEN CRIME CONTROL & PREVENTION ACT OF 2007

The Biden Crime bill reinvigorates programs that have been proven to work such as community policing and investing in crime prevention and by promoting new, innovative programs to focus on today's problems by reducing recidivism,

protecting our children from on-line predators, and fighting the abuse of prescription and over-the-counter drugs.

Highlights of the Biden Crime Bill include:

1. REAUTHORIZING THE OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS)

Money for the COPS program has been slashed

- Overall funding from the COPS program has been slashed from 2.1 billion throughout the nineties to a proposed level of only \$32 million in FY 2008; and,
- No money has been allocated to COPS hiring for the past three years.

The Impact of Officer Shortages

- According to the FBI the number of local sworn officers has remained stable.
- However, this statistic is misleading as there has been a 20 million increase in population and there are nearly 1,000 additional agencies reporting to the FBI.
- The available evidence suggests officer shortages in communities around the nation. A 2003 Democratic Leadership Council Study found that 27 of the largest 44 agencies reported officer shortages, including:
 - St. Louis, MO – 168 officers lost – 10.7%
 - Detroit, MI – 224 officers lost – 5.3%
 - Milwaukee, WI – 67 officers lost – 4.7%
 - Cincinnati, OH – 30 officers lost – 2.9%
 - Minneapolis, MN – 23 officers lost – 2.6%
- The New York Times found reported in 2004 that Cleveland was forced to lay off 250 officers – a 15% reduction in work force; and
- Los Angeles County was forced to lay off 1,200 deputies.
- Chief Sylvester Johnson testified before the Senate Judiciary hearing that Philadelphia lost 600 officers between 2003 and 2005.
- Chiefs and Sheriffs always mention personnel as their primary challenge.

COPS is a Cost-Effective Means of Fighting Crime:

- The Bureau of Justice Statistics found that the COPS program expanded community policing – a proven crime prevention technique – from 15% of agencies in 1993 to 86% of agencies in 2001.
- A Brookings Institute study determined that every \$1.4 billion invested in hiring officers saves society \$6 billion to \$12 billion; and,
- The GAO found that COPS hiring grants contributed 1.3 % to the overall drop in crime rate and 2.5% to the drop in violent crime rate between 1993 and 2001.

The Biden Crime Bill revitalizes COPS:

- The CCPA authorizes \$1.15 billion per year for the next 6 years;
 - \$600 million per year for hiring 50,000 new officers;
 - \$350 million per year for new technology and equipment; and
 - \$200 per year to hire and train community prosecutors.

COPS Benefits:

- Based on the Brookings study, COPS Reauthorization should result in a net benefit to society of \$15.4 to \$30 billion;
- Based on the GAO study, COPS Reauthorization should reduce crime roughly 5% over the next six years – which would be 70,887 fewer victims of violent crimes in the United States in one year.

2. ADDS 1,000 FBI AGENTS TO FOCUS ON CRIME

FBI Crime Fighting Strength Is Down

- Since September 11, 2001, the FBI has reassigned more than 1,000 agents from fighting crime to combating terrorism;
- A recent Seattle Post-Intelligencer story puts the number of agents transferred and not replaced at 2,400;
- Between 2000 and 2005, the FBI's case load dropped 34%;
- FBI civil rights cases have decreased by 65%;
- If FBI had continued white collar and financial cases at 2000 rates, it would have prosecuted roughly 2,000 more cases over between 2000 and 2005.

The Biden Crime Bill Restores 1,000 FBI Agents to Fighting Crime

- The Biden Crime Bill authorizes \$160 million per year for the next four years to hire an additional 1,000 FBI field agents to fight crime.

3. ADDS 500 DEA AGENTS TO FIGHT DRUG TRAFFICKING

The Hiring Freeze

- Has been in effect since August 2006
- Has caused a halt in DEA hiring over the past 14 months
- Is expected to lead to an estimated 180-plus drug organizations that we will not be able to disrupt or dismantle.
- Will deny approximately \$300 million less in revenue to drug traffickers.

The Biden Crime Bill Adds 500 DEA Agents

- Authorizes \$630 million over three years to hire an additional 500 DEA Special Agents to dismantle and disrupt drug trafficking organizations.

4. PROTECTS COMMUNITIES BY REDUCING RECIDIVISM

- There are over 2,000,000 individuals in our Federal and State prisons and millions more in local jails, and every year, 650,000 ex-offenders are released from Federal and State prison.
- Two-thirds of released State prisoners will be rearrested for a felony or serious misdemeanor within three years of release.
- The unemployment rate among former inmates is as high as 60 percent; 15-27 percent of prisoners expect to go to homeless shelters upon release; and 57 percent of federal and 70 percent of state inmates used drugs regularly before prison.
- Nearly 20% of prison inmates reportedly committed their crimes to obtain money for drugs.
- Two-thirds of former prisoners who lacked adequate housing committed crimes within 1 year of their release, compared to 1/4 of those with housing.
- The Federal Bureau of Prisons found a 33% drop in recidivism among Federal prisoners who participated in a vocational training program.

The Biden Crime Bill authorizes over \$1 billion for re-entry programs.

- The Biden Crime Bill authorizes \$391.5 million for FY 2008-2009 for prisoner re-entry programs and an additional \$60 million for substance abuse treatment programs for FY 2010-2012, for a total of \$1.083 billion.

5. ESTABLISHES A NATIONAL COMMISSION ON CRIME INTERVENTION AND PREVENTION STRATEGIES

- The CCPA creates a commission to sift through a sea of information on intervention and prevention strategies.
- The commission will be a central source to identify intervention and prevention programs that are most ready for replication around the country and provide resources and guidance in a direct and accessible format to state and local law enforcement on how to implement those strategies.

6. ARMING LAW ENFORCEMENT AND YOUTH WITH THE TOOLS NEEDED TO FIGHT GANGS

Increased Enforcement Against Gangs

- The Biden Crime Bill amends the federal criminal code to define and expand prohibitions and penalties against criminal street gangs.

Investment in Youth Prevention and Intervention Strategies

- Gangs and their members actively recruit juveniles into their criminal enterprises, taking advantage of their youth and vulnerability.

- The Biden Crime Bill authorizes federal resources to deter and prevent seriously at-risk youth from joining and remaining in illegal gangs.
- A total of \$849 million over the next four years is authorized for the above purposes.

7. CURBING THE RISE IN PRESCRIPTION AND OVER-THE-COUNTER DRUG ABUSE

Recent Trends in Drug Abuse are Disturbing

- 1 in 5 teens has abused a prescription medication.
- 1 in 10 has gotten high off over-the-counter cough and cold medicines.
- Pharmaceutical drug abuse is higher than rates of use for most illicit drugs. In 2004 6.2% of persons aged 12 or older reported nonmedical use of prescription-type drugs, which is second only to rates of use for marijuana (10.6%) and far surpassed rates of use for cocaine (2.4%) and heroin (0.2%).
- The economic costs of substance dependency and addiction are estimated to exceed \$500 billion annually in the United States due to health care expenditures, lost productivity, and crime.
- Robust prevention and treatment efforts work to counter these losses: every dollar spent on substance abuse prevention saves between \$2 and \$20.

The Biden Crime Bill Ratchets up Enforcement, Prevention, and Education to Reverse these Trends

- The bill counters these trends by restoring critical funding for prevention and treatment, authorizing new grant programs that are tailored to emerging drug threats, and reigning in rogue, online Internet pharmacies that distill dangerous controlled substances without a valid prescription.

8. RESTORING COMMON SENSE FIREARM REGULATIONS

Firearms Background Checks Work

- In 1993 the President signed the Brady Handgun Violence Prevention Act in 1993, which mandated background checks for firearms purchases from federally licensed firearms dealers.
- More than 4,400 traditional gun shows are held annually across the United States, attracting thousands of attendees per show.
- Since the Brady Act's enactment in 1993, approximately 70 million background checks have been performed by federal firearm licensees denying guns to 1.36 million illegal buyers.
- Under current law, these checks do not extend to gun shows.

The Biden Crime Bill Would Extend Background Checks to Gun Shows

- The CCPA would require that every firearms purchase at a qualifying gun show go through a background check to determine whether the purchaser is a prohibited buyer under federal law.
- Closing this loophole would prevent prohibited purchasers – like the Virginia Tech shooter who was mentally ill – from going to a gun show and purchasing a firearm, something he *legally* could have done.

The Assault Weapons Ban Made Sense

- In 1994 Congress passed a landmark ban on military-style assault weapons.
- Many states already have their own version of an assault weapons ban, and some bans like in California are significantly stricter than the expired Federal ban.
- Most ammunition for assault weapons can easily pierce protective body armor worn by law enforcement.
- Most assault weapons are configured to take high capacity ammunition feeding devices, designed to cause mass carnage.
- Under current law, there is no Federal ban on the purchase of assault weapons.

The Biden Crime Bill will Reauthorize the Ban

- When the ban expired in 2004, it left assault weapons unregulated at the Federal level. The Biden Crime Bill renews the common sense assault weapons ban that was passed in 1994.

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2007 BIDEN CRIME BILL

Title by Title Breakdown

TITLE I—SUPPORTING THE FIRST LINE OF DEFENSE

Subtitle A—COPS Improvement Act:

- Reauthorizes the COPS program and restores the hiring program to add 50,000 community policing officers over the next six years, authorizes funding to provide local agencies new crime fighting technologies, and creates a new community prosecution program.
- This section authorizes \$1.15 billion per year for six years with \$600 million set aside for hiring, \$350 million for technology, and \$200 million for community prosecutors.

Subtitle B—FBI Act of 2007:

- Authorizes an additional 1,000 FBI agents and makes reforms to enhance the FBI, including increasing training for new recruits and existing agents.
- This section authorizes an additional \$160 million per year.

Subtitle C—Project to Protect America Act of 2007:

- Creates a housing allowance (modeled after a similar program at DOD) to ensure sufficient staffing and expertise at high-threat and high-cost cities.
- This section authorizes such sums as necessary to carry out its provisions.

Subtitle D—Drug Enforcement Special Agents Restoration Act of 2007:

- Lifts the hiring freeze at DEA, which the DEA Administrator has testified will prevent (1) the dismantling of up to 180 drug organizations that could have otherwise been disrupted and (2) the seizure of an additional \$300 million. Authorizes 500 special agents, including 50 demand reduction agents, and critical support personnel.
- Authorizes \$630 million over 3 years to hire 500 DEA special agents.

Subtitle E—National Commission on Law Enforcement and the Administration of Justice Act of 2007:

- Establishes a National Commission on Law Enforcement and the Administration of Justice to be comprised of Federal, state and local experts to study the role of law enforcement in the post-9/11 environment and to make specific recommendations to Congress. This is modeled after the 1965 Commission established by President Johnson and is the highest priority of the International Association of Chiefs of Police.
- This section authorizes \$3 million for this Commission.

TITLE II—PREVENTING VIOLENT CRIME AND BREAKING THE CYCLE OF VIOLENCE

Subtitle A—Taking Care of Children

PART I—HEAD START:

- Increases funding to public education programs for infants and toddlers, and for at-need pre-school age children to provide a safe environment in which young children are prepared by well-qualified teachers to succeed in primary and middle school.
- This section authorizes an additional \$120 million a year for the next 5 years.

PART II—CHILD ABUSE PREVENTION AND TREATMENT ACT:

Sec. 2111. Child Abuse Prevention and Treatment Act:

- Restores the Social Services Block Grant that supports child welfare services, including child abuse and neglect prevention and child care; authorizes additional funding for the Child Abuse

Prevention Treatment Act to improve community-based prevention services and state child protective services.

- This section authorizes an additional \$3.2 billion; \$2.8 billion for Social Services Block Grants and \$400 million of the Child Abuse Prevention Treatment Act.

Sec. 2112. After-school programs:

- Improves and creates additional programs for at-risk youth (particularly middle and high school students) during the daily “juvenile crime window” between 3 and 6 p.m., providing mentoring and a safe environment as an alternative to juvenile crime.
- This section authorizes an additional \$120 million per year for the next five years.

Sec. 2113. Community prevention:

- Increases funding for Title V Community Prevention Grants that support early childhood development, in-home parent coaching, after-school activities, mentoring, and tutoring programs, as well as drop-out, gang, and substance abuse prevention programs.
- This section authorizes an additional \$120 million per year for the next 5 years.

Sec. 2114. Effective juvenile justice intervention programs:

- Provides funding through Title II Formula Grants and other means for juvenile justice programs that emphasize intervention, treatment, skill development, and reintegration to address juvenile criminality productively and to prevent the recidivism cycle from beginning.
- This section authorizes an additional \$120 million per year for the next 5 years.

Sec. 2115. Safe and healthy tribal communities:

- Provides additional, non-substitute funding for grants to tribal governments to establish community-oriented education, after-school, youth and family counseling, and substance abuse treatment programs.
- This section authorizes an additional \$20 million per year for the next 5 years.

Sec. 2116. Strengthening tribal law enforcement and courts:

- Provides additional, non-substitute resources for tribal governments to increase training, personnel, and resources for tribal law enforcement and judicial systems.
- This section authorizes an additional \$20 million per year for the next 5 years.

Subtitle B—Gang Abatement and Prevention Act of 2007:

- This section provides funding for Federal, State, and local law efforts to prevent gang membership and gang-related violence, investigate and prosecute gang members who commit crimes, protect witnesses in gang prosecutions, and develop a new Gang Research, Evaluation, and Policy Institute to study and develop best practices for gang prevention programs. This section also criminalizes certain street gang activities and conspiracies and attempts to commit crimes in furtherance of criminal street gangs.
- This section authorizes over \$1 billion over 5 years

Subtitle C—School Safety and Student Protection Act of 2007:

- Amends Elementary and Secondary Education Act to require State educational agencies to provide assistance to local educational agencies and schools in their efforts to prevent and respond to incidents of bullying. State compliance with this provision will be a condition for receipt of federal funds under the Safe and Drug Free Schools and Communities Act.
- No authorization; eligibility for existing funds conditioned on compliance.

Subtitle D—Civic Justice Corps Demonstration Act of 2007:

- Provides competitive grants for community service programs for 16-25 year olds who are court-involved, previously incarcerated, or otherwise educationally or economically disadvantaged.
- Authorizes \$20 million for FY 2008 and such sums thereafter.

Subtitle E—National Domestic Violence Volunteer Attorney Network Act:

- To encourage creation of a new corps of 100,000 volunteer attorneys, the National Domestic Violence Volunteer Attorney Network Act establishes a streamlined national system to recruit and train volunteer attorneys and connect them with domestic violence survivors. Under the bill, the American Bar Association would manage an Internet-based National Domestic Violence Attorney Network to help recruit and train volunteer attorneys; statewide legal coordinators would facilitate legal services in their individual states; and the National Domestic Violence Hotline would provide legal referrals to victims.

Subtitle F—Juvenile Delinquency Court Improvement Act:

- Provides competitive grants to improve juvenile delinquency practice in State courts, for training and technical assistance to judges in juvenile delinquency cases, to establish model juvenile courts, to collect data necessary to support policy decision-making and to evaluate juvenile justice policies and practices, and to improve court practice in handling child abuse and neglect cases.
- Authorizes \$12 million for FY 2008-2011, for a total of \$48 million.

Subtitle G—PRECAUTION Act

- Creates a national commission to wade through the sea of information on crime prevention and intervention strategies and identify those programs that are most ready for replication around the country, and to provide guidance in a direct and accessible format to state and local law enforcement on how to implement those strategies. The commission also would identify those promising areas of crime prevention and intervention programming that would benefit from further research and development, and would report to federal, state, and local law enforcement on the outcomes of a grant program administered by the National Institute of Justice to pilot programs in these areas and test their effectiveness. The use of this information would ensure that – in this era of rising crime rates – the criminal justice community is investing its limited resources in the most cost-effective way possible.
- This section authorizes a total of \$23 million.

TITLE III—PROTECTING COMMUNITIES BY REDUCING RECIDIVISM

Subtitle A—Enhanced Second Chance Act of 2007:

- Breaks the cycle of recidivism by ensuring that offenders have the skills (education and vocational training), treatment (mental health and substance abuse), resources (housing and job placement), and community support (counseling services) to reenter their communities as productive members of society.
- Authorizes \$391.5 million for FY 2008-2009 and an additional \$60 million for substance abuse treatment programs for FY 2010-2012, for a total of \$1.083 billion.

Subtitle B—Commission to Study Alternatives to Incarceration of Non-Violent Mentally Ill Offenders Act of 2007:

- Establishes a commission made up of representatives from general purpose government to study and develop assessment and placement programs to ensure that the treatable, non-violent mentally ill are treated, not simply warehoused with the general criminal population to reduce recidivism by untreated mentally ill ex-offenders.
- Authorizes \$3 million for FY 2008-2009, for a total of \$6 million.

TITLE IV—PROTECTING CHILDREN

Subtitle A—Combating Child Exploitation Act of 2007:

- Establishes a comprehensive approach to combating child exploitation on the Internet by congressionally establishing an Internet Crimes Against Children (ICAC) task force program to ensure that each state has a specialized unit of dedicated, highly-trained personnel to prevent, investigate, and prosecute child exploitation cases over the Internet. Recent estimates indicate that only 2% of known cases are being investigated due to lack of resources.
- There is \$635 million over eight years dedicated for this purpose.

PART I—Special Counsel for Child Exploitation Prevention and Interdiction:

- In order to coordinate a national effort, this provision will establish a special counsel within the Department of Justice to oversee prevention, interdiction, and prosecution efforts. This will include working with other federal agencies, state and local law enforcement, industry and prevention groups related to on-going efforts and will be responsible for forward looking research and prevention measures.

PART II—Additional Measures to Combat Child Exploitation:

- This section will authorize additional federal resources to combat child exploitation including additional agents at the FBI, the Bureau of Immigration and Customs Enforcement, and the U.S. Postal Service. This section will also include increased resources for the FBI's regional computer forensic labs to reduce the backlog on child exploitation cases.
- \$400 million is authorized under this section.

Subtitle B—Violence Against Children Act of 2007:

- This provision will take a comprehensive approach to tackle violence against children by increasing federal penalties for crimes against children, authorizing funding for state and local efforts, and by funding prevention efforts at schools.

PART I—Enhanced Federal Role in Crimes Against Children:

- The section makes it a federal crime to intentionally injure or attempt to injure a person under 18 years of age by force or threat of force if the crime involves interstate commerce or travel, took place in a territory of the U.S. (such as Guam), or if the defendant used an instrument of interstate commerce (phone, internet, etc.) in the commission of the crime. Also, the bill directs the U.S. Sentencing Commission to provide enhanced penalties for crimes involving a victim under the age of 18.

PART II—Grant Programs:

- The bill authorizes grants for local governments to train and assist local investigations and prosecution of violence against children and to state, local and tribal governments and nonprofit organizations to provide emergency medical treatment for child victims and counseling to child victims and their families; increase the number of mental health professionals who specialize in children who are victims of crime; establish hotlines; and run prevention programs.
- \$300 million over three years.

PART III—Nationwide Programs:

- This section requires states receiving grants to gather better statistics on the victims of crime; report to the federal government on how they keep track of children under the child protective

services system; and improve caseload restrictions and training of those who represent children in dependency court proceedings.

PART IV—Mynisha’s Law:

- This section allows local governments to apply to the Attorney General for designation as a Comprehensive Gang Prevention and Relief Area and receive additional federal assistance from a task force that includes members from the Departments of Justice, Health & Human Services, Labor and Housing & Urban Development.

PART V—School Safety Enhancements:

- The section authorizes additional grant funding to be made available through the Department of Justice to local schools to implement enhanced safety measures such as tip-lines, surveillance, and community police officers.
- \$20 million per year.

TITLE V—DRUG CONTROL, PREVENTION AND TREATMENT

Subtitle A—Drug Sentencing Reform and Cocaine Kingpin Trafficking Act of 2007

- Refocuses federal cocaine laws on drug kingpins by eliminating the unjust crack-powder cocaine sentencing disparity of 100:1 by raising the quantity of crack cocaine necessary to trigger the mandatory 5- and 10-year minimum sentences; eliminates the mandatory minimum for simple possession of crack, the *only* drug for which there exists such a punishment; establishes two prison drug treatment programs; and directs the sentencing commission to amend the sentencing guidelines to give effect to sentencing enhancements and decreases for aggravating and mitigating conduct.
- Authorizes \$30 million each year for FY 2008 and 2009 for drug treatment programs and an additional \$56 million each year for FY 2008 and 2009 to target drug kingpins and other high-level drug offenders. (\$142 million over two years.)

Subtitle B—Dextromethorphan Abuse Reduction Act of 2007

- This section regulates the sale and distribution of Dextromethorphan (DXM), the active ingredient in many cough and cold medicines. It makes DXM a Schedule V substance in the Controlled Substances Act (where cough syrup with codeine is regulated) and limits the sale of DXM-containing products to individuals at least 18 years old. The provision also includes robust prevention and treatment funding for prevention education and public awareness, and to develop community strategies to respond to localized prescription and over-the-counter drug issues.
- Authorizes \$36 million over three years for drug prevention programs.

Subtitle C—Recognizing Addiction as a Disease Act of 2007

- Changes the name of the National Institute on Drug Abuse (“NIDA”) to the National Institute on Diseases of Addiction and changes the name of the National Institute on Alcohol Abuse and Alcoholism (“NIAAA”) to the National Institute on Alcohol Disorders and Health (“NIADH”). Provision does nothing to change the mission of the institutes. Rather, the change reflects the science that addiction is a preventable, treatable disease, and that the names of our research institutes that study this disease should more accurately reflect their mission.
- No funding authorization.

Subtitle D—Children of Addicted Parents of 2007

- Establishes a grant program through Office of Juvenile Justice Programs (DOJ) to provide developmental and educational support group services to children of addicted parents. Such services would include drug and alcohol early intervention and prevention services, outreach to

children living with addicted parents, and parenting education services and support groups for caretakers of children enrolled in one of these support group programs.

- Authorizes \$63 million over five years for these educational support programs and for training of authorized service providers.

Subtitle E—Online Pharmacy Bill

- Regulates rogue, online Internet pharmacies by requiring that before selling a controlled substance, patients receive at least one in-person consultation with a physician before an Internet pharmacy can dispense powerful controlled substances online. Currently, online pharmacies simply have would-be patients fill out a questionnaire (with the desired controlled substance and purported symptoms) and have a doctor sign off on the request, often without ever speaking with much less examining the patient in person. This bill stops this practice.
- No authorization.

Subtitle F—Local Drug Crisis Enhancement Grants Act

- Amends the Drug-Free Communities Act to provide for enhancement grants to eligible coalitions to implement comprehensive community-wide strategies that address a specific, local drug crisis. Coalitions may apply for a grant if they demonstrate a highly, statistically significant increase with a specific drug problem and submits a detailed plan to address the problem. Grants limited to \$50,000 per year and may not exceed 4 years.
- Authorizes \$20 million for four years to fund these enhancement grants.

Subtitle G—Extraterritorial Controlled Substance Trafficking Venue Clarification Act of 2007:

- Clarifies that venue in a criminal drug trafficking prosecution for a defendant who commits acts outside the U.S. may, in addition to existing provisions, be where the offender is first *inspected* and authorized entry into the U.S. Provision reduces risk of flying fugitives directly, without a stopover or rest, to the district in which the defendant is indicted, thereby allowing a stopover without the risk of losing venue.
- No authorization.

Subtitle H—Methamphetamine Production Prevention Act of 2007:

- Authorizes grants to be made to states to support the development of methamphetamine precursor electronic logbooks, a provision in the Combat Meth Act that requires a regulated seller to record information regarding the sale of methamphetamine precursors. The grants to states would partially be matched by state funds and would be used to develop electronic systems so that law enforcement can more effectively investigate potential methamphetamine producers that attempt to buy large quantities of methamphetamine precursors.
- Authorizes \$3 million in federal grants for 2008, and such sums as necessary each fiscal year thereafter.

Subtitle I—Police and Communities Together Act

- Authorizes a grant program within DOJ to serve as a rapid response network to address existing and emerging local and national drug threats. Network would be led by trained law enforcement professionals partnering with local prevention and treatment organizations to provide research-based presentations in communities to respond to new drug threats, such as the cheese heroin epidemic that has ravaged the Dallas area.
- Authorizes \$25 million for five years to carry out these provisions.

TITLE VI—PREVENTING ILLEGAL TRAFFICKING OF FIREARMS

Subtitle A—Firearms Background Check Enhancement Act of 2007:

- Amends the Brady Act to require all firearm sellers at gun shows to perform their sales through a federal firearm licensee so that all firearms purchasers must submit to federal background checks. Also requires that the gun show organizer alert the Attorney General of the location of the gun show at least 15 days in advance.
- No authorization.

Subtitle B—Assault Weapons Ban Renewal Act of 2007:

- In September 2004, the assault weapons ban on the manufacture and sale of 19 specific military-style semi-automatic assault rifles and copycats expired. This bill simply renews that ban with a straight reauthorization in order to keep military-style assault weapons and high capacity ammunition clips off the street.
- No authorization.

TITLE VII—TECHNOLOGY AND CRIMES

Subtitle A—Forensics Grants Improvement Act of 2007:

- This section re-authorizes the Paul Coverdale forensic grant program that provides grants to state and local crime labs to process forensic and DNA evidence. This section directs the Attorney General to take steps to reduce the backlog at state and local labs.
- \$150 million per year for five years.

Subtitle B—Grant Program for Export of FBI DNA Software:

- Provides funds to enable FBI to advocate benefits of CODIS software system and forensic DNA programs to foreign governments. (FBI currently provides CODIS software at no charge to foreign governments that request it, but does not proactively advocate its use. Encouraging other countries to use CODIS and develop DNA databases will ensure software/database interoperability and compatibility, should countries share DNA data in future.)
- \$4 million per year for FY 2008-2012, for a total of \$20 million.

Subtitle C—Cyber Security Act:

- Amends the Computer Fraud and Abuse Act to penalize adequately conduct that causes limited damage to a large number of victims, to criminalize the use of bot-nets to perpetrate online crimes or attacks; and to make forfeitable computer equipment used to commit crimes.
- This section authorizes \$30 million per year for each of the next 5 years.

Subtitle D—Protecting Electronic Voting Act of 2007:

- Amends the Computer Fraud and Abuse Act to criminalize accessing without authorization a computer used by a registered candidate or political party or used to administer a federal, state, or local election.
- No authorization.

TITLE VIII—INTELLECTUAL PROPERTY

- Provides the Department of Justice with new investigative tools, criminal penalties, and forfeiture and restitution provisions to combat copyright infringement.
- No authorization.

TITLE IX—PROTECTING VICTIMS OF CRIME

Subtitle A—Crime Victims with Disabilities Act of 2007

- Provides competitive grants to increase and improve investigation, prosecution, and prevention of crimes against individuals with a disability and improve services for those who are victimized, by facilitating collaboration between the criminal justice system and the range of agencies and other organizations that provide services to disabled persons.
- Authorizes \$10 million for FY 2008, and such sums as necessary for FYs 2009-2014.

Subtitle B—Restitution for Victims of Crime Act of 2007

- Directs courts to enter orders of restitution in crimes that result in monetary loss to a victim or damage to or loss of real property by a victim requiring defendants to make such victims whole. Provides a mechanism for identifying defendant's assets, using those assets to satisfy an order of restitution, and establishing a payment schedule.
- No authorization.

TITLE X—MISCELLANEOUS

Subtitle A—Continuity of Justice Act of 2007:

- Allows state court administrators to apply directly to the Secretary of Homeland Security for funds to create continuity of operations plans. The funds can be used for a number of functions, including staffing of emergency management offices, alternative court locations, etc. The goal of the legislation is to cut out the middle man currently present and encourage state courts to get the funds quickly and put them to use.
- This section authorizes \$15 million per year for each of the next 6 years.

Subtitle B—Homeland Security Trust Fund Act of 2007:

- This section ensures that adequate funding is available to fund provisions of this title and enhance the safety and security of our neighborhoods by taking one year of the tax cut for millionaires (nearly \$50 billion) and investing it exclusively in state and local law enforcement, homeland security, and prevention programs at \$10 billion per year over the next five years.
- No additional funds are authorized.

Subtitle C—Commercial Equipment Direct Assistance Program Act of 2007:

- Establishes Commercial Equipment Direct Assistance Program at the Department of Justice, modeled off of the ONDCP's technology transfer program.
- \$75 million for FY 2008 and 2009.

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The News Journal

Biden bill seeks to bolster police power

By SEN. JOE BIDEN and COL. RICK GREGORY

Thursday, October 25, 2007

Last month, the FBI told America that violent crime increased for the second consecutive year -- the first time that happened since 1994. Murders in particular showed an alarming trend, rising an additional 1.8 percent after an increase of 3.4 percent -- the biggest spike in 15 years -- in 2005.

Perhaps the most discouraging fact is that none of us -- lawmakers, law enforcement, or those we serve -- should be surprised. President Bush took steps toward dismantling the federal, state, and local partnership that helped reduce crime in the 1990s as soon as he entered office. And in the wake of 9/11 the administration shifted federal resources away from violent crime towards counterterrorism.

While this was necessary in the short term, there was no plan to replace these resources and, as a consequence, communities are suffering.

Delaware is no exception. Because of the tireless work of our law enforcement community, we have fared better than many states, but crime remains a significant challenge. One of the most troubling paradigms we face today is violent crimes committed by our youth. It seems as the severity of the crimes increase, the ages of the offenders decrease.

We see it every night on the evening news. From the Edgemoor double murder last week to the awful experiences of Delaware State University this fall, the evidence shows that our communities are growing more dangerous and this is happening in our backyards and public schools.

In the early 1990s, crime was at an all-time high. Congress responded by passing the 1994 Crime Bill. This legislation recognized for the first time that crime was a shared responsibility, and we were able to drive down crime rates for eight straight years. The murder rate dropped 34 percent and violent crime dropped 26 percent.

The linchpin was the creation of the Community Oriented Policing Services Program (COPS), which has funded over 118,000 community policing officers in jurisdictions throughout the nation. The Government Accountability Office and a study by the Brookings Institution found that COPS was one of the nation's most cost-effective programs for combating crime.

During the time period from 1994-2000, the New Castle County Police Department was able to add and retain 43 new police officer positions from the Crime Bill and COPS funding. The staffing level was able to grow by at least 15 percent as a result of the federal assistance.

Rather than support programs such as COPS, the Bush administration has virtually eliminated it. President Bush has proposed cuts each year he has been in office. Funding for state and local law enforcement programs run out of the Department of Justice is down 75.6 percent since fiscal year 2002.

This afternoon, we will take steps to change that. Joined by police chiefs from all over Delaware, we will announce the 2007 Biden Crime Bill, which puts our communities back on the right track by supporting

the first line of defense and helping to break the cycle of violence through recidivism and prevention strategies.

The legislation restores the COPS hiring program and authorizes funding to hire 50,000 new community policing officers over the next six years.

It also will reauthorize an additional 1,000 agents -- the same amount this administration took off the streets -- to focus on local crime. In addition, the Biden Crimes Bill will tackle new problems by establishing programs to ensure that the 600,000 prisoners released from prison every year don't become repeat offenders.

We also offer concrete plans to protect our children from Internet predators, create an army of attorneys to assist domestic abuse victims, and address the abuse of prescription and over-the-counter medications.

We cannot afford to spend billions on wars abroad while ignoring terrorist threats and violent crime at home. It's the local beat cop who is one of our most effective tools against terrorism and violent crime. It was, for example, a quick-thinking officer in London who disconnected a car bomb before bomb squad officers arrived.

The rule is a simple one: more cops means less crime. It worked in the 1990s and it will work again -- as soon as we provide the necessary support to our local agencies.

Sen. Joe Biden is the chairman of the Senate Judiciary Subcommittee on Crime and Drugs, and Col. Rick Gregory is the chief of police in New Castle County.

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