

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3131

To control and prevent crime.

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IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 1993

Mr. BROOKS (for himself, Mr. SCHUMER, and Mr. HUGHES) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To control and prevent crime.

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.**

4 This Act may be cited as the “Violent Crime Control  
5 and Law Enforcement Act of 1993”.

6 **SEC. 2. TABLE OF TITLES.**

7 The following is the table of titles for this Act:

TITLE I—PUBLIC SAFETY AND POLICING  
TITLE II—DEATH PENALTY  
TITLE III—HABEAS CORPUS REFORM  
TITLE IV—COERCED CONFESSIONS  
TITLE V—FIREARMS  
TITLE VI—YOUTH VIOLENCE  
TITLE VII—TERRORISM  
TITLE VIII—SEXUAL VIOLENCE AND CHILD ABUSE  
TITLE IX—CRIME VICTIMS  
TITLE X—STATE AND LOCAL LAW ENFORCEMENT

TITLE XI—PROVISIONS RELATING TO POLICE OFFICERS  
 TITLE XII—GRANT PROGRAM FOR STATE PRISONS  
 TITLE XIII—FEDERAL PRISONS  
 TITLE XIV—RURAL CRIME  
 TITLE XV—DRUG CONTROL  
 TITLE XVI—DRUNK DRIVING PROVISIONS  
 TITLE XVII—COMMISSIONS  
 TITLE XVIII—MOTOR VEHICLE THEFT PREVENTION  
 TITLE XIX—PROTECTIONS FOR THE ELDERLY  
 TITLE XX—CONSUMER PROTECTION  
 TITLE XXI—SENTENCING PROVISIONS  
 TITLE XXII—COMPUTER CRIME  
 TITLE XXIII—INTERNATIONAL PARENTAL KIDNAPPING  
 TITLE XXIV—SAFE SCHOOLS  
 TITLE XXV—FINANCIAL INSTITUTIONS FRAUD PROSECUTIONS  
 TITLE XXVI—WHITE COLLAR CRIME AMENDMENTS  
 TITLE XXVII—GAMBLING  
 TITLE XXVIII—BAIL POSTING REPORTING  
 TITLE XXIX—GENERAL INCREASED PENALTY PROVISIONS  
 TITLE XXX—MISCELLANEOUS  
 TITLE XXXI—TECHNICAL CORRECTIONS

1     **TITLE I—PUBLIC SAFETY AND**  
 2                                   **POLICING**

3     **SEC. 101. COMMUNITY POLICING; “COPS ON THE BEAT”.**

4         (a) IN GENERAL.—Title 1 of the Omnibus Crime  
 5 Control and Safe Streets Act of 1968 (42 U.S.C. 3711  
 6 et seq.) is amended by—

7             (1) redesignating Part Q as Part R;

8             (2) redesignating section 1701 as section 1801; and

9             (3) inserting after Part P the following new Part:

10         **“PART Q—PUBLIC SAFETY AND COMMUNITY**  
 11                                   **POLICING; ‘COPS ON THE BEAT’**

12         **“SEC. 1701. AUTHORITY TO MAKE PUBLIC SAFETY AND**  
 13                                   **COMMUNITY POLICING GRANTS.**

14         “(a) GRANT AUTHORIZATION.—The Attorney Gen-  
 15 eral is authorized to make grants to units of State and

1 local government, and to other public and private entities,  
2 to increase police presence, to expand and improve cooper-  
3 ative efforts between law enforcement agencies and mem-  
4 bers of the community to address crime and disorder prob-  
5 lems, and otherwise to enhance public safety.

6 “(b) REHIRING AND HIRING GRANT PROJECTS.—  
7 Grants made under the authority of subsection (a) of this  
8 section may be used for programs, projects, and other ac-  
9 tivities to—

10 “(1) rehire law enforcement officers who have  
11 been laid off as a result of State and local budget  
12 reductions for deployment in community-oriented po-  
13 licing; and

14 “(2) hire new, additional career law enforce-  
15 ment officers for deployment in community-oriented  
16 policing across the Nation.

17 “(c) ADDITIONAL GRANT PROJECTS.—Grants made  
18 under the authority of subsection (a) of this section also  
19 may include programs, projects, and other activities to—

20 “(1) increase the number of law enforcement  
21 officers involved in activities that are focused on  
22 interaction with members of the community on  
23 proactive crime control and prevention by redeploy-  
24 ing officers to such activities;

1           “(2) provide specialized training to law enforce-  
2           ment officers to enhance their conflict resolution,  
3           mediation, problem solving, service, and other skills  
4           needed to work in partnership with members of the  
5           community;

6           “(3) increase police participation in multidisci-  
7           plinary early intervention teams;

8           “(4) develop new technologies to assist State  
9           and local law enforcement agencies in reorienting  
10          the emphasis of their activities from reacting to  
11          crime to preventing crime;

12          “(5) develop and implement innovative pro-  
13          grams to permit members of the community to assist  
14          State and local law enforcement agencies in the pre-  
15          vention of crime in the community;

16          “(6) establish innovative programs to reduce,  
17          and keep to a minimum, the amount of time that  
18          law enforcement officers must be away from the  
19          community while awaiting court appearances;

20          “(7) establish and implement innovative pro-  
21          grams to increase and enhance proactive crime con-  
22          trol and prevention programs involving law enforce-  
23          ment officers and young persons in the community;  
24          and

1           “(8) develop and establish new administrative  
2           and managerial systems to facilitate the adoption of  
3           community-oriented policing as an organization-wide  
4           philosophy.

5           “(d) PREFERENTIAL CONSIDERATION OF APPLICA-  
6           TIONS FOR CERTAIN GRANTS.—In awarding grants under  
7           this part, the Attorney General may give preferential con-  
8           sideration to grants for hiring and rehiring additional ca-  
9           reer law enforcement officers that involve a non-Federal  
10          contribution exceeding the 25 percent minimum under  
11          subsection (h) of this section.

12          “(e) TECHNICAL ASSISTANCE.—(1) The Attorney  
13          General may provide technical assistance to units of State  
14          and local government, and to other public and private enti-  
15          ties, in furtherance of the purposes of section 101 of the  
16          Violent Crime Control and Law Enforcement Act of 1993.

17          “(2) The technical assistance provided by the Attor-  
18          ney General may include the development of a flexible  
19          model that will define for State and local governments,  
20          and other public and private entities, definitions and strat-  
21          egies associated with community or problem-oriented po-  
22          licing and methodologies for its implementation.

23          “(3) The technical assistance provided by the Attor-  
24          ney General may include the establishment and operation  
25          of training centers or facilities, either directly or by con-

1 tracting or cooperative arrangements. The functions of the  
2 centers or facilities established under this paragraph may  
3 include instruction and seminars for police executives,  
4 managers, trainers and supervisors concerning community  
5 or problem-oriented policing and improvements in police-  
6 community interaction and cooperation that further the  
7 purposes of section 101 of the Violent Crime Control and  
8 Law Enforcement Act of 1993.

9       “(f) UTILIZATION OF DEPARTMENT OF JUSTICE OF-  
10 FICES AND SERVICES.—The Attorney General may utilize  
11 any office or service of the Department of Justice in carry-  
12 ing out this part.

13       “(g) MINIMUM AMOUNT.—Each qualifying State, to-  
14 gether with grantees within the State, shall receive in each  
15 fiscal year pursuant to subsection (a) of this section not  
16 less than 0.25 percent of the total amount appropriated  
17 in the fiscal year for grants pursuant to that subsection.  
18 As used in this subsection, ‘qualifying State’ means any  
19 State which has submitted an application for a grant, or  
20 in which an eligible entity has submitted an application  
21 for a grant, which meets the requirements prescribed by  
22 the Attorney General and the conditions set out in this  
23 part.

24       “(h) MATCHING FUNDS.—The portion of the costs  
25 of a program, project, or activity provided by a grant

1 under subsection (a) of this section may not exceed 75  
2 percent, unless the Attorney General waives, wholly or in  
3 part, the requirement under this subsection of a non-Fed-  
4 eral contribution to the costs of a program, project, or ac-  
5 tivity. In relation to a grant for a period exceeding 1 year  
6 for hiring or rehiring career law enforcement officers, the  
7 Federal share shall decrease from year to year, looking  
8 towards the continuation of the increased hiring level  
9 using State or local sources of funding following the con-  
10 clusion of Federal support, as provided in an approved  
11 plan pursuant to section 1702(c)(8) of this part.

12 “(i) ALLOCATION OF FUNDS.—The funds available  
13 under this part shall be allocated as provided in section  
14 1001(a)(11)(B) of this Act.

15 “(j) TERMINATION OF GRANTS FOR HIRING OFFI-  
16 CERS.—The authority under subsection (a) of this section  
17 to make grants for the hiring and rehiring of additional  
18 career law enforcement officers shall lapse at the conclu-  
19 sion of 6 years from the date of enactment of this part.  
20 Prior to the expiration of this grant authority, the Attor-  
21 ney General shall submit a report to Congress concerning  
22 the experience with and effects of such grants. The report  
23 may include any recommendations the Attorney General  
24 may have for amendments to this part and related provi-  
25 sions of law in light of the termination of the authority

1 to make grants for the hiring and rehiring of additional  
2 career law enforcement officers.

3 **“SEC. 1702. APPLICATIONS.**

4 “(a) IN GENERAL.—No grant may be made under  
5 this part unless an application has been submitted to, and  
6 approved by, the Attorney General.

7 “(b) FORM AND CONTENT OF APPLICATION.—An ap-  
8 plication for a grant under this part shall be submitted  
9 in such form, and contain such information, as the Attor-  
10 ney General may prescribe by regulation or guidelines.

11 “(c) COMPLIANCE WITH REGULATIONS OR GUIDE-  
12 LINES.—In accordance with the regulations or guidelines  
13 established by the Attorney General, each application for  
14 a grant under this part shall—

15 “(1) include a long-term strategy and detailed  
16 implementation plan that reflects consultation with  
17 community groups and appropriate private and pub-  
18 lic agencies and reflects consideration of the state-  
19 wide strategy under section 503(a)(1) of the Omni-  
20 bus Crime Control and Safe Streets Act of 1968 (42  
21 U.S.C. 3753(a)(1));

22 “(2) demonstrate a specific public safety need;

23 “(3) explain the locality’s inability to address  
24 the need without Federal assistance;

1           “(4) identify related governmental and commu-  
2           nity initiatives which complement or will be coordi-  
3           nated with the proposal;

4           “(5) certify that there has been appropriate co-  
5           ordination with all affected agencies;

6           “(6) outline the initial and ongoing level of  
7           community support for implementing the proposal  
8           including financial and in-kind contributions or  
9           other tangible commitments;

10          “(7) specify plans for obtaining necessary sup-  
11          port and continuing the proposed program, project,  
12          or activity following the conclusion of Federal sup-  
13          port; and

14          “(8) if the application is for a grant for hiring  
15          or rehiring additional career law enforcement offi-  
16          cers—

17                 “(A) specify plans for the assumption by  
18                 the grantee of a progressively larger share of  
19                 the cost in the course of time, looking towards  
20                 the continuation of the increased hiring level  
21                 using State or local sources of funding following  
22                 the conclusion of Federal support;

23                 “(B) assess the impact, if any, of the in-  
24                 crease in police resources on other components  
25                 of the criminal justice system; and

1           “(C) explain how the grant will be utilized  
2           to re-orient the affected law enforcement agen-  
3           cy’s mission towards community-oriented polic-  
4           ing or enhance its involvement in or commit-  
5           ment to community-oriented policing.

6   **“SEC. 1703. REVIEW OF APPLICATIONS BY STATE OFFICE.**

7           “(a) IN GENERAL.—Except as provided in subsection  
8   (c) or (d), an applicant for a grant under this part shall  
9   submit an application to the State office designated under  
10 section 507 of the Omnibus Crime Control and Safe  
11 Streets Act of 1968 (42 U.S.C. 3757) in the State in  
12 which the applicant is located for initial review.

13          “(b) INITIAL REVIEW OF APPLICATION.—(1) The  
14 State office referred to in subsection (a) of this section  
15 shall review applications for grants under this part sub-  
16 mitted to it, based upon criteria specified by the Attorney  
17 General by regulation or guidelines.

18          “(2) Upon completion of the reviews required by  
19 paragraph (1) of this subsection, the State office referred  
20 to in subsection (a) of this section shall determine which,  
21 if any, of the application for grants under this part are  
22 most likely to be successful in achieving the purposes of  
23 section 101 of the Violent Crime Control and Law En-  
24 forcement Act of 1993.

1       “(3)(A) Based upon the determinations made under  
2 paragraph (2) of this subsection, the State office referred  
3 to in subsection (a) of this section shall list the applica-  
4 tions for grants under this part in order of their likelihood  
5 to achieve the purposes of section 101 of the Violent Crime  
6 Control and Law Enforcement Act of 1993, and shall sub-  
7 mit the list along with all grant applications and support-  
8 ing materials received to the Attorney General.

9       “(B) In making the submission to the Attorney Gen-  
10 eral required by subparagraph (A) of this paragraph, the  
11 State office referred to in subsection (a) of this section  
12 may recommend that a particular application or applica-  
13 tions should receive special priority and provide supporting  
14 reasons for the recommendation.

15       “(c) DIRECT APPLICATION TO THE ATTORNEY GEN-  
16 ERAL BY CERTAIN MUNICIPALITIES.—Notwithstanding  
17 subsection (a) of this section, municipalities whose popu-  
18 lation exceeds 150,000 may submit an application for a  
19 grant under this part directly to the Attorney General. For  
20 purposes of this subsection, ‘municipalities whose popu-  
21 lation exceeds 150,000’ means units of local government  
22 or law enforcement agencies having jurisdiction over areas  
23 with populations exceeding 150,000, and consortia or as-  
24 sociations that include one or more such units of local gov-  
25 ernment or law enforcement agencies.

1       “(d) DIRECT APPLICATION TO THE ATTORNEY GEN-  
2 ERAL BY OTHER APPLICANTS.—Notwithstanding sub-  
3 section (a) of this section, if a State chooses not to carry  
4 out the functions described in subsection (b) of this sec-  
5 tion, an applicant in the State may submit an application  
6 for a grant under this part directly to the Attorney Gen-  
7 eral.

8 **“SEC. 1704. RENEWAL OF GRANTS.**

9       “(a) IN GENERAL.—Except for grants made for hir-  
10 ing or rehiring additional career law enforcement officers,  
11 a grant under this part may be renewed for up to two  
12 additional years after the first fiscal year during which  
13 a recipient receives its initial grant if the Attorney General  
14 determines that the funds made available to the recipient  
15 were used in a manner required under an approved appli-  
16 cation and if the recipient can demonstrate significant  
17 progress in achieving the objectives of the initial applica-  
18 tion.

19       “(b) GRANTS FOR HIRING.—Grants made for hiring  
20 or rehiring additional career law enforcement officers may  
21 be renewed for up to five years, subject to the require-  
22 ments of subsection (a) of this section, but notwithstand-  
23 ing the limitation in that subsection concerning the num-  
24 ber of years for which grants may be renewed.

1       “(c) MULTI-YEAR GRANTS.—A grant for a period ex-  
2 ceeding one year may be renewed as provided in this sec-  
3 tion, except that the total duration of such a grant includ-  
4 ing any renewals may not exceed three years, or six years  
5 if it is a grant made for hiring or rehiring additional ca-  
6 reer law enforcement officers.

7       **“SEC. 1705. LIMITATION ON USE OF FUNDS.**

8       “(a) NON-SUPPLANTING REQUIREMENT.—Funds  
9 made available under this part to State or local govern-  
10 ments shall not be used to supplant State or local funds,  
11 but will be used to increase the amount of funds that  
12 would, in the absence of Federal funds, be made available  
13 from State or local sources.

14       “(b) ADMINISTRATIVE COSTS.—No more than 5 per-  
15 cent of the funds available under this part may be used  
16 for the costs of States in carrying out the functions de-  
17 scribed in section 1703(b) or other administrative costs.

18       “(c) NON-FEDERAL COSTS.—State and local units of  
19 government may use assets received through the Assets  
20 Forfeiture equitable sharing program to cover the non-  
21 Federal portion of programs, projects, and activities fund-  
22 ed under this part.

23       “(d) HIRING COSTS.—Funding provided under this  
24 part for hiring or rehiring a career law enforcement officer

1 may not exceed \$75,000, unless the Attorney General  
2 grants a waiver from this limitation.

3 **“SEC. 1706. PERFORMANCE EVALUATION.**

4       “(a) EVALUATION COMPONENTS.—Each program,  
5 project, or activity funded under this part shall contain  
6 an evaluation component, developed pursuant to guidelines  
7 established by the Attorney General. The evaluations re-  
8 quired by this subsection shall include outcome measures  
9 that can be used to determine the effectiveness of the  
10 funded programs, projects, and activities. Outcome meas-  
11 ures may include crime and victimization indicators, qual-  
12 ity of life measures, community perceptions, and police  
13 perceptions of their own work.

14       “(b) PERIODIC REVIEW AND REPORTS.—The Attor-  
15 ney General shall review the performance of each grant  
16 recipient under this part. The Attorney General may re-  
17 quire a grant recipient to submit to the Attorney General  
18 the results of the evaluations required under subsection  
19 (a) and such other data and information as the Attorney  
20 General deems reasonably necessary to carry out the re-  
21 sponsibilities under this subsection.

22 **“SEC. 1707. REVOCATION OR SUSPENSION OF FUNDING.**

23       “‘If the Attorney General determines, as a result of  
24 the reviews required by section 1706 of this part, or other-  
25 wise, that a grant recipient under this part is not in sub-

1 stantial compliance with the terms and requirements of  
2 an approved grant application submitted under section  
3 1702 of this part, the Attorney General may revoke or  
4 suspend funding of that grant, in whole or in part.

5 **“SEC. 1708. ACCESS TO DOCUMENTS.**

6       “(a) BY THE ATTORNEY GENERAL.—The Attorney  
7 General shall have access for the purpose of audit and ex-  
8 amination to any pertinent books, documents, papers, or  
9 records of a grant recipient under this part, as well as  
10 the pertinent books, documents, papers, or records of  
11 State and local governments, persons, businesses, and  
12 other entities that are involved in programs, projects, or  
13 activities for which assistance is provided under this part.

14       “(b) BY THE COMPTROLLER GENERAL.—The provi-  
15 sions of subsection (a) of this section shall also apply with  
16 respect to audits and examinations conducted by the  
17 Comptroller General of the United States or by an author-  
18 ized representative of the Comptroller General.

19 **“SEC. 1709. GENERAL REGULATORY AUTHORITY.**

20       “The Attorney General is authorized to promulgate  
21 regulations and guidelines to carry out this part.

22 **“SEC. 1710. DEFINITION.**

23       “For the purposes of this part, the term ‘career law  
24 enforcement officer’ means a person hired on a permanent  
25 basis who is authorized by law or by a State or local public

1 agency to engage in or supervise the prevention, detection,  
2 or investigation of violations of criminal laws.”.

3 (b) TECHNICAL AMENDMENT.—The table of contents  
4 of title I of the Omnibus Crime Control and Safe Streets  
5 Act of 1968 (42 U.S.C. 3711, et seq.) is amended by strik-  
6 ing the material relating to Part Q and inserting the fol-  
7 lowing:

“PART Q—PUBLIC SAFETY AND COMMUNITY POLICING; ‘COPS ON THE  
BEAT’

“Sec. 1701. Authority to make public safety and community policing  
grants.

“Sec. 1702. Applications.

“Sec. 1703. Review of applications by State office.

“Sec. 1704. Renewal of grants.

“Sec. 1705. Limitation on use of funds.

“Sec. 1706. Performance evaluation.

“Sec. 1707. Revocation or suspension of funding.

“Sec. 1708. Access to documents.

“Sec. 1709. General regulatory authority.

“Sec. 1710. Definition.

“PART R—TRANSITION-EFFECTIVE DATE-REPEALER

“Sec. 1801. Continuation of rules, authorities and proceedings.”.

8 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) AUTHORIZATION.—Section 1001(a) of title I of  
10 the Omnibus Crime Control and Safe Streets Act of 1968  
11 (42 U.S.C. 2793) is amended—

12 (1) in paragraph (3) by striking “and N.” and  
13 inserting “N, O, P, and Q.”; and

14 (2) by adding at the end the following new  
15 paragraph:

16 “(11)(A) There are authorized to be appro-  
17 priated to carry out Part Q, to remain available

1       until expended, \$200,000,000 for fiscal year 1994  
2       and \$650,000,000 for each of the fiscal years 1995,  
3       1996, 1997, 1998, and 1999.

4               “(B) Of funds available under Part Q in any  
5       fiscal year, up to 5 percent may be used for tech-  
6       nical assistance under section 1701(e) or for evalua-  
7       tions or studies carried out or commissioned by the  
8       Attorney General in furtherance of the purposes of  
9       Part Q, and up to 5 percent may be used for the  
10      costs of States in carrying out the functions de-  
11      scribed in section 1703(b) or other administrative  
12      costs. Of the remaining funds, 60 percent shall be  
13      allocated for grants pursuant to applications submit-  
14      ted as provided in section 1703 (a) or (d), and 40  
15      percent shall be allocated for grants pursuant to ap-  
16      plications submitted as provided in section 1703(c).  
17      Of the funds available in relation to grants pursuant  
18      to applications submitted as provided in section  
19      1703 (a) or (d), at least 85 percent shall be applied  
20      to grants for the purposes specified in section  
21      1701(b), and no more than 15 percent may be ap-  
22      plied to other grants in furtherance of the purposes  
23      of Part Q. Of the funds available in relation to  
24      grants pursuant to applications submitted as pro-  
25      vided in section 1703(c), at least 85 percent shall be

1 applied to grants for the purposes specified in sec-  
 2 tion 1701(b), and no more than 15 percent may be  
 3 applied to other grants in furtherance of the pur-  
 4 poses of Part Q.”.

## 5 **TITLE II—DEATH PENALTY**

### 6 **SEC. 201. CONSTITUTIONAL PROCEDURES FOR THE IMPO-** 7 **SITION OF THE SENTENCE OF DEATH.**

8 Part II of title 18 of the United States Code is  
 9 amended by adding the following new chapter after chap-  
 10 ter 227:

#### 11 **“CHAPTER 228—DEATH SENTENCE**

“Sec.

“3591. Sentence of death.

“3592. Mitigating and aggravating factors to be considered in determining  
 whether a sentence of death is justified.

“3593. Special hearing to determine whether a sentence of death is justified.

“3594. Imposition of a sentence of death.

“3595. Review of a sentence of death.

“3596. Implementation of a sentence of death.

“3597. Use of State facilities.

“3598. Special provisions for Indian country.

#### 12 **“§ 3591. Sentence of death**

13 “A defendant who has been found guilty of—

14 “(1) an offense described in section 794 or sec-  
 15 tion 2381 of this title; or

16 “(2) any other offense for which a sentence of  
 17 death is provided, if the defendant, as determined  
 18 beyond a reasonable doubt at the hearing under sec-  
 19 tion 3593—

20 “(A) intentionally killed the victim;

1           “(B) intentionally inflicted serious bodily  
2 injury that resulted in the death of the victim;

3           “(C) intentionally participated in an act,  
4 contemplating that the life of a person would be  
5 taken or intending that lethal force would be  
6 used in connection with a person, other than  
7 one of the participants in the offense, and the  
8 victim died as a direct result of the act; or

9           “(D) intentionally and specifically engaged  
10 in an act of violence, knowing that the act cre-  
11 ated a grave risk of death to a person, other  
12 than one of the participants in the offense, such  
13 that participation in the act constituted a reck-  
14 less disregard for human life and the victim  
15 died as a direct result of the act,

16 shall be sentenced to death if, after consideration of the  
17 factors set forth in section 3592 in the course of a hearing  
18 held pursuant to section 3593, it is determined that impo-  
19 sition of a sentence of death is justified, except that no  
20 person may be sentenced to death who was less than 18  
21 years of age at the time of the offense.

1 **“§ 3592. Mitigating and aggravating factors to be con-**  
2 **sidered in determining whether a sen-**  
3 **tence of death is justified**

4 “(a) MITIGATING FACTORS.—In determining wheth-  
5 er a sentence of death is to be imposed on a defendant,  
6 the finder of fact shall consider any mitigating factor, in-  
7 cluding the following:

8 “(1) IMPAIRED CAPACITY.—The defendant’s ca-  
9 pacity to appreciate the wrongfulness of the defend-  
10 ant’s conduct or to conform conduct to the require-  
11 ments of law was significantly impaired, regardless  
12 of whether the capacity was so impaired as to con-  
13 stitute a defense to the charge.

14 “(2) DURESS.—The defendant was under un-  
15 usual and substantial duress, regardless of whether  
16 the duress was of such a degree as to constitute a  
17 defense to the charge.

18 “(3) MINOR PARTICIPATION.—The defendant is  
19 punishable as a principal (as defined in section 2 of  
20 title 18 of the United States Code) in the offense,  
21 which was committed by another, but the defend-  
22 ant’s participation was relatively minor, regardless  
23 of whether the participation was so minor as to con-  
24 stitute a defense to the charge.

1           “(4) EQUALLY CULPABLE DEFENDANTS.—An-  
2 other defendant or defendants, equally culpable in  
3 the crime, will not be punished by death.

4           “(5) NO PRIOR CRIMINAL RECORD.—The de-  
5 fendant did not have a significant prior history of  
6 other criminal conduct.

7           “(6) DISTURBANCE.—The defendant committed  
8 the offense under severe mental or emotional dis-  
9 turbance.

10           “(7) VICTIM’S CONSENT.—The victim consented  
11 to the criminal conduct that resulted in the victim’s  
12 death.

13           “(8) OTHER FACTORS.—Other factors in the  
14 defendant’s background, record, or character or any  
15 other circumstance of the offense that mitigate  
16 against imposition of the death sentence.

17           “(b) AGGRAVATING FACTORS FOR ESPIONAGE AND  
18 TREASON.—In determining whether a sentence of death  
19 is justified for an offense described in section 3591(1), the  
20 jury, or if there is no jury, the court, shall consider each  
21 of the following aggravating factors for which notice has  
22 been given and determine which, if any, exist:

23           “(1) PRIOR ESPIONAGE OR TREASON OF-  
24 FENSE.—The defendant has previously been con-  
25 victed of another offense involving espionage or trea-

1 son for which a sentence of either life imprisonment  
2 or death was authorized by law.

3 “(2) GRAVE RISK TO NATIONAL SECURITY.—In  
4 the commission of the offense the defendant know-  
5 ingly created a grave risk of substantial danger to  
6 the national security.

7 “(3) GRAVE RISK OF DEATH.—In the commis-  
8 sion of the offense the defendant knowingly created  
9 a grave risk of death to another person.

10 The jury, or if there is no jury, the court, may consider  
11 whether any other aggravating factor for which notice has  
12 been given exists.

13 “(c) AGGRAVATING FACTORS FOR HOMICIDE.—In  
14 determining whether a sentence of death is justified for  
15 an offense described in section 3591(2), the jury, or if  
16 there is no jury, the court, shall consider each of the fol-  
17 lowing aggravating factors for which notice has been given  
18 and determine which, if any, exist:

19 “(1) DEATH DURING COMMISSION OF ANOTHER  
20 CRIME.—The death, or injury resulting in death, oc-  
21 curred during the commission or attempted commis-  
22 sion of, or during the immediate flight from the  
23 commission of, an offense under section 32 (destruc-  
24 tion of aircraft or aircraft facilities), section 33 (de-  
25 struction of motor vehicles or motor vehicle facili-

1 ties), section 36 (violence at international airports),  
2 section 351 (violence against Members of Congress,  
3 Cabinet officers, or Supreme Court Justices), an of-  
4 fense under section 751 (prisoners in custody of in-  
5 stitution or officer), section 794 (gathering or deliv-  
6 ering defense information to aid foreign govern-  
7 ment), section 844(d) (transportation of explosives  
8 in interstate commerce for certain purposes), section  
9 844(f) (destruction of Government property by ex-  
10 plosives), section 1118 (prisoners serving life term),  
11 section 1201 (kidnapping), section 844(i) (destruc-  
12 tion of property affecting interstate commerce by ex-  
13 plosives), section 1116 (killing or attempted killing  
14 of diplomats), section 1203 (hostage taking), section  
15 1992 (wrecking trains), section 2280 (maritime vio-  
16 lence), section 2281 (maritime platform violence),  
17 section 2332 (terrorist acts abroad against United  
18 States nationals), section 2339 (use of weapons of  
19 mass destruction), or section 2381 (treason) of this  
20 title, or section 902 (i) or (n) of the Federal Avia-  
21 tion Act of 1958 (49 U.S.C. 1472 (i) or (n)) (air-  
22 craft piracy).

23 “(2) PREVIOUS CONVICTION OF VIOLENT FEL-  
24 ONY INVOLVING FIREARM.—For any offense, other  
25 than an offense for which a sentence of death is

1 sought on the basis of section 924(c) of this title, as  
2 amended by this Act, the defendant has previously  
3 been convicted of a Federal or State offense punish-  
4 able by a term of imprisonment of more than one  
5 year, involving the use or attempted or threatened  
6 use of a firearm, as defined in section 921 of this  
7 title, against another person.

8 “(3) PREVIOUS CONVICTION OF OFFENSE FOR  
9 WHICH A SENTENCE OF DEATH OR LIFE IMPRISON-  
10 MENT WAS AUTHORIZED.—The defendant has pre-  
11 viously been convicted of another Federal or State  
12 offense resulting in the death of a person, for which  
13 a sentence of life imprisonment or a sentence of  
14 death was authorized by statute.

15 “(4) PREVIOUS CONVICTION OF OTHER SERI-  
16 OUS OFFENSES.—The defendant has previously been  
17 convicted of two or more Federal or State offenses,  
18 punishable by a term of imprisonment of more than  
19 one year, committed on different occasions, involving  
20 the infliction of, or attempted infliction of, serious  
21 bodily injury or death upon another person.

22 “(5) GRAVE RISK OF DEATH TO ADDITIONAL  
23 PERSONS.—The defendant, in the commission of the  
24 offense, or in escaping apprehension for the violation  
25 of the offense, knowingly created a grave risk of

1 death to one or more persons in addition to the vic-  
2 tim of the offense.

3 “(6) HEINOUS, CRUEL, OR DEPRAVED MANNER  
4 OF COMMITTING OFFENSE.—The defendant commit-  
5 ted the offense in an especially heinous, cruel, or de-  
6 praved manner in that it involved torture or serious  
7 physical abuse to the victim.

8 “(7) PROCUREMENT OF OFFENSE BY PAY-  
9 MENT.—The defendant procured the commission of  
10 the offense by payment, or promise of payment, of  
11 anything of pecuniary value.

12 “(8) PECUNIARY GAIN.—The defendant com-  
13 mitted the offense as consideration for the receipt,  
14 or in the expectation of the receipt, of anything of  
15 pecuniary value.

16 “(9) SUBSTANTIAL PLANNING AND  
17 PREMEDITATION.—The defendant committed the of-  
18 fense after substantial planning and premeditation  
19 to cause the death of a person or commit an act of  
20 terrorism.

21 “(10) CONVICTION FOR TWO FELONY DRUG OF-  
22 FENSES.—The defendant has previously been con-  
23 victed of two or more State or Federal offenses pun-  
24 ishable by a term of imprisonment of more than one

1 year, committed on different occasions, involving the  
2 distribution of a controlled substance.

3 “(11) VULNERABILITY OF VICTIM.—The victim  
4 was particularly vulnerable due to old age, youth, or  
5 infirmity.

6 “(12) CONVICTION FOR SERIOUS FEDERAL  
7 DRUG OFFENSES.—The defendant had previously  
8 been convicted of violating title II or title III of the  
9 Controlled Substances Act for which a sentence of 5  
10 or more years may be imposed or had previously  
11 been convicted of engaging in a continuing criminal  
12 enterprise.

13 “(13) CONTINUING CRIMINAL ENTERPRISE IN-  
14 VOLVING DRUG SALES TO MINORS.—The defendant  
15 committed the offense in the course of engaging in  
16 a continuing criminal enterprise in violation of sec-  
17 tion 408(c) of the Controlled Substances Act and  
18 that violation involved the distribution of drugs to  
19 persons under the age of 21 in violation of section  
20 418 of such Act.

21 “(14) HIGH PUBLIC OFFICIALS.—The defend-  
22 ant committed the offense against—

23 “(A) the President of the United States,  
24 the President-elect, the Vice President, the  
25 Vice-President-elect, the Vice-President-des-

1           ignite, or, if there is no Vice President, the of-  
2           ficer next in order of succession to the office of  
3           the President of the United States, or any per-  
4           son who is acting as President under the Con-  
5           stitution and laws of the United States;

6           “(B) a Chief of State, head of government,  
7           or the political equivalent, of a foreign nation;

8           “(C) a foreign official listed in section  
9           1116(b)(3)(A) of this title, if the official is in  
10          the United States on official business; or

11          “(D) a Federal public servant who is a  
12          judge, a law enforcement officer, or an em-  
13          ployee of a United States penal or correctional  
14          institution—

15                 “(i) while he or she is engaged in the  
16                 performance of his or her official duties;

17                 “(ii) because of the performance of his  
18                 or her official duties; or

19                 “(iii) because of his or her status as  
20                 a public servant.

21          For purposes of this subparagraph, a ‘law en-  
22          forcement officer’ is a public servant authorized  
23          by law or by a Government agency or Congress  
24          to conduct or engage in the prevention, inves-  
25          tigation, or prosecution or adjudication of an

1 offense, and includes those engaged in correc-  
2 tions, parole, or probation functions.

3 “(15) PRIOR CONVICTION OF SEXUAL ASSAULT  
4 OR CHILD MOLESTATION.—In the case of an offense  
5 under chapter 109A (sexual abuse) or chapter 110  
6 (sexual abuse of children), the defendant has pre-  
7 viously been convicted of a crime of sexual assault  
8 or crime of child molestation.

9 The jury, or if there is no jury, the court, may consider  
10 whether any other aggravating factor for which notice has  
11 been given exists.

12 **“§ 3593. Special hearing to determine whether a sen-  
13 tence of death is justified**

14 “(a) NOTICE BY THE GOVERNMENT.—If, in a case  
15 involving an offense described in section 3591, the attor-  
16 ney for the government believes that the circumstances of  
17 the offense are such that a sentence of death is justified  
18 under this chapter, the attorney shall, a reasonable time  
19 before the trial or before acceptance by the court of a plea  
20 of guilty, sign and file with the court, and serve on the  
21 defendant, a notice—

22 “(1) stating that the government believes that  
23 the circumstances of the offense are such that, if the  
24 defendant is convicted, a sentence of death is justi-

1       fied under this chapter and that the government will  
2       seek the sentence of death; and

3               “(2) setting forth the aggravating factor or fac-  
4       tors that the government, if the defendant is con-  
5       victed, proposes to prove as justifying a sentence of  
6       death.

7       The factors for which notice is provided under this sub-  
8       section may include factors concerning the effect of the  
9       offense on the victim and the victim’s family, and may  
10      include oral testimony, a victim impact statement that  
11      identifies the victim of the offense and the extent and  
12      scope of the injury and loss suffered by the victim and  
13      the victim’s family, and any other relevant information.

14      The court may permit the notice to include any aggravat-  
15      ing factor that is not an element of the underlying offense.  
16      The court may also permit the attorney for the govern-  
17      ment to amend the notice upon a showing of good cause.

18               “(b) HEARING BEFORE A COURT OR JURY.—If the  
19      attorney for the government has filed a notice as required  
20      under subsection (a) and the defendant is found guilty of  
21      or pleads guilty to an offense described in section 3591,  
22      the judge who presided at the trial or before whom the  
23      guilty plea was entered, or another judge if that judge is  
24      unavailable, shall conduct a separate sentencing hearing

1 to determine the punishment to be imposed. The hearing  
2 shall be conducted—

3 “(1) before the jury that determined the de-  
4 fendant’s guilt;

5 “(2) before a jury impaneled for the purpose of  
6 the hearing if—

7 “(A) the defendant was convicted upon a  
8 plea of guilty;

9 “(B) the defendant was convicted after a  
10 trial before the court sitting without a jury;

11 “(C) the jury that determined the defend-  
12 ant’s guilt was discharged for good cause; or

13 “(D) after initial imposition of a sentence  
14 under this section, reconsideration of the sen-  
15 tence under this section is necessary; or

16 “(3) before the court alone, upon the motion of  
17 the defendant and with the approval of the attorney  
18 for the government.

19 A jury impaneled pursuant to paragraph (2) shall consist  
20 of 12 members, unless, at any time before the conclusion  
21 of the hearing, the parties stipulate, with the approval of  
22 the court, that it shall consist of a lesser number.

23 “(c) PROOF OF MITIGATING AND AGGRAVATING FAC-  
24 TORS.—Notwithstanding rule 32(c) of the Federal Rules  
25 of Criminal Procedure, when a defendant is found guilty

1 or pleads guilty to an offense under section 3591, no  
2 presentence report shall be prepared. At the sentencing  
3 hearing, information may be presented as to any matter  
4 relevant to the sentence, including any mitigating or ag-  
5 gravating factor permitted or required to be considered  
6 under section 3592. Information presented may include  
7 the trial transcript and exhibits if the hearing is held be-  
8 fore a jury or judge not present during the trial. The de-  
9 fendant may present any information relevant to a miti-  
10 gating factor. The government may present any informa-  
11 tion relevant to an aggravating factor for which notice has  
12 been provided under subsection (a). The government and  
13 the defendant shall be permitted to rebut any information  
14 received at the hearing, and shall be given fair opportunity  
15 to present argument as to the adequacy of the information  
16 to establish the existence of any aggravating or mitigating  
17 factor, and as to the appropriateness in the case of impos-  
18 ing a sentence of death. The government shall open the  
19 argument. The defendant shall be permitted to reply. The  
20 government shall then be permitted to reply in rebuttal.  
21 The burden of establishing the existence of any aggravat-  
22 ing factor is on the government, and is not satisfied unless  
23 the existence of such a factor is established beyond a rea-  
24 sonable doubt. The burden of establishing the existence  
25 of any mitigating factor is on the defendant, and is not

1 satisfied unless the existence of such a factor is established  
2 by a preponderance of the information.

3 “(d) RETURN OF SPECIAL FINDINGS.—The jury, or  
4 if there is no jury, the court, shall consider all the informa-  
5 tion received during the hearing. It shall return special  
6 findings identifying any aggravating factor or factors set  
7 forth in section 3592 found to exist and any other aggra-  
8 vating factor for which notice has been provided under  
9 subsection (a) found to exist. A finding with respect to  
10 a mitigating factor may be made by 1 or more members  
11 of the jury, and any member of the jury who finds the  
12 existence of a mitigating factor may consider such factor  
13 established for purposes of this section regardless of the  
14 number of jurors who concur that the factor has been es-  
15 tablished. A finding with respect to any aggravating factor  
16 must be unanimous. If no aggravating factor set forth in  
17 section 3592 is found to exist, the court shall impose a  
18 sentence other than death authorized by law.

19 “(e) RETURN OF A FINDING CONCERNING A SEN-  
20 TENCE OF DEATH.—If, in the case of—

21 “(1) an offense described in section 3591(1), an  
22 aggravating factor required to be considered under  
23 section 3592(b) is found to exist; or

1           “(2) an offense described in section 3591(2), an  
2           aggravating factor required to be considered under  
3           section 3592(c) is found to exist,  
4 the jury, or if there is no jury, the court, shall consider  
5 whether all the aggravating factor or factors found to exist  
6 sufficiently outweigh all the mitigating factor or factors  
7 found to exist to justify a sentence of death, or, in the  
8 absence of a mitigating factor, whether the aggravating  
9 factor or factors alone are sufficient to justify a sentence  
10 of death. Based upon this consideration, the jury by unan-  
11 imous vote, or if there is no jury, the court, shall rec-  
12 ommend whether the defendant should be sentenced to  
13 death, to life imprisonment without possibility of release,  
14 or to some other lesser sentence. The jury or the court,  
15 if there is no jury, regardless of its findings with respect  
16 to aggravating and mitigating factors, is never required  
17 to impose a death sentence and the jury shall be so in-  
18 structed.

19           “(f) SPECIAL PRECAUTION TO ENSURE AGAINST  
20 DISCRIMINATION.—In a hearing held before a jury, the  
21 court, prior to the return of a finding under subsection  
22 (e), shall instruct the jury that, in considering whether  
23 a sentence of death is justified, it shall not consider the  
24 race, color, religious beliefs, national origin, or sex of the  
25 defendant or of any victim and that the jury is not to rec-

1 ommend a sentence of death unless it has concluded that  
2 it would recommend a sentence of death for the crime in  
3 question no matter what the race, color, religious beliefs,  
4 national origin, or sex of the defendant or of any victim  
5 may be. The jury, upon return of a finding under sub-  
6 section (e), shall also return to the court a certificate,  
7 signed by each juror, that consideration of the race, color,  
8 religious beliefs, national origin, or sex of the defendant  
9 or any victim was not involved in reaching his or her indi-  
10 vidual decision and that the individual juror would have  
11 made the same recommendation regarding a sentence for  
12 the crime in question no matter what the race, color, reli-  
13 gious beliefs, national origin, or sex of the defendant or  
14 any victim may be.

15 **“§ 3594. Imposition of a sentence of death**

16       “Upon a recommendation under section 3593(e) that  
17 the defendant should be sentenced to death or life impris-  
18 onment without possibility of release, the court shall sen-  
19 tence the defendant accordingly. Otherwise, the court shall  
20 impose any lesser sentence that is authorized by law. Not-  
21 withstanding any other provision of law, if the maximum  
22 term of imprisonment for the offense is life imprisonment,  
23 the court may impose a sentence of life imprisonment  
24 without possibility of release.

1 **“§ 3595. Review of a sentence of death**

2 “(a) APPEAL.—In a case in which a sentence of death  
3 is imposed, the sentence shall be subject to review by the  
4 court of appeals upon appeal by the defendant. Notice of  
5 appeal must be filed within the time specified for the filing  
6 of a notice of appeal. An appeal under this section may  
7 be consolidated with an appeal of the judgment of convic-  
8 tion and shall have priority over all other cases.

9 “(b) REVIEW.—The court of appeals shall review the  
10 entire record in the case, including—

11 “(1) the evidence submitted during the trial;

12 “(2) the information submitted during the sen-  
13 tencing hearing;

14 “(3) the procedures employed in the sentencing  
15 hearing; and

16 “(4) the special findings returned under section  
17 3593(d).

18 “(c) DECISION AND DISPOSITION.—

19 “(1) The court of appeals shall address all sub-  
20 stantive and procedural issues raised on the appeal  
21 of a sentence of death, and shall consider whether  
22 the sentence of death was imposed under the influ-  
23 ence of passion, prejudice, or any other arbitrary  
24 factor and whether the evidence supports the special  
25 finding of the existence of an aggravating factor re-  
26 quired to be considered under section 3592.

1           “(2) Whenever the court of appeals finds  
2 that—

3                   “(A) the sentence of death was imposed  
4 under the influence of passion, prejudice, or any  
5 other arbitrary factor;

6                   “(B) the admissible evidence and informa-  
7 tion adduced does not support the special find-  
8 ing of the existence of the required aggravating  
9 factor; or

10                   “(C) the proceedings involved any other  
11 legal error requiring reversal of the sentence  
12 that was properly preserved for appeal under  
13 the rules of criminal procedure,  
14 the court shall remand the case for reconsideration  
15 under section 3593 or imposition of a sentence other  
16 than death.

17           “(3) The court of appeals shall state in writing  
18 the reasons for its disposition of an appeal of a sen-  
19 tence of death under this section.

20 **“§ 3596. Implementation of a sentence of death**

21           “(a) IN GENERAL.—A person who has been sen-  
22 tenced to death pursuant to the provisions of this chapter  
23 shall be committed to the custody of the Attorney General  
24 until exhaustion of the procedures for appeal of the judg-  
25 ment of conviction and for review of the sentence. When

1 the sentence is to be implemented, the Attorney General  
2 shall release the person sentenced to death to the custody  
3 of a United States marshal, who shall supervise implemen-  
4 tation of the sentence in the manner prescribed by the law  
5 of the State in which the sentence is imposed. If the law  
6 of such State does not provide for implementation of a  
7 sentence of death, the court shall designate another State,  
8 the law of which does provide for the implementation of  
9 a sentence of death, and the sentence shall be implemented  
10 in the latter State in the manner prescribed by such law.

11 “(b) PREGNANT WOMAN.—A sentence of death shall  
12 not be carried out upon a woman while she is pregnant.

13 “(c) MENTAL CAPACITY.—A sentence of death shall  
14 not be carried out upon a person who is mentally retarded.  
15 A sentence of death shall not be carried out upon a person  
16 who, as a result of mental disability, lacks the mental ca-  
17 pacity to understand the death penalty and why it was  
18 imposed on that person.

19 **“§ 3597. Use of State facilities**

20 “(a) IN GENERAL.—A United States marshal  
21 charged with supervising the implementation of a sentence  
22 of death may use appropriate State or local facilities for  
23 the purpose, may use the services of an appropriate State  
24 or local official or of a person such an official employs

1 for the purpose, and shall pay the costs thereof in an  
2 amount approved by the Attorney General.

3       “(b) EXCUSE OF AN EMPLOYEE ON MORAL OR RELI-  
4 GIOUS GROUNDS.—No employee of any State department  
5 of corrections, the United States Department of Justice,  
6 the Federal Bureau of Prisons, or the United States Mar-  
7 shals Service, and no employee providing services to that  
8 department, bureau, or service under contract shall be re-  
9 quired, as a condition of that employment or contractual  
10 obligation, to be in attendance at or to participate in any  
11 prosecution or execution under this section if such partici-  
12 pation is contrary to the moral or religious convictions of  
13 the employee. For purposes of this subsection, the term  
14 ‘participation’ includes personal preparation of the con-  
15 demned individual and the apparatus used for execution  
16 and supervision of the activities of other personnel in car-  
17 rying out such activities.

18 **“§ 3598. Special provisions for Indian country**

19       “Notwithstanding sections 1152 and 1153, no person  
20 subject to the criminal jurisdiction of an Indian tribal gov-  
21 ernment shall be subject to a capital sentence under this  
22 chapter for any offense the Federal jurisdiction for which  
23 is predicated solely on Indian country as defined in section  
24 1151 of this title, and which has occurred within the  
25 boundaries of such Indian country, unless the governing

1 body of the tribe has elected that this chapter have effect  
2 over land and persons subject to its criminal jurisdiction.”.

3 (b) AMENDMENT OF CHAPTER ANALYSIS.—The  
4 chapter analysis of part II of title 18, United States Code,  
5 is amended by adding the following new item after the  
6 item relating to chapter 227:

“**228. Death sentence** ..... **3591.**”.

7 **SEC. 202. SPECIFIC OFFENSES FOR WHICH DEATH PEN-**  
8 **ALTY IS AUTHORIZED.**

9 (a) CONFORMING CHANGES IN TITLE 18.—Title 18,  
10 United States Code, is amended as follows:

11 (1) AIRCRAFTS AND MOTOR VEHICLES.—Sec-  
12 tion 34 of title 18, United States Code, is amended  
13 by striking the comma after “imprisonment for life”  
14 and inserting a period and striking the remainder of  
15 the section.

16 (2) ESPIONAGE.—Section 794(a) of title 18,  
17 United States Code, is amended by striking the pe-  
18 riod at the end of the section and inserting “, except  
19 that the sentence of death shall not be imposed un-  
20 less the jury or, if there is no jury, the court, further  
21 finds that the offense directly concerned nuclear  
22 weaponry, military spacecraft or satellites, early  
23 warning systems, or other means of defense or retal-  
24 iation against large-scale attack; war plans; commu-  
25 nications intelligence or cryptographic information;

1 or any other major weapons system or major ele-  
2 ment of defense strategy.”.

3 (3) EXPLOSIVE MATERIALS.—(A) Section  
4 844(d) of title 18, United States Code, is amended  
5 by striking “as provided in section 34 of this title”.

6 (B) Section 844(f) of title 18, United States  
7 Code, is amended by striking “as provided in section  
8 34 of this title”.

9 (C) Section 844(i) of title 18, United States  
10 Code, is amended by striking “as provided in section  
11 34 of this title”.

12 (4) MURDER.—The second undesignated para-  
13 graph of section 1111(b) of title 18, United States  
14 Code, is amended to read as follows:

15 “Whoever is guilty of murder in the first degree  
16 shall be punished by death or by imprisonment for  
17 life;”.

18 (5) KILLING OF FOREIGN OFFICIALS OR INTER-  
19 NATIONALLY PROTECTED PERSONS.—Section  
20 1116(a) of title 18, United States Code, is amended  
21 by striking “any such person who is found guilty of  
22 murder in the first degree shall be sentenced to im-  
23 prisonment for life, and”.

24 (6) KIDNAPPING.—Section 1201(a) of title 18,  
25 United States Code, is amended by inserting after

1 “or for life” the following: “and, if the death of any  
2 person results, shall be punished by death or life im-  
3 prisonment”.

4 (7) NONMAILABLE INJURIOUS ARTICLES.—The  
5 last paragraph of section 1716 of title 18, United  
6 States Code, is amended by striking the comma  
7 after “imprisonment for life” and inserting a period  
8 and striking the remainder of the paragraph.

9 (8) WRECKING TRAINS.—The second to the last  
10 undesignated paragraph of section 1992 of title 18,  
11 United States Code, is amended by striking the  
12 comma after “imprisonment for life” and inserting  
13 a period and striking the remainder of the section.

14 (9) BANK ROBBERY.—Section 2113(e) of title  
15 18, United States Code, is amended by striking “or  
16 punished by death if the verdict of the jury shall so  
17 direct” and inserting “or if death results shall be  
18 punished by death or life imprisonment”.

19 (10) HOSTAGE TAKING.—Section 1203(a) of  
20 title 18, United States Code, is amended by insert-  
21 ing after “or for life” the following: “and, if the  
22 death of any person results, shall be punished by  
23 death or life imprisonment”.

24 (11) MURDER FOR HIRE.—Section 1958 of title  
25 18, United States Code, is amended by striking

1 “and if death results, shall be subject to imprison-  
2 ment for any term of years or for life, or shall be  
3 fined not more than \$50,000, or both” and inserting  
4 “and if death results, shall be punished by death or  
5 life imprisonment, or shall be fined under this title,  
6 or both”.

7 (12) RACKETEERING.—Section 1959(a)(1) of  
8 title 18, United States Code, is amended to read as  
9 follows:

10 “(1) for murder, by death or life imprisonment,  
11 or a fine under this title, or both; and for kidnap-  
12 ping, by imprisonment for any term of years or for  
13 life, or a fine under this title, or both;”.

14 (13) GENOCIDE.—Section 1091(b)(1) of title  
15 18, United States Code, is amended by striking “a  
16 fine of not more than \$1,000,000 or imprisonment  
17 for life,” and inserting “, where death results, by  
18 death or imprisonment for life and a fine under this  
19 title, or both;”.

20 (14) CARJACKING.—Section 2119(3) of title 18,  
21 United States Code, is amended to read as follows:

22 “(3) if death results, be punished by death or  
23 imprisoned for any term of years or for life, fined  
24 under this title, or both.”

1 (b) CONFORMING AMENDMENT TO FEDERAL AVIA-  
2 TION ACT OF 1954.—Section 903 of the Federal Aviation  
3 Act of 1958 (49 U.S.C. 1473) is amended by striking sub-  
4 section (c).

5 **SEC. 203. APPLICABILITY TO UNIFORM CODE OF MILITARY**  
6 **JUSTICE.**

7 The provisions of chapter 228 of title 18, United  
8 States Code, as added by this title, shall not apply to pros-  
9 ecutions under the Uniform Code of Military Justice (10  
10 U.S.C. 801).

11 **SEC. 204. DEATH PENALTY FOR MURDER BY A FEDERAL**  
12 **PRISONER.**

13 (a) IN GENERAL.—Chapter 51 of title 18, United  
14 States Code, is amended by adding at the end thereof the  
15 following new section:

16 **“§ 1118. Murder by a Federal prisoner**

17 “(a) OFFENSE.—Whoever, while confined in a Fed-  
18 eral correctional institution under a sentence for a term  
19 of life imprisonment, commits the murder of another shall  
20 be punished by death or by life imprisonment.

21 “(b) DEFINITIONS.—For the purposes of this sec-  
22 tion—

23 “(1) the term ‘Federal correctional institution’  
24 means any Federal prison, Federal correctional facil-

1       ity, Federal community program center, or Federal  
2       halfway house;

3           “(2) the term ‘term of life imprisonment’ means  
4       a sentence for the term of natural life, a sentence  
5       commuted to natural life, an indeterminate term of  
6       a minimum of at least fifteen years and a maximum  
7       of life, or an unexecuted sentence of death; and

8           “(3) the term ‘murder’ means a first degree or  
9       second degree murder as defined by section 1111 of  
10       this title.”.

11       (b) AMENDMENT OF CHAPTER ANALYSIS.—The table  
12       of sections at the beginning of chapter 51 of title 18,  
13       United States Code, is amended by adding at the end  
14       thereof the following:

      “1118. Murder by a Federal prisoner.”.

15       **SEC. 205. DEATH PENALTY FOR CIVIL RIGHTS MURDERS.**

16       (a) CONSPIRACY AGAINST RIGHTS.—Section 241 of  
17       title 18, United States Code, is amended by striking the  
18       period at the end of the last sentence and inserting “, or  
19       may be sentenced to death.”.

20       (b) DEPRIVATION OF RIGHTS UNDER COLOR OF  
21       LAW.—Section 242 of title 18, United States Code, is  
22       amended by striking the period at the end of the last sen-  
23       tence and inserting “, or may be sentenced to death.”.

24       (c) FEDERALLY PROTECTED ACTIVITIES.—Section  
25       245(b) of title 18, United States Code, is amended in the

1 matter following paragraph (5) by inserting “, or may be  
2 sentenced to death” after “or for life”.

3 (d) DAMAGE TO RELIGIOUS PROPERTY; OBSTRUC-  
4 TION OF THE FREE EXERCISE OF RELIGIOUS RIGHTS.—  
5 Section 247(c)(1) of title 18, United States Code, is  
6 amended by inserting “, or may be sentenced to death”  
7 after “or both”.

8 **SEC. 206. DEATH PENALTY FOR THE MURDER OF FEDERAL**  
9 **LAW ENFORCEMENT OFFICIALS.**

10 Section 1114 of title 18, United States Code, is  
11 amended by striking “punished as provided under sections  
12 1111 and 1112 of this title,” and inserting “punished, in  
13 the case of murder, by a sentence of death or life imprison-  
14 ment as provided under section 1111 of this title, or, in  
15 the case of manslaughter, a sentence as provided under  
16 section 1112 of this title,”.

17 **SEC. 207. DRIVE-BY SHOOTINGS.**

18 “(a) IN GENERAL.—Section 922 of title 18, United  
19 States, Code, is amended by adding at the end thereof the  
20 following:

21 “(s) It shall be unlawful for any person knowingly  
22 to—

23 “(1) discharge a firearm from within a motor  
24 vehicle and

1           “(2) thereby create a grave risk to human  
2 life.”.

3           “(b) PENALTY.—Section 924(a) of such title is  
4 amended—

5           “(1) in paragraph (1), by striking ‘paragraph  
6 (2) or (3) of’; and

7           “(2) by adding at the end the following:

8           “(5) Whoever knowingly violates section 922(s) shall  
9 be fined under this title or imprisoned not more than 25  
10 years, or both, and if death results, shall be punished by  
11 death or imprisonment for life or any term of years.”.

12 **SEC. 208. FOREIGN MURDER OF UNITED STATES NATION-**  
13 **ALS.**

14           (a) IN GENERAL.—Chapter 51 of title 18, United  
15 States Code, is amended by adding at the end thereof the  
16 following new section:

17 **“§ 1118. Foreign murder of United States nationals**

18           “(a) Whoever, being a national of the United States,  
19 kills or attempts to kill a national of the United States  
20 while such national is outside the United States but within  
21 the jurisdiction of another country shall be punished as  
22 provided under sections 1111, 1112, and 1113 of this title.

23           “(b) No prosecution may be instituted against any  
24 person under this section except upon the written approval  
25 of the Attorney General, the Deputy Attorney General, or

1 an Assistant Attorney General, which function of approv-  
2 ing prosecutions may not be delegated. No prosecution  
3 shall be approved if prosecution has been previously un-  
4 dertaken by a foreign country for the same conduct.

5 “(c) No prosecution shall be approved under this sec-  
6 tion unless the Attorney General, in consultation with the  
7 Secretary of State, determines that the conduct took place  
8 in a country in which the person is no longer present, and  
9 the country lacks the ability to lawfully secure the person’s  
10 return. A determination by the Attorney General under  
11 this subsection is not subject to judicial review.

12 “(d) As used in this section, the term ‘national of  
13 the United States’ has the meaning given such term in  
14 section 101(a)(22) of the Immigration and Nationality Act  
15 (8 U.S.C. 1101(a)(22)).”.

16 (b) CONFORMING AMENDMENT.—Section 1117 of  
17 title 18, United States Code, is amended by striking “or  
18 1116” and inserting “1116, or 1118”.

19 (c) CLERICAL AMENDMENT.—The table of sections  
20 at the beginning of chapter 51 of title 18, United States  
21 Code, is amended by adding at the end the following new  
22 item:

“1118. Foreign Murder of United States Nationals.”.

1 **SEC. 209. DEATH PENALTY FOR RAPE AND CHILD MOLES-**  
2 **TATION MURDERS.**

3 (a) OFFENSE.—Chapter 109A of title 18, United  
4 States Code, is amended by redesignating section 2245 as  
5 section 2246, and by adding the following new section:

6 **“§ 2245. Sexual abuse resulting in death**

7 “Whoever, in the course of an offense under this  
8 chapter, engages in conduct that results in the death of  
9 a person, shall be punished by death or imprisoned for  
10 any term of years or for life.”.

11 (b) CLERICAL AMENDMENT.—The analysis for chap-  
12 ter 109A of title 18, United States Code, is amended by  
13 striking the item for section 2245 and adding the follow-  
14 ing:

“2245. Sexual abuse resulting in death.  
“2246. Definitions for chapter.”.

15 **SEC. 210. DEATH PENALTY FOR SEXUAL EXPLOITATION OF**  
16 **CHILDREN.**

17 Section 2251(d) of title 18, United States Code, is  
18 amended by adding at the end the following: “Whoever,  
19 in the course of an offense under this section, engages in  
20 conduct that results in the death of a person, shall be pun-  
21 ished by death or imprisoned for any term of years or for  
22 life.”.

1 **SEC. 211. MURDER BY ESCAPED PRISONERS.**

2 (a) IN GENERAL.—Chapter 51 of title 18, United  
3 States Code, is amended by adding at the end the follow-  
4 ing:

5 **“§ 1120. Murder by escaped prisoners**

6 “(a) IN GENERAL.—Whoever, having escaped from  
7 a Federal prison where such person was confined under  
8 a sentence for a term of life imprisonment, kills another  
9 shall be punished as provided in sections 1111 and 1112  
10 of this title.

11 “(b) DEFINITION.—As used in this section, the terms  
12 ‘Federal prison’ and ‘term of life imprisonment’ have the  
13 meanings given those terms in section 1118 of this title.”.

14 (b) CLERICAL AMENDMENT.—The table of sections  
15 at the beginning of chapter 51 of title 18, United States  
16 Code, is amended by adding at the end the following:

“1120. Murder by escaped prisoners.”.

17 **SEC. 212. DEATH PENALTY FOR GUN MURDERS DURING**  
18 **FEDERAL CRIMES OF VIOLENCE AND DRUG**  
19 **TRAFFICKING CRIMES.**

20 Section 924 of title 18, United States Code, is  
21 amended by adding after the subsections added by subtitle  
22 B of title V of this Act the following:

23 “(o) Whoever, in the course of a violation of sub-  
24 section (c) of this section, causes the death of a person  
25 through the use of a firearm, shall—

1           “(1) if the killing is a murder as defined in sec-  
2           tion 1111 of this title, be punished by death or by  
3           imprisonment for any term of years or for life; and

4           “(2) if the killing is manslaughter as defined in  
5           section 1112 of this title, be punished as provided in  
6           that section.”.

7   **SEC. 213. HOMICIDES AND ATTEMPTED HOMICIDES IN-**  
8                           **VOLVING FIREARMS IN FEDERAL FACILITIES.**

9           Section 930 of title 18, United States Code, is  
10          amended by—

11           (a) redesignating subsections (c), (d), (e), and  
12           (f) as subsections (d), (e), (f), and (g) respectively;

13           (b) in subsection (a), striking “(c)” and insert-  
14           ing “(d)”; and

15           (c) inserting after subsection (b) the following:

16           “(c) Whoever kills or attempts to kill any person in  
17          the course of a violation of subsection (a) or (b), or in  
18          the course of an attack on a Federal facility involving the  
19          use of a firearm or other dangerous weapon, shall be pun-  
20          ished as provided in sections 1111, 1112, and 1113 of this  
21          title.”

1 **SEC. 214. DEATH PENALTY FOR THE MURDER OF STATE OR**  
2 **LOCAL OFFICIALS ASSISTING FEDERAL LAW**  
3 **ENFORCEMENT OFFICIALS.**

4 (a) IN GENERAL.—Chapter 51 of title 18, United  
5 States Code, as amended by section 205 of this Act, is  
6 amended by adding at the end the following:

7 **“§ 1119. Killing persons aiding Federal investigations**

8 “Whoever intentionally kills—

9 “(1) a State or local official, law enforcement  
10 officer, or other officer or employee while working  
11 with Federal law enforcement officials in furtherance  
12 of a Federal criminal investigation—

13 “(A) while the victim is engaged in the  
14 performance of official duties;

15 “(B) because of the performance of the  
16 victim’s official duties; or

17 “(C) because of the victim’s status as a  
18 public servant; or

19 “(2) any person assisting a Federal criminal in-  
20 vestigation, while that assistance is being rendered  
21 and because of it,

22 shall be sentenced according to the terms of section 1111  
23 of title 18, United States Code, including by sentence of  
24 death or by imprisonment for life.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
2 at the beginning of chapter 51 of title 18, United States  
3 Code, is amended by adding at the end the following:

“1119. Killing persons aiding Federal investigations.”.

4 **SEC. 215. DEATH PENALTY FOR MURDER OF FEDERAL WIT-**  
5 **NESSES.**

6 Section 1512(a)(2)(A) of title 18, United States  
7 Code, is amended to read as follows:

8 “(A) in the case of murder as defined in section  
9 1111 of this title, the death penalty or imprisonment  
10 for life, and in the case of any other killing, the pun-  
11 ishment provided in section 1112 of this title;”.

12 **SEC. 216. TERRORIST DEATH PENALTY ACT.**

13 Section 2332(a)(1) of title 18 of the United States  
14 Code is amended to read as follows:

15 “(1)(A) if the killing is murder as defined in  
16 section 1111(a) of this title, be fined under this title,  
17 punished by death or imprisonment for any term of  
18 years or for life, or both;”.

19 **SEC. 217. PROTECTION OF COURT OFFICERS AND JURORS.**

20 Section 1503 of title 18, United States Code, is  
21 amended—

22 (1) by designating the current text as sub-  
23 section (a);

1           (2) by striking “fined not more than \$5,000 or  
2           imprisoned not more than five years, or both.” and  
3           inserting “punished as provided in subsection (b).”;

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

5           “(b) The punishment for an offense under this sec-  
6           tion is—

7           “(1) in the case of a killing, the punishment  
8           provided in sections 1111 and 1112 of this title;

9           “(2) in the case of an attempted killing, or a  
10           case in which the offense was committed against a  
11           petit juror and in which a class A or B felony was  
12           charged, imprisonment for not more than twenty  
13           years, a fine under this title, or both; and

14           “(3) in any other case, imprisonment for not  
15           more than ten years, a fine under this title, or  
16           both.”; and

17           “(4) in subsection (a), as so designated by this  
18           section, by striking “commissioner” each place it ap-  
19           pears and inserting “magistrate judge”.

20 **SEC. 218. PROHIBITION OF RETALIATORY KILLINGS OF**  
21 **WITNESSES, VICTIMS AND INFORMANTS.**

22           Section 1513 of title 18, United States Code, is  
23           amended—

24           (1) by redesignating subsections (a) and (b) as  
25           subsections (b) and (c), respectively; and

1           (2) by inserting after the section heading a new  
2 subsection (a) as follows:

3           “(a)(1) Whoever kills or attempts to kill another per-  
4 son with intent to retaliate against any person for—

5           “(A) the attendance of a witness or party at an  
6 official proceeding, or any testimony given or any  
7 record, document, or other object produced by a wit-  
8 ness in an official proceeding; or

9           “(B) any information relating to the commis-  
10 sion or possible commission of a Federal offense or  
11 a violation of conditions of probation, parole or re-  
12 lease pending judicial proceedings given by a person  
13 to a law enforcement officer; shall be punished as  
14 provided in paragraph (2).

15           “(2) The punishment for an offense under this sub-  
16 section is—

17           “(A) in the case of a killing, the punishment  
18 provided in sections 1111 and 1112 of this title; and

19           “(B) in the case of an attempt, imprisonment  
20 for not more than twenty years, a fine under this  
21 title, or both.”.

22 **SEC. 219. PROTECTION OF JURORS AND WITNESSES IN**  
23 **CAPITAL CASES.**

24           Section 3432 of title 18, United States Code, is  
25 amended by inserting before the period the following:

1 “, except that such list of the veniremen and witnesses  
2 need not be furnished if the court finds by a preponder-  
3 ance of the evidence that providing the list may jeopardize  
4 the life or safety of any person”.

5       **TITLE III—HABEAS CORPUS**  
6                   **REFORM**

7       **SEC. 301. FILING DEADLINES.**

8       Section 2242 of title 28, United States Code, is  
9 amended—

10           (1) by substituting for the existing heading the  
11 following: “Filing of habeas corpus petition; time re-  
12 quirements; tolling rules”;

13           (2) by inserting “(a)(1)” before the first para-  
14 graph, “(2)” before the second paragraph, “(3)” be-  
15 fore the third paragraph, and “(4)” before the  
16 fourth paragraph;

17           (3) by amending the third paragraph to read as  
18 follows:

19       “Leave to amend or supplement the petition shall be  
20 freely given, as provided in the rules of procedure applica-  
21 ble to civil actions.”; and

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

23       “(b) An application for habeas corpus relief under  
24 section 2254 must be filed in the appropriate district court  
25 not later than 180 days after—

1           “(1) the last day for filing a petition for a writ  
2 of certiorari in the United States Supreme Court on  
3 direct appeal or unitary review of the conviction and  
4 sentence, if such a petition has not been filed within  
5 the time limits established by law;

6           “(2) the date of the denial of a writ of certio-  
7 rari, if a petition for a writ of certiorari to the high-  
8 est court of the State on direct appeal or unitary re-  
9 view of the conviction and sentence is filed, within  
10 the time limits established by law, in the United  
11 States Supreme Court; or

12           “(3) the date of the issuance of the mandate of  
13 the United States Supreme Court, if on a petition  
14 for a writ of certiorari the Supreme Court grants  
15 the writ and disposes of the case in a manner that  
16 leaves the sentence undisturbed.

17           “(c)(1) Notwithstanding the filing deadline imposed  
18 by subsection (b), if a petitioner under a sentence of death  
19 has filed a petition for post-conviction review in State  
20 court within 270 days of the appointment of counsel as  
21 required by section 2258 of this title, the petitioner shall  
22 have 180 days to file a petition under this chapter upon  
23 completion of the State court review.

24           “(2) The time requirements established by subsection  
25 (b) shall not apply unless the State has provided notice

1 to a petitioner under sentence of death of the time require-  
2 ments established by this section. Such notice shall be pro-  
3 vided upon the final disposition of the initial petition for  
4 State post-conviction review.

5 “(3) In a case in which a sentence of death has been  
6 imposed, the time requirements established by subsection  
7 (b) shall be tolled—

8 “(A) during any period in which the State has  
9 failed to appoint counsel for State post-conviction re-  
10 view as required in section 2258 of this title;

11 “(B) during any period in which the petitioner  
12 is incompetent; and

13 “(C) during an additional period, not to exceed  
14 60 days, if the petitioner makes a showing of good  
15 cause.”

16 “(d)(1) Notwithstanding the filing deadline imposed  
17 by subsection (b), if a petitioner under a sentence other  
18 than death has filed—

19 “(A) a petition for post-conviction review in  
20 State court; or

21 “(B) a request for counsel for post-conviction  
22 review,

23 before the expiration of the period described in subsection  
24 (b), the petitioner shall have 180 days to file a petition

1 under this chapter upon completion of the State court re-  
2 view.

3 “(2) The time requirements established by subsection  
4 (b) shall not apply in a case in which a sentence other  
5 than death has been imposed unless—

6 “(A) the State has provided notice to the peti-  
7 tioner of the time requirements established by this  
8 section and of the availability of counsel as described  
9 in subparagraph (B). Such notice shall be provided  
10 orally at the time of sentencing and in writing at the  
11 time the petitioner’s conviction becomes final, except  
12 that in a case in which the petitioner’s conviction be-  
13 comes final within 30 days of sentencing, the State  
14 may provide both the oral and the written notice at  
15 sentencing. In all cases, the written notice to the pe-  
16 titioner shall include easily understood instructions  
17 for filing a request for counsel for State post-convic-  
18 tion review; and

19 “(B)(i) the State provides counsel to the peti-  
20 tioner upon the filing of a request for counsel for  
21 State post-conviction review; or

22 “(ii) the State provides counsel to the peti-  
23 tioner, if a request for counsel for State post-convic-  
24 tion review is not filed, upon the filing of a petition  
25 for post-conviction review.

1       “(3) The time requirements established by subsection  
2 (b) shall be tolled in a case in which a sentence other than  
3 death has been imposed—

4           “(A) during any period in which the petitioner  
5 is incompetent; and

6           “(B) during an additional period, not to exceed  
7 60 days, if the petitioner makes a showing of good  
8 cause.”

9       “(e) An application that is not filed within the time  
10 requirements established by this section shall be governed  
11 by section 2244(b).”

12 **SEC. 302. STAYS OF EXECUTION IN CAPITAL CASES.**

13       Section 2251 of title 28, United States Code, is  
14 amended—

15           (1) by inserting “(a)(1)” before the first para-  
16 graph and “(2)” before the second paragraph; and

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

18       “(b) In the case of a person under sentence of death,  
19 a warrant or order setting an execution shall be stayed  
20 upon application to any court that would have jurisdiction  
21 over a habeas corpus petition under this chapter. The stay  
22 shall be contingent upon reasonable diligence by the appli-  
23 cant in pursuing relief with respect to such sentence and  
24 shall expire if—

1           “(1) the applicant fails to file for relief under  
2 this chapter within the time requirements estab-  
3 lished by section 2242;

4           “(2) upon completion of district court and court  
5 of appeals review under section 2254 of this title,  
6 the application is denied and—

7                 “(A) the time for filing a petition for a  
8 writ of certiorari expires before a petition is  
9 filed;

10                “(B) a timely petition for a writ of certio-  
11 rari is filed and the Supreme Court denies the  
12 petition; or

13                “(C) a timely petition for a writ of certio-  
14 rari is filed and, upon consideration of the case,  
15 the Supreme Court disposes of it in a manner  
16 that leaves the capital sentence undisturbed; or

17           “(3) before a court of competent jurisdiction, in  
18 the presence of counsel, and after being advised of  
19 the consequences of the decision, the applicant com-  
20 petently and knowingly waives the right to pursue  
21 habeas corpus relief under this chapter.

22           “(c) If any one of the conditions in subsection (b)  
23 has occurred, no Federal court thereafter shall have the  
24 authority to enter a stay of execution unless the applicant  
25 has filed a habeas corpus petition that satisfies, on its

1 face, section 2244(b) or section 2256. A stay granted pur-  
2 suant to this subsection shall expire if, after the grant of  
3 the stay, one of the conditions specified in subsection  
4 (b)(2) or (3) occurs.” .

5 **SEC. 303. LIMITS ON NEW RULES; STANDARD OF REVIEW.**

6 (a) Chapter 153 of title 28, United States Code, is  
7 amended by adding at the end the following:

8 **“§ 2257. Law applicable**

9 “(a) Except as provided in subsection (b), in a case  
10 subject to this chapter, the court shall not announce or  
11 apply a new rule to grant habeas corpus relief.

12 “(b) A court considering a claim under this chapter  
13 shall apply a new rule when—

14 “(1) the new rule places a class of individual  
15 conduct beyond the power of the criminal law-mak-  
16 ing authority to proscribe, or prohibits the imposi-  
17 tion of a certain type of punishment for a class of  
18 persons because of their status or offense; or

19 “(2) the new rule constitutes a watershed rule  
20 of criminal procedure implicating the fundamental  
21 fairness and accuracy of the criminal proceeding.

22 “(c) As used in this section, a ‘new rule’ is a rule  
23 that changes the constitutional or statutory standards  
24 that prevailed at the time the petitioner’s conviction and  
25 sentence became final on direct appeal.”.

1 (b) Section 2254(a) of title 28, United States Code,  
2 is amended by adding at the end the following:

3 “Except as to Fourth Amendment claims con-  
4 trolled by *Stone v. Powell*, 428 U.S. 465 (1976), the  
5 Federal courts, in reviewing an application under  
6 this section, shall review de novo the rulings of a  
7 State court on matters of Federal law, including the  
8 application of Federal law to facts, regardless of  
9 whether the opportunity for a full and fair hearing  
10 on such Federal questions has been provided in the  
11 State court. In the case of a violation that can be  
12 harmless, the State shall bear the burden of proving  
13 harmlessness.”.

14 **SEC. 304. LIMITS ON SUCCESSIVE PETITIONS.**

15 Section 2244(b) of title 28, United States Code, is  
16 amended to read as follows:

17 “(b)(1) A claim presented in a habeas corpus petition  
18 that was not timely presented in a prior petition shall be  
19 dismissed unless—

20 “(A) the petitioner shows that—

21 “(i) the failure to raise the claim pre-  
22 viously was the result of interference by State  
23 officials with the presentation of the claim, in  
24 violation of the Constitution or laws of the  
25 United States;

1           “(ii) the claim relies on a new rule that is  
2           applicable under section 2257 and was pre-  
3           viously unavailable; or

4           “(iii) the factual predicate for the claim  
5           could not have been discovered previously  
6           through the exercise of reasonable diligence;  
7           and

8           “(B) the facts underlying the claim, if proven  
9           and viewed in light of the evidence as a whole, would  
10          be sufficient to—

11           “(i) undermine the court’s confidence in  
12           the factfinder’s determination of the applicant’s  
13           guilt of the offense or offenses for which the  
14           sentence was imposed; or

15           “(ii) demonstrate that no reasonable sen-  
16           tencing authority would have found an aggra-  
17           vating circumstance or other condition of eligi-  
18           bility for a capital or non-capital sentence, or  
19           otherwise would have imposed a sentence of  
20           death.

21          “(2) Notwithstanding other matters pending before  
22          the court, claims for relief under this subsection from a  
23          case wherein a sentence of death was imposed shall receive  
24          a prompt review in a manner consistent with the interests  
25          of justice.”.

1 **SEC. 305. CERTIFICATES OF PROBABLE CAUSE.**

2 The third paragraph of section 2253 of title 28,  
3 United States Code, is amended by adding at the end the  
4 following: “However, an applicant under sentence of death  
5 shall have a right of appeal without a certificate of prob-  
6 able cause, except after denial of a habeas corpus petition  
7 filed under section 2244(b).”.

8 **SEC. 306. PROVISION OF COUNSEL.**

9 (a) IN GENERAL.—Chapter 153 of title 28, United  
10 States Code, is amended by adding at the end the follow-  
11 ing:

12 **“§ 2258. Counsel in capital cases; State court**

13 “(a) COUNSEL.—A State in which a sentence of  
14 death may be imposed under State law shall provide legal  
15 services to—

16 “(1) indigents charged with offenses for which  
17 capital punishment is sought;

18 “(2) indigents who have been sentenced to  
19 death and who seek appellate, post-conviction, or  
20 unitary review in State court; and

21 “(3) indigents who have been sentenced to  
22 death and who seek certiorari review of State court  
23 judgments in the United States Supreme Court.

24 The provisions of this section shall not apply or form a  
25 basis for relief to non-indigents.

26 “(b) COUNSEL AUTHORITY.—

1           “(1) A State in which a sentence of death may  
2           be imposed under State law shall, within 180 days  
3           after the date of enactment of this subsection, estab-  
4           lish a State counsel authority which shall recruit,  
5           train, monitor, and support attorneys involved at all  
6           stages of capital litigation. The authority shall be  
7           comprised of members of the bar with substantial  
8           experience in, or commitment to, the representation  
9           of criminal defendants in capital cases, and shall be  
10          comprised of a balanced representation from each  
11          segment of the State’s criminal defense bar, such as  
12          a statewide defender organization, a capital case re-  
13          source center, local public defender’s offices and pri-  
14          vate attorneys involved in criminal trial, appellate,  
15          post-conviction or unitary review practice.

16          “(2) If a State fails to establish a counsel au-  
17          thority within 180 days after the date of enactment  
18          of this subsection, a private cause of action may be  
19          brought in Federal district court to enforce this pro-  
20          vision by any aggrieved party, including a defendant  
21          eligible for appointed representation under this sec-  
22          tion or a member of an organization eligible for rep-  
23          resentation on the counsel authority. If the court  
24          finds that the State has failed to establish a counsel  
25          authority as required by this subsection, the court

1 shall grant appropriate injunctive and declaratory  
2 relief. The court shall grant no relief that obstructs  
3 the prosecution of State criminal proceedings at any  
4 stage.

5 “(c) DUTIES OF AUTHORITY.—The counsel authority  
6 shall—

7 “(1) establish and publish standards governing  
8 the qualification of counsel, which shall include—

9 “(A) knowledge and understanding of per-  
10 tinent legal authorities regarding issues in cap-  
11 ital cases;

12 “(B) skills in the conduct of negotiations  
13 and litigation in capital cases, the investigation  
14 of capital cases and the psychiatric history and  
15 current condition of capital clients, and the  
16 preparation and writing of legal papers in cap-  
17 ital cases;

18 “(C) the minimum qualifications required  
19 by subsection (d); and

20 “(D) any additional qualifications relevant  
21 to the representation of capital defendants;

22 “(2) establish application and certification pro-  
23 cedures for attorneys who possess the qualifications  
24 established pursuant to paragraph (1);

1           “(3) establish application and certification pro-  
2           cedures for attorneys who do not possess all the  
3           qualifications established pursuant to paragraph (1)  
4           but who possess, in addition to the minimum quali-  
5           fications required by subsection (d), additional re-  
6           sources (such as an affiliation with a publicly funded  
7           defender organization) and experience which enable  
8           them to provide quality legal representation com-  
9           parable to that of an attorney possessing the quali-  
10          fications established pursuant to paragraph (1);

11          “(4) establish application and certification pro-  
12          cedures, to be used on a case by case basis, for at-  
13          torneys who do not necessarily possess the minimum  
14          qualifications required by subsection (d), but who  
15          possess other extraordinary experience and resources  
16          which enable them to provide quality legal represen-  
17          tation comparable to that of an attorney possessing  
18          the qualifications established pursuant to paragraph  
19          (1);

20          “(5) publish a current roster of attorneys cer-  
21          tified pursuant to paragraph (2) or (3) to be ap-  
22          pointed in capital cases;

23          “(6) promptly designate a defense team for the  
24          relevant stage of proceedings, upon receiving notice

1 from the relevant State court pursuant to subsection  
2 (e)(1);

3 “(7) consult with the highest State court having  
4 jurisdiction over criminal matters regarding a sched-  
5 ule of hourly rates, periodically publish such sched-  
6 ule as established by such court, assist counsel with  
7 obtaining investigative and expert assistance, and  
8 publish rules governing the authority’s review and  
9 certification for payment of reasonable fees and ex-  
10 penses;

11 “(8) establish and publish standards governing  
12 the performance of counsel in capital cases, includ-  
13 ing standards which proscribe abusive practices and  
14 mandate sound practices in order to further the fair  
15 and orderly administration of justice;

16 “(9) monitor the performance of attorneys cer-  
17 tified pursuant to this subsection; and

18 “(10) delete from the roster any attorney who  
19 fails to meet the qualification or performance stand-  
20 ards established pursuant to this subsection.

21 “(d) MINIMUM COUNSEL STANDARDS.—All counsel  
22 certified pursuant to paragraph (2) or (3) of subsection  
23 (c) or appointed pursuant to subsection (f) shall possess,  
24 in addition to any qualifications required by State or local  
25 law, the following minimum qualifications:

1           “(1) Familiarity with the performance stand-  
2           ards established by the counsel authority.

3           “(2) Familiarity with the appropriate court sys-  
4           tem, including the procedural rules regarding timeli-  
5           ness of filings and procedural default.

6           “(3) In the case of counsel appointed for the  
7           trial or sentencing stages, at least two of the quali-  
8           fications listed in subparagraph (A) and one of the  
9           qualifications listed in subparagraph (B), or one of  
10          the alternative qualifications listed in subparagraph  
11          (C):

12                   “(A) Qualifying trial experience (must  
13                   have two): Prior experience within the last 10  
14                   years as—

15                           “(i) lead or sole counsel in 12 jury  
16                           trials, of which no fewer than five were  
17                           criminal jury trials;

18                           “(ii) lead or sole counsel in three  
19                           criminal jury trials in which the charge  
20                           was murder or aggravated murder;

21                           “(iii) co-counsel in five criminal jury  
22                           trials in which the charge was murder or  
23                           aggravated murder; or

24                           “(iv) lead or sole counsel in no fewer  
25                           than five criminal jury trials involving

1 crimes of violence against persons, punish-  
2 able by imprisonment of over one year;  
3 which were tried to a verdict or to a deadlocked  
4 jury.

5 “(B) Qualifying capital trial experience  
6 (must have one):

7 “(i) lead or sole counsel within the  
8 last five years in the trial of at least one  
9 capital case which was tried through sen-  
10 tencing;

11 “(ii) co-counsel in the trial of no fewer  
12 than two capital cases (one of which oc-  
13 curred within the last five years) which  
14 were tried through sentencing; or

15 “(iii) successful completion within the  
16 preceding two years of a training program  
17 in capital trial litigation that has been cer-  
18 tified by the counsel authority or, if the  
19 authority has not certified a program, suc-  
20 cessful completion of an at least 12-hour  
21 training program in capital trial litigation  
22 for which continuing legal education  
23 (CLE) credit is available, and which the  
24 CLE authority in the State has certified as

1           comporting with the objectives and require-  
2           ments of this section.

3           “(C) Alternative qualifying experience for  
4           trial: Notwithstanding subparagraphs (A) and  
5           (B), an attorney shall be eligible for certifi-  
6           cation pursuant to paragraph (2) or (3) of sub-  
7           section (c) or appointment pursuant to sub-  
8           section (f) if the attorney—

9                   “(i) has participated in three evi-  
10                   dentiary hearings and has been employed  
11                   for more than one year by a capital re-  
12                   source center, a unit or its equivalent that  
13                   specializes in capital cases within a public  
14                   defender office, or a public interest law of-  
15                   fice specializing in capital litigation; or

16                   (ii) has been certified by the State  
17                   capital litigation resource center as com-  
18                   petent to be assigned to a capital trial.

19           “(4) In the case of counsel appointed for appel-  
20           late or unitary review, at least one of the qualifica-  
21           tions listed in subparagraph (A) and one of the  
22           qualifications listed in subparagraph (B), or one of  
23           the alternative qualifications listed in subparagraph  
24           (C):

1           “(A) Qualifying appellate experience (must  
2           have one): Prior experience within the past 5  
3           years as—

4                   “(i) lead or sole counsel in no fewer  
5                   than 10 appeals, of which no fewer than  
6                   five were criminal appeals;

7                   “(ii) lead or sole counsel in no fewer  
8                   than six criminal felony appeals; or

9                   “(iii) lead or sole counsel in three  
10                  criminal felony appeals, at least one of  
11                  which was an appeal of a murder or aggra-  
12                  vated murder conviction;

13           which were fully briefed.

14           “(B) Qualifying capital appellate experi-  
15           ence (must have one):

16                   “(i) lead or sole counsel within the  
17                   last five years in the appeal or unitary re-  
18                   view of at least one capital case;

19                   “(ii) co-counsel in the appeal or uni-  
20                   tary review of no fewer than two capital  
21                   cases, one of which occurred within the  
22                   last five years;

23                   “(iii) successful completion within the  
24                   preceding two years of a training program  
25                   in the litigation of capital appeals that has

1           been certified by the counsel authority or,  
2           if the authority has not certified a pro-  
3           gram, successful completion of an at least  
4           12-hour training program in capital litiga-  
5           tion with a focus on appeals for which con-  
6           tinuing legal education (CLE) credit is  
7           available, and which the CLE authority in  
8           the State has certified as comporting with  
9           the objectives and the requirements of this  
10          section.

11           “(C) Alternative qualifying experience for  
12          appeals: Notwithstanding subparagraphs (A)  
13          and (B), an attorney shall be eligible for certifi-  
14          cation pursuant to paragraph (2) or (3) of sub-  
15          section (c) or for appointment pursuant to sub-  
16          section (f) if the attorney—

17                   “(i) has been employed for more than  
18                   one year by a capital resource center, a  
19                   unit or its equivalent that specializes in  
20                   capital cases within a public defender of-  
21                   fice, or a public interest law office special-  
22                   izing in capital litigation; or

23                   “(ii) has been certified by the State  
24                   capital litigation resource center as com-  
25                   petent to be assigned to a capital appeal.

1           “(5) In the case of counsel appointed for post-  
2 conviction proceedings, at least two of the qualifica-  
3 tions listed in subparagraph (A) and at least one of  
4 the qualifications listed in subparagraph (B), or one  
5 of alternative qualifications listed in subparagraph  
6 (C):

7           “(A) Qualifying post-conviction experience  
8 (must have two): Prior experience within the  
9 past 10 years as—

10           “(i) lead or sole counsel in no fewer  
11 than 3 post-conviction proceedings;

12           “(ii) co-counsel in no fewer than 5  
13 post-conviction proceedings;

14           “(iii) one of the trial qualifications  
15 listed in paragraph (3)(A); or

16           “(iv) one of the appellate qualifica-  
17 tions listed in paragraph (4)(A).

18           “(B) Qualifying capital post-conviction ex-  
19 perience (must have one):

20           “(i) lead or sole counsel within the  
21 last five years in the trial (through sen-  
22 tencing), appeal or post-conviction review  
23 of at least one capital case;

24           “(ii) co-counsel in the trial (through  
25 sentencing), appeal or post-conviction re-

1 view of no fewer than two capital cases,  
2 one of which occurred within the last five  
3 years; or

4 “(iii) successful completion during the  
5 preceding two years of a training program  
6 in the litigation of capital post-conviction  
7 proceedings that has been certified by the  
8 counsel authority or, if the authority has  
9 not certified a program, successful comple-  
10 tion of an at least 12-hour training pro-  
11 gram in capital litigation with a focus on  
12 post-conviction proceedings for which con-  
13 tinuing legal education (CLE) credit is  
14 available, and which the CLE authority in  
15 the State has certified as comporting with  
16 the objectives and requirements of this sec-  
17 tion.

18 “(C) Alternative qualifying experience for  
19 post-conviction proceedings: Notwithstanding  
20 subparagraphs (A) and (B), an attorney shall  
21 be eligible for certification pursuant to para-  
22 graph (2) or (3) of subsection (c) or appoint-  
23 ment pursuant to subsection (f) if the attor-  
24 ney—

1           “(i) has participated in three evi-  
2           dentiary hearings and has been employed  
3           for more than one year by a capital litiga-  
4           tion resource center, by a unit or its equiv-  
5           alent that specializes in capital cases with-  
6           in a public defender office, or by a public  
7           interest law office specializing in capital  
8           litigation; or

9           “(ii) has been certified by the State  
10          capital litigation resource center as com-  
11          petent to be assigned to a capital post-con-  
12          viction proceeding.

13          “(e) APPOINTMENT OF CERTIFIED COUNSEL.—

14                 “(1) The relevant State court shall notify the  
15          counsel authority promptly whenever it is to preside  
16          over a capital proceeding involving an indigent cap-  
17          ital defendant, appellant, or petitioner. The counsel  
18          authority shall designate a defense team as de-  
19          scribed in paragraph (2) within 15 days after receiv-  
20          ing such notice. If the counsel authority designates  
21          a defense team within 15 days after receiving such  
22          notice, the court shall appoint at least two of the  
23          designated attorneys.

24                 “(2) If the counsel authority fails to designate  
25          a defense team within 15 days after receiving the

1 notice required by paragraph (1), the State court  
2 shall appoint at least two attorneys to represent an  
3 indigent at trial, on appeal, and in State post-convic-  
4 tion proceedings, including—

5 “(A) a lead counsel who is on the roster  
6 published pursuant to subsection (c)(5);

7 “(B) a defender organization or resource  
8 center which shall designate appropriate attor-  
9 neys affiliated with the organization, including  
10 a lead counsel who is on the roster published  
11 pursuant to subsection (c)(5); or

12 “(C) a lead counsel certified pursuant to  
13 subsection (c)(4).

14 “(3) Upon a showing of reasonable need, the  
15 relevant State court shall appoint additional counsel  
16 as designated by the counsel authority unless it finds  
17 such appointment to be unnecessary and unreason-  
18 able. The court may appoint additional attorneys not  
19 designated by the counsel authority upon a showing  
20 of reasonable need.

21 “(f) If there is no roster of attorneys published pur-  
22 suant to subsection (c)(5), if no attorney on the roster  
23 can accept the appointment, if no attorney certified pursu-  
24 ant to subsection (c)(4) has been appointed, and if the  
25 counsel authority fails to designate a defense team pursu-

1 ant to subsection (e)(1), the State court shall appoint at  
2 least 2 attorneys to represent an indigent at trial, on ap-  
3 peal, and in State post-conviction proceedings, including—

4 “(1) a lead counsel who possesses the minimum  
5 qualifications required by subsection (d); or

6 “(2) a defender organization or resource center  
7 which shall designate appropriate attorneys affiliated  
8 with the organization, including a lead counsel who  
9 possesses the qualifications required by subsection  
10 (d).

11 No attorney shall be appointed pursuant to this subsection  
12 unless the State court has first conducted an evidentiary  
13 hearing on the record wherein the court determines, after  
14 the lawyer gives sworn testimony and presents documen-  
15 tary proof that the lawyer possesses each of the qualifica-  
16 tions required by subsection (d), that the lawyer possesses  
17 the requisite qualifications. In making its determination,  
18 the Court shall, as to each qualification required by sub-  
19 section (d), make a specific finding on the record that the  
20 attorney possesses the qualification.

21 “(g) No lawyer may be denied certification pursuant  
22 to paragraph (2) or (3) of subsection (c) or appointment  
23 pursuant to subsection (f) solely because of prior employ-  
24 ment as a prosecutor.

1       “(h) If the counsel authority fails to designate a de-  
2 fense team pursuant to subsection (e)(1), the State court  
3 shall, prior to appointing counsel pursuant to subsection  
4 (e)(2) or (f), inquire as to whether counsel maintains a  
5 workload which, by reason of its excessive size, will inter-  
6 fere with the rendering of quality representation or create  
7 a substantial risk of a breach of professional obligations.

8       “(i) If an individual entitled to an appointment of  
9 counsel declines to accept an appointment, the State court  
10 shall conduct, or cause to be conducted, a hearing, at  
11 which the individual and counsel proposed to be appointed  
12 shall be present, to determine the individual’s competence  
13 to decline the appointment, and whether the individual has  
14 competently and knowingly declined it.

15       “(j) If a State court fails to appoint counsel in a pro-  
16 ceeding specified in subsection (a), or if a State court in  
17 a proceeding described in subsection (a)—

18               “(1) fails to appoint the number of counsel re-  
19 quired in subsection (e); or

20               “(2) appoints counsel whose name is not on the  
21 roster published pursuant to (c)(5); or

22               “(3) appoints counsel who has failed to present  
23 a certification issued pursuant to (c)(4); or

24               “(4) when subsection (f) applies, fails to hold  
25 the hearing, receive the requisite testimony and

1 proof, or make the determination required by sub-  
2 section (f); or

3 “(5) fails to appoint at least two members of  
4 the defense team designated by the counsel authority  
5 pursuant to subsection (e)(1)—

6 a Federal court, in a proceeding under this chapter, shall  
7 neither presume findings of fact made at such proceeding  
8 to be correct nor decline to consider a claim on the ground  
9 that it was not raised in such proceeding at the time or  
10 in the manner prescribed by State law.

11 “(k) No attorney appointed to represent an indigent  
12 in State post-conviction proceedings shall have previously  
13 represented the indigent at trial or on direct appeal in the  
14 case for which the appointment is made, unless the indi-  
15 gent and attorney expressly request continued representa-  
16 tion.

17 “(l)(1) Notwithstanding the rates and maximum lim-  
18 its generally applicable to criminal cases and any other  
19 provision of law to the contrary, and after consultation  
20 with the counsel authority, the highest State court with  
21 jurisdiction over criminal cases shall, at least once every  
22 two years, after notice and comment, establish a schedule  
23 of hourly rates for the compensation of attorneys ap-  
24 pointed pursuant to this section that are reasonable in  
25 light of the qualifications of attorneys appointed and the

1 local practices for legal representation in cases reflecting  
2 the complexity and responsibility of capital cases. Attor-  
3 neys appointed pursuant to this section shall submit their  
4 request for fees and expenses to the counsel authority, on  
5 an interim basis or at the conclusion of the proceeding.  
6 The authority shall certify for payment by the court com-  
7 pensation for hours the attorneys reasonably expended on  
8 the case and for reasonable expenses paid for investigative,  
9 expert, and other reasonably necessary services. The rel-  
10 evant State court, within forty-five days after receipt from  
11 the authority, shall order payment in the amount certified  
12 by the authority, unless it determines that an expenditure  
13 was unreasonably incurred. Final review of disputes over  
14 fees may be sought in the highest State court having juris-  
15 diction over criminal cases by counsel appointed pursuant  
16 to this section.

17       “(2) Any aggrieved party may bring a private cause  
18 of action in Federal district court to enforce the provisions  
19 of this subsection for the establishment of a schedule of  
20 reasonable hourly rates for the compensation of attorneys  
21 appointed pursuant to this section. In such an action, the  
22 Federal court shall decide whether the hourly rates as  
23 scheduled by the State court are reasonable consistent  
24 with the criteria set forth in this subsection. If the court  
25 determines that the hourly rates as scheduled are not rea-

1 sonable, or if no schedule of rates has been established,  
2 the court shall grant appropriate injunctive or declaratory  
3 relief. The court shall grant no relief that obstructs the  
4 prosecution of State criminal proceedings at any stage.

5       “(m) The ineffectiveness or incompetence of counsel  
6 appointed pursuant to this section during State or Federal  
7 post-conviction proceedings shall not be a ground for relief  
8 in a proceeding arising under section 2254 of this title.  
9 This limitation shall not preclude the appointment of dif-  
10 ferent counsel at any phase of State or Federal post-con-  
11 viction proceedings.

12       “(n) Nothing in this section changes the constitu-  
13 tional standard governing claims of ineffective assistance  
14 of counsel pursuant to the sixth amendment to the Con-  
15 stitution of the United States. A determination of non-  
16 compliance with this section (as opposed to the facts which  
17 support such a determination) shall not provide a basis  
18 for a claim of constitutionally ineffective assistance of  
19 counsel.

20       “(o) The requirements of this section shall apply to  
21 any appointment of counsel made after the effective date  
22 of subsection (a) in any trial, direct appeal or unitary re-  
23 view of a capital indigent. Counsel shall be appointed as  
24 provided in this section in any post-conviction proceeding  
25 commenced after the effective date of subsection (a). In

1 no case shall counsel appointed for a proceeding com-  
2 menced before the effective date of subsection (a) be sub-  
3 ject to the requirements of this section, nor shall any per-  
4 son whose counsel was appointed for any trial, appeal,  
5 post-conviction or unitary review before the effective date  
6 of subsection (a) be entitled to any relief, including appli-  
7 cation of subsection (j) of this section, based on a claim  
8 that counsel was not appointed in conformity with sub-  
9 section (e) or (f) of this section.”.

10 **SEC. 307. CAPITAL LITIGATION FUNDING.**

11 (a) Part E of title I of the Omnibus Crime Control  
12 and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.)  
13 is amended by adding at the end the following new section:

14 “SEC. 515. Notwithstanding any other provision of  
15 this title, the Director shall provide grants to the States,  
16 from the funding allocated pursuant to section 511, for  
17 the purpose of supporting litigation pertaining to Federal  
18 habeas corpus petitions in capital cases. The total funding  
19 available for such grants within any fiscal year shall be  
20 equal to the funding provided to capital resource centers,  
21 pursuant to Federal appropriation, in the same fiscal  
22 year.”.

23 (b) GRANTS FOR STATE COUNSEL.—

1           (1) Title I of the Omnibus Crime Control and  
2           Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.)  
3           is amended—

4           (i) by redesignating part R as part S;

5           (ii) by redesignating section 1801 as section  
6           1901; and

7           (iii) by inserting after part Q the following new  
8           part:

9           **“PART R—GRANTS FOR STATE COUNSEL**

10          **“SEC. 1801. GRANT AUTHORIZATION.**

11          “The Director of the Bureau of Justice Assistance  
12 shall make grants to States from amounts appropriated  
13 to carry out this part for the use by States and by local  
14 entities in the States to comply with section 2258 of title  
15 28, United States Code.

16          **“SEC. 1802. STATE APPLICATIONS.**

17          “(a) IN GENERAL.—(1) To request a grant under  
18 this part, the chief executive of a State shall submit an  
19 application to the Director in such form and containing  
20 such information as the Director may reasonably require.

21          “(2) An application under paragraph (1) shall include  
22 assurances that Federal funds received under this part  
23 shall be used to supplement, not supplant, non-Federal  
24 funds that would otherwise be available for activities fund-  
25 ed under this part.

1       “(b) STATE OFFICE.—The office designated under  
2 section 507 of title 1—

3           “(1) shall prepare the application required  
4 under this section; and

5           “(2) shall administer grant funds received  
6 under this part, including review of spending, proc-  
7 essing, progress, financial reporting, technical assist-  
8 ance, grant adjustments, accounting, auditing, and  
9 fund disbursement.

10 **“SEC. 1803. REVIEW OF STATE APPLICATIONS.**

11       “(a) IN GENERAL.—The Director shall make a grant  
12 under section 1801 to carry out the activities described  
13 in the application submitted by an applicant under section  
14 1802 upon determining that—

15           “(1) the application is consistent with the re-  
16 quirements of this part; and

17           “(2) before the approval of the application, the  
18 Director has made an affirmative finding in writing  
19 that the proposed activities have been reviewed in  
20 accordance with this part.

21       “(b) APPROVAL.—Each application submitted under  
22 section 1802 shall be considered approved, in whole or in  
23 part, by the Director not later than 45 days after first  
24 received unless the Director informs the applicant of spe-  
25 cific reasons for disapproval.

1       “(c) DISAPPROVAL NOTICE AND RECONSIDER-  
2       ATION.—The Director shall not disapprove any application  
3       without first affording the applicant reasonable notice and  
4       an opportunity for reconsideration.

5       **“SEC. 1804. DISTRIBUTION OF FUNDS.**

6       “The Federal share of a grant made under this part  
7       may not exceed—

8               “(1) 75 percent of the cost of carrying out a  
9       State’s programs under this part for each of the fis-  
10      cal years 1994, 1995, and 1996; and

11              “(2) 50 percent of such cost for any subsequent  
12      fiscal year.

13      **“SEC. 1805. EVALUATION.**

14      “(a) IN GENERAL.—(1) Each State that receives a  
15      grant under this part shall submit to the Director an eval-  
16      uation not later than March 1 of each year in accordance  
17      with guidelines issued by the Director.

18      “(2) The Director may waive the requirement speci-  
19      fied in subsection (a) if the Director determines that such  
20      evaluation is not warranted in the case of the State in-  
21      volved.

22      “(b) DISTRIBUTION.—The Director shall make avail-  
23      able to the public, on a timely basis, evaluations received  
24      under subsection (a).

1       “(c) ADMINISTRATIVE COSTS.—A State or local en-  
2 tity may use not more than 5 percent of the funds it re-  
3 ceives under this part to develop an evaluation program  
4 under this section.”.

5       (2) TECHNICAL AMENDMENT.—The table of contents  
6 of title I of the Omnibus Crime Control and Safe Streets  
7 Act of 1968 (42 U.S.C. 3711 et seq.) is amended by strik-  
8 ing the matter relating to part R and inserting the follow-  
9 ing:

“PART R—GRANTS FOR STATE COUNSEL.

“Sec. 1801. Grant authorization.

“Sec. 1802. State applications.

“Sec. 1803. Review of State applications.

“Sec. 1804. Distribution of funds.

“Sec. 1805. Evaluation.

10       (3) AUTHORIZATION OF APPROPRIATIONS.—Section  
11 1001(a) of title I of the Omnibus Crime Control and Safe  
12 Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by  
13 adding at the end the following new paragraph.

14       “(12) There are authorized to be appropriated  
15 such sums as may be necessary in each fiscal year  
16 to carry out activities under Part R.”.

17 **SEC. 308. CERTIFICATION OF COMPLIANCE.**

18       Subpart I of part E of title I of the Omnibus Crime  
19 Control and Safe Streets Act of 1968, as amended, is  
20 amended at the end by adding the following section:

21       “In any application for a grant under this subpart,  
22 a State in which a sentence of death may be imposed shall

1 certify whether it will comply with the provisions of section  
2 2258 of title 28, United States Code. If the State elects  
3 not to certify that it will comply with the provisions of  
4 such section, the amount of funds which the State is eligi-  
5 ble to receive under this subpart shall be reduced by 75  
6 percent. If the State certifies that it will comply with the  
7 provisions of section 2258 of title 28, United States Code,  
8 the amount of funds which the State is eligible to receive  
9 under this subpart shall not be reduced by virtue of any  
10 failure or alleged failure to carry out any of the require-  
11 ments of section 2258 of title 28, United States Code. The  
12 sole enforcement mechanisms for the requirements set  
13 forth in section 2258 of title 28, United States Code, shall  
14 be those provided in that section, to which the State shall  
15 be deemed to have consented by certifying that it will com-  
16 ply with the provisions of section 2258 of title 28, United  
17 States Code.”.

18 **SEC. 309. TABLE OF SECTIONS.**

19 The table of sections at the beginning of chapter 153  
20 of title 28, United States Code, is amended—

21 (1) by conforming the entry for Sec. 2242 in accord-  
22 ance with Sec. 302 of this title; and

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

“2256. Capital cases; new evidence.

“2257. Law applicable.

“2258. Counsel in capital cases; State court.”.

1 **SEC. 310. EFFECTIVE DATE.**

2 (a) Except as provided in subsection (b), this title  
3 shall take effect 180 days after the date of the enactment  
4 of this Act.

5 (b) Section 2258(b) of title 28, United States Code,  
6 as added by section 306, shall take effect on the date of  
7 the enactment of this Act.

8 **TITLE IV—COERCED**  
9 **CONFESSIONS**

10 **SEC. 401. COERCED CONFESSIONS.**

11 The admission into evidence of a coerced confession  
12 shall not be considered harmless error. If, in any proceed-  
13 ing, a Federal court determines that a criminal judgment  
14 was obtained in violation of the Constitution of the United  
15 States, the court shall grant relief unless, in the case of  
16 a Constitutional violation that can be harmless, the viola-  
17 tion was harmless beyond a reasonable doubt. For the pur-  
18 poses of this section, a confession is coerced if it is elicited  
19 involuntarily in violation of the fifth or fourteenth articles  
20 of amendment to the Constitution of the United States.

1                   **TITLE V—FIREARMS**  
2                   **Subtitle A—Brady Handgun**  
3                   **Violence Prevention Act**

4 **SEC. 501. FEDERAL FIREARMS LICENSEE REQUIRED TO**  
5                   **CONDUCT CRIMINAL BACKGROUND CHECK**  
6                   **BEFORE TRANSFER OF FIREARM TO**  
7                   **NONLICENSEE.**

8           (a) INTERIM PROVISION.—

9               (1) IN GENERAL.—Section 922 of title 18,  
10           United States Code, is amended by adding at the  
11           end the following:

12           “(s)(1) Beginning on the date that is 90 days after  
13           the date of enactment of this subsection and ending on  
14           the day before the date that the Attorney General certifies  
15           under section 502(d)(1) of the Violent Crime Control and  
16           Law Enforcement Act of 1993 that the national instant  
17           criminal background check system is established (except  
18           as provided in paragraphs (2) and (3) of such section),  
19           it shall be unlawful for any licensed importer, licensed  
20           manufacturer, or licensed dealer to sell, deliver, or transfer  
21           a handgun to an individual who is not licensed under sec-  
22           tion 923, unless—

23               “(A) after the most recent proposal of such  
24           transfer by the transferee—

25               “(i) the transferor has—

1           “(I) received from the transferee a  
2           statement of the transferee containing the  
3           information described in paragraph (3);

4           “(II) verified the identity of the trans-  
5           feree by examining the identification docu-  
6           ment presented;

7           “(III) within 1 day after the trans-  
8           feree furnishes the statement, provided no-  
9           tice of the contents of the statement to the  
10          chief law enforcement officer of the place  
11          of residence of the transferee; and

12          “(IV) within 1 day after the trans-  
13          feree furnishes the statement, transmitted  
14          a copy of the statement to the chief law  
15          enforcement officer of the place of resi-  
16          dence of the transferee; and

17          “(ii)(I) 5 business days (as defined by days  
18          in which State offices are open) have elapsed  
19          from the date the transferor furnished notice of  
20          the contents of the statement to the chief law  
21          enforcement officer, during which period the  
22          transferor has not received information from  
23          the chief law enforcement officer that receipt or  
24          possession of the handgun by the transferee

1 would be in violation of Federal, State, or local  
2 law; or

3 “(II) the transferor has received notice  
4 from the chief law enforcement officer that the  
5 officer has no information indicating that re-  
6 ceipt or possession of the handgun by the trans-  
7 feree would violate Federal, State, or local law;

8 “(B) the transferee has presented to the trans-  
9 feror a written statement, issued by the chief law en-  
10 forcement officer of the place of residence of the  
11 transferee during the 10-day period ending on the  
12 date of the most recent proposal of such transfer by  
13 the transferee, stating that the transferee requires  
14 access to a handgun because of a threat to the life  
15 of the transferee or of any member of the household  
16 of the transferee;

17 “(C)(i) the transferee has presented to the  
18 transferor a permit that—

19 “(I) allows the transferee to possess a  
20 handgun; and

21 “(II) was issued not more than 5 years  
22 earlier by the State in which the transfer is to  
23 take place; and

24 “(ii) the law of the State provides that such a  
25 permit is to be issued only after an authorized gov-

1       ernment official has verified that the information  
2       available to such official does not indicate that pos-  
3       session of a handgun by the transferee would be in  
4       violation of law;

5           “(D) the law of the State requires that, before  
6       any licensed importer, licensed manufacturer, or li-  
7       censed dealer completes the transfer of a handgun to  
8       an individual who is not licensed under section 923,  
9       an authorized government official verify that the in-  
10      formation available to such official does not indicate  
11      that possession of a handgun by the transferee  
12      would be in violation of law, except that this sub-  
13      paragraph shall not apply to a State that, on the  
14      date of certification pursuant to section 502(d) of  
15      the Violent Crime Control and Law Enforcement  
16      Act of 1993, is not in compliance with the timetable  
17      established pursuant to section 502(c) of such Act;

18           “(E) the Secretary has approved the transfer  
19      under section 5812 of the Internal Revenue Code of  
20      1986; or

21           “(F) on application of the transferor, the Sec-  
22      retary has certified that compliance with subpara-  
23      graph (A)(i)(III) is impracticable because—

24                   “(i) the ratio of the number of law enforce-  
25                   ment officers of the State in which the transfer

1 is to occur to the number of square miles of  
2 land area of the State does not exceed 0.0025;

3 “(ii) the business premises of the trans-  
4 feror at which the transfer is to occur are ex-  
5 tremely remote in relation to the chief law en-  
6 forcement officer; and

7 “(iii) there is an absence of telecommuni-  
8 cations facilities in the geographical area in  
9 which the business premises are located.

10 “(2) A chief law enforcement officer to whom a trans-  
11 feror has provided notice pursuant to paragraph  
12 (1)(A)(i)(III) shall make a reasonable effort to ascertain  
13 within 5 business days whether the transferee has a crimi-  
14 nal record or whether there is any other legal impediment  
15 to the transferee’s receiving a handgun, including research  
16 in whatever State and local recordkeeping systems are  
17 available and in a national system designated by the Attor-  
18 ney General.

19 “(3) The statement referred to in paragraph  
20 (1)(A)(i)(I) shall contain only—

21 “(A) the name, address, and date of birth ap-  
22 pearing on a valid identification document (as de-  
23 fined in section 1028(d)(1) of this title) of the trans-  
24 feree containing a photograph of the transferee and  
25 a description of the identification used;

1 “(B) a statement that transferee—

2 “(i) is not under indictment for, and has  
3 not been convicted in any court of, a crime pun-  
4 ishable by imprisonment for a term exceeding 1  
5 year;

6 “(ii) is not a fugitive from justice;

7 “(iii) is not an unlawful user of or addicted  
8 to any controlled substance (as defined in sec-  
9 tion 102 of the Controlled Substances Act);

10 “(iv) has not been adjudicated as a mental  
11 defective or been committed to a mental institu-  
12 tion;

13 “(v) is not an alien who is illegally or un-  
14 lawfully in the United States;

15 “(vi) has not been discharged from the  
16 Armed Forces under dishonorable conditions;  
17 and

18 “(vii) is not a person who, having been a  
19 citizen of the United States, has renounced  
20 such citizenship;

21 “(C) the date the statement is made; and

22 “(D) notice that the transferee intends to ob-  
23 tain a handgun from the transferor.

24 “(4) Any transferor of a handgun who, after such  
25 transfer, receives a report from a chief law enforcement

1 officer containing information that receipt or possession  
2 of the handgun by the transferee violates Federal, State,  
3 or local law shall immediately communicate all information  
4 the transferor has about the transfer and the transferee  
5 to—

6           “(A) the chief law enforcement officer of the  
7           place of business of the transferor; and

8           “(B) the chief law enforcement officer of the  
9           place of residence of the transferee.

10          “(5) Any transferor who receives information, not  
11 otherwise available to the public, in a report under this  
12 subsection shall not disclose such information except to  
13 the transferee, to law enforcement authorities, or pursuant  
14 to the direction of a court of law.

15          “(6)(A) Any transferor who sells, delivers, or other-  
16 wise transfers a handgun to a transferee shall retain the  
17 copy of the statement of the transferee with respect to  
18 the handgun transaction, and shall retain evidence that  
19 the transferor has complied with subclauses (III) and (IV)  
20 of paragraph (1)(A)(i) with respect to the statement.

21          “(B) Unless the chief law enforcement officer to  
22 whom a statement is transmitted under paragraph  
23 (1)(A)(i)(IV) determines that a transaction would violate  
24 Federal, State, or local law—

1           “(i) the officer shall, within 20 business days  
2 after the date the transferee made the statement on  
3 the basis of which the notice was provided, destroy  
4 the statement and any record containing information  
5 derived from the statement;

6           “(ii) the information contained in the statement  
7 shall not be conveyed to any person except a person  
8 who has a need to know in order to carry out this  
9 subsection; and

10           “(iii) the information contained in the state-  
11 ment shall not be used for any purpose other than  
12 to carry out this subsection.

13           “(7) A chief law enforcement officer or other person  
14 responsible for providing criminal history background in-  
15 formation pursuant to this subsection shall not be liable  
16 in an action at law for damages—

17           “(A) for failure to prevent the sale or transfer  
18 of a handgun to a person whose receipt or posses-  
19 sion of the handgun is unlawful under this section;  
20 or

21           “(B) for preventing such a sale or transfer to  
22 a person who may lawfully receive or possess a  
23 handgun.

24           “(8) For purposes of this subsection, the term ‘chief  
25 law enforcement officer’ means the chief of police, the

1 sheriff, or an equivalent officer or the designee of any such  
2 individual.

3 “(9) The Secretary shall take necessary actions to en-  
4 sure that the provisions of this subsection are published  
5 and disseminated to licensed dealers, law enforcement offi-  
6 cials, and the public.”.

7 (2) HANDGUN DEFINED.—Section 921(a) of  
8 such title is amended by adding at the end the fol-  
9 lowing:

10 “(29) The term ‘handgun’ means—

11 “(A) a firearm which has a short stock and is  
12 designed to be held and fired by the use of a single  
13 hand; and

14 “(B) any combination of parts from which a  
15 firearm described in subparagraph (A) can be as-  
16 sembled.”.

17 (b) PERMANENT PROVISION.—Section 922 of title  
18 18, United States Code, as amended by subsection (a)(1)  
19 of this section, is amended by adding at the end the follow-  
20 ing:

21 “(t)(1) Beginning on the date that the Attorney Gen-  
22 eral certifies under section 502(d)(1) of the Violent Crime  
23 Control and Law Enforcement Act of 1993 that the na-  
24 tional instant criminal background check system is estab-  
25 lished (except as provided in paragraphs (2) and (3) of

1 such section), a licensed importer, licensed manufacturer,  
2 or licensed dealer shall not transfer a firearm to any other  
3 person who is not such a licensee, unless—

4           “(A) before the completion of the transfer, the  
5 licensee contacts the national instant criminal back-  
6 ground check system established under section 503  
7 of such Act;

8           “(B) the system notifies the licensee that the  
9 system has not located any record that demonstrates  
10 that the receipt of a firearm by such other person  
11 would violate subsection (g) or (n) of this section or  
12 any State or local law; and

13           “(C) the transferor has verified the identity of  
14 the transferee by examining a valid identification  
15 document (as defined in section 1028(d)(1) of this  
16 title) of the transferee containing a photograph of  
17 the transferee.

18           “(2) Paragraph (1) shall not apply to a firearm  
19 transfer between a licensee and another person if—

20           “(A)(i) such other person has presented to the  
21 licensee a permit that—

22           “(I) allows such other person to possess a  
23 firearm; and

1           “(II) was issued not more than 5 years  
2 earlier by the State in which the transfer is to  
3 take place; and

4           “(ii) the law of the State provides that such a  
5 permit is to be issued only after an authorized gov-  
6 ernment official has verified that the information  
7 available to such official does not indicate that pos-  
8 session of a firearm by such other person would be  
9 in violation of law;

10           “(B) the Secretary has approved the transfer  
11 under section 5812 of the Internal Revenue Code of  
12 1986; or

13           “(C) on application of the transferor, the Sec-  
14 retary has certified that compliance with paragraph  
15 (1)(A) is impracticable because—

16           “(i) the ratio of the number of law enforce-  
17 ment officers of the State in which the transfer  
18 is to occur to the number of square miles of  
19 land area of the State does not exceed 0.0025;

20           “(ii) the business premises of the licensee  
21 at which the transfer is to occur are extremely  
22 remote in relation to the chief law enforcement  
23 officer (as defined in subsection (u)(8)); and

1           “(iii) there is an absence of telecommuni-  
2           cations facilities in the geographical area in  
3           which the business premises are located.

4           “(3) If the national instant criminal background  
5 check system notifies the licensee that the information  
6 available to the system does not demonstrate that the re-  
7 ceipt of a firearm by such other person would violate sub-  
8 section (g) or (n), and the licensee transfers a firearm to  
9 such other person, the licensee shall include in the record  
10 of the transfer the unique identification number provided  
11 by the system with respect to the transfer.

12          “(4) In addition to the authority provided under sec-  
13 tion 923(e), if the licensee knowingly transfers a firearm  
14 to such other person and knowingly fails to comply with  
15 paragraph (1) of this subsection with respect to the trans-  
16 fer and, at the time such other person most recently pro-  
17 posed the transfer, the national instant criminal back-  
18 ground check system was operating and information was  
19 available to the system demonstrating that receipt of a  
20 firearm by such other person would violate subsection (g)  
21 or (n) of this section, the Secretary may, after notice and  
22 opportunity for a hearing, suspend for not more than 6  
23 months or revoke any license issued to the licensee under  
24 section 923, and may impose on the licensee a civil fine  
25 of not more than \$5,000.

1 “(5) Neither a local government nor an employee of  
2 the Federal Government or of any State or local govern-  
3 ment, responsible for providing information to the national  
4 instant criminal background check system shall be liable  
5 in an action at law for damages—

6 “(A) for failure to prevent the sale or transfer  
7 of a handgun to a person whose receipt or posses-  
8 sion of the handgun is unlawful under this section;  
9 or

10 “(B) for preventing such a sale or transfer to  
11 a person who may lawfully receive or possess a  
12 handgun.”.

13 (c) PENALTY.—Section 924(a) of title 18, United  
14 States Code, is amended—

15 (1) in paragraph (1), by striking “paragraph  
16 (2) or (3) of”; and

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

18 “(5) Whoever knowingly violates subsection (s) or (t)  
19 of section 922 shall be fined not more than \$1,000, impris-  
20 oned for not more than 1 year, or both.”.

21 **SEC. 502. NATIONAL INSTANT CRIMINAL BACKGROUND**  
22 **CHECK SYSTEM.**

23 (a) ESTABLISHMENT OF SYSTEM.—The Attorney  
24 General of the United States shall establish a national in-  
25 stant criminal background check system that any licensee

1 may contact for information on whether receipt of a fire-  
2 arm by a prospective transferee thereof would violate sub-  
3 section (g) or (n) of section 922 of title 18, United States  
4 Code, or any State or local law.

5 (b) EXPEDITED ACTION BY THE ATTORNEY GEN-  
6 ERAL.—The Attorney General shall expedite—

7 (1) the upgrading and indexing of State crimi-  
8 nal history records in the Federal criminal records  
9 system maintained by the Federal Bureau of Inves-  
10 tigation;

11 (2) the development of hardware and software  
12 systems to link State criminal history check systems  
13 into the national instant criminal background check  
14 system established by the Attorney General pursuant  
15 to this section; and

16 (3) the current revitalization initiatives by the  
17 Federal Bureau of Investigation for technologically  
18 advanced fingerprint and criminal records identifica-  
19 tion.

20 (c) PROVISION OF STATE CRIMINAL RECORDS TO  
21 THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK  
22 SYSTEM.—(1) Not later than 6 months after the date of  
23 enactment of this Act, the Attorney General shall—

24 (A) determine the type of computer hardware  
25 and software that will be used to operate the na-

1 tional instant criminal background check system and  
2 the means by which State criminal records systems  
3 will communicate with the national system;

4 (B) investigate the criminal records system of  
5 each State and determine for each State a timetable  
6 by which the State should be able to provide crimi-  
7 nal records on an on line capacity basis to the na-  
8 tional system;

9 (C) notify each State of the determinations  
10 made pursuant to subparagraphs (A) and (B).

11 (2) The Attorney General shall require as a part of  
12 the State timetable that the State achieve, by the end of  
13 5 years after the date of enactment of this Act, at least  
14 80 percent currency of case dispositions in computerized  
15 criminal history files for all cases in which there has been  
16 an event of activity within the last 5 years and continue  
17 to maintain such a system.

18 (d) NATIONAL SYSTEM CERTIFICATION.—(1) On the  
19 date that is 30 months after the date of enactment of this  
20 Act, and at any time thereafter, the Attorney General shall  
21 determine whether—

22 (A) the national system has achieved at least  
23 80 percent currency of case dispositions in comput-  
24 erized criminal history files for all cases in which

1       there has been an event of activity within the last  
2       5 years on a national average basis; and

3               (B) the States are in compliance with the time-  
4       table established pursuant to subsection (c),  
5 and, if so, shall certify that the national system is estab-  
6 lished.

7       (2) If, on the date of certification in paragraph (1)  
8 of this subsection, a State is not in compliance with the  
9 timetable established pursuant to subsection (c) of this  
10 section, section 922(s) of title 18, United States Code,  
11 shall remain in effect in such State and section 922(t) of  
12 such title shall not apply to the State. The Attorney Gen-  
13 eral shall certify if a State subject to the provisions of  
14 section 922(s) under the preceding sentence achieves com-  
15 pliance with its timetable after the date of certification  
16 in paragraph (1) of this subsection, and section 922(s) of  
17 title 18, United States Code, shall not apply to such State  
18 and section 922(t) of such title shall apply to the State.

19       (3) Six years after the date of enactment of this Act,  
20 the Attorney General shall certify whether or not a State  
21 is in compliance with subsection (c)(2) of this section and  
22 if the State is not in compliance, section 922(s) of title  
23 18, United States Code, shall apply to the State and sec-  
24 tion 922(t) of such title shall not apply to the State. The  
25 Attorney General shall certify if a State subject to the pro-

1 visions of section 922(s) under the preceding sentence  
2 achieves compliance with the standards in subsection  
3 (c)(2) of this section, and section 922(s) of title 18, United  
4 States Code, shall not apply to the State and section  
5 922(t) of such title shall apply to the State.

6 (e) NOTIFICATION OF LICENSEES.—On establish-  
7 ment of the system under this section, the Attorney Gen-  
8 eral shall notify each licensee and the chief law enforce-  
9 ment officer of each State of the existence and purpose  
10 of the system and the means to be used to contact the  
11 system.

12 (f) ADMINISTRATIVE PROVISIONS.—

13 (1) AUTHORITY TO OBTAIN OFFICIAL INFORMA-  
14 TION.—Notwithstanding any other law, the Attorney  
15 General may secure directly from any department or  
16 agency of the United States such information on  
17 persons for whom receipt of a firearm would violate  
18 subsection (g) or (n) of section 922 of title 18, Unit-  
19 ed States Code, or any State or local law, as is nec-  
20 essary to enable the system to operate in accordance  
21 with this section. On request of the Attorney Gen-  
22 eral, the head of such department or agency shall  
23 furnish such information to the system.

24 (2) OTHER AUTHORITY.—The Attorney General  
25 shall develop such computer software, design and ob-

1       tain such telecommunications and computer hard-  
2       ware, and employ such personnel, as are necessary  
3       to establish and operate the system in accordance  
4       with this section.

5       (g) CORRECTION OF ERRONEOUS SYSTEM INFORMA-  
6       TION.—If the system established under this section in-  
7       forms an individual contacting the system that receipt of  
8       a firearm by a prospective transferee would violate sub-  
9       section (g) or (n) of section 922 of title 18, United States  
10      Code, or any State or local law, the prospective transferee  
11      may request the Attorney General to provide the prospec-  
12      tive transferee with the reasons therefor. Upon receipt of  
13      such a request, the Attorney General shall immediately  
14      comply with the request. The prospective transferee may  
15      submit to the Attorney General information that to cor-  
16      rect, clarify, or supplement records of the system with re-  
17      spect to the prospective transferee. After receipt of such  
18      information, the Attorney General shall immediately con-  
19      sider the information, investigate the matter further, and  
20      correct all erroneous Federal records relating to the pro-  
21      spective transferee and give notice of the error to any Fed-  
22      eral department or agency or any State that was the  
23      source of such erroneous records.

24      (h) REGULATIONS.—After 90 days notice to the pub-  
25      lic and an opportunity for hearing by interested parties,

1 the Attorney General shall prescribe regulations to ensure  
2 the privacy and security of the information of the system  
3 established under this section.

4 (i) PROHIBITIONS RELATING TO ESTABLISHMENT OF  
5 REGISTRATION SYSTEMS WITH RESPECT TO FIREARMS.—

6 No department, agency, officer, or employee of the United  
7 States may—

8 (1) require that any record or portion thereof  
9 maintained by the system established under this sec-  
10 tion be recorded at or transferred to a facility  
11 owned, managed, or controlled by the United States  
12 or any State or political subdivision thereof; or

13 (2) use the system established under this sec-  
14 tion to establish any system for the registration of  
15 firearms, firearm owners, or firearm transactions or  
16 dispositions, except with respect to persons prohib-  
17 ited by section 922(g) or (n) of title 18, United  
18 States Code, from receiving a firearm.

19 (j) DEFINITIONS.—As used in this section:

20 (1) LICENSEE.—The term “licensee” means a  
21 licensed importer, licensed manufacturer, or licensed  
22 dealer under section 923 of title 18, United States  
23 Code.

24 (2) OTHER TERMS.—The terms “firearm”, “li-  
25 censed importer”, “licensed manufacturer”, and “li-

1 censed dealer” have the meanings stated in section  
2 921(a) (3), (9), (10), and (11), respectively, of title  
3 18, United States Code.

4 **SEC. 503. FUNDING FOR IMPROVEMENT OF CRIMINAL**  
5 **RECORDS.**

6 (a) IMPROVEMENTS IN STATE RECORDS.—

7 (1) USE OF FORMULA GRANTS.—Section 509(b)  
8 of title I of the Omnibus Crime Control and Safe  
9 Streets Act of 1968 (42 U.S.C. 3759(b)) is amend-  
10 ed—

11 (A) in paragraph (2) by striking “and”  
12 after the semicolon;

13 (B) in paragraph (3) by striking the period  
14 and inserting “; and”; and

15 (C) by adding at the end the following new  
16 paragraph:

17 “(4) the improvement of State record systems  
18 and the sharing with the Attorney General of all of  
19 the records described in paragraphs (1), (2), and (3)  
20 of this subsection and the records required by the  
21 Attorney General under section 502 of the Violent  
22 Crime Control and Law Enforcement Act of 1993,  
23 for the purpose of implementing such Act.”.

24 (2) ADDITIONAL FUNDING.—

1 (A) GRANTS FOR THE IMPROVEMENT OF  
2 CRIMINAL RECORDS.—The Attorney General,  
3 through the Bureau of Justice Statistics, shall,  
4 subject to appropriations and with preference to  
5 States that as of the date of enactment of this  
6 Act have the lowest percent currency of case  
7 dispositions in computerized criminal history  
8 files, make a grant to each State to be used—

9 (i) for the creation of a computerized  
10 criminal history record system or improve-  
11 ment of an existing system;

12 (ii) to improve accessibility to the na-  
13 tional instant criminal background system;  
14 and

15 (iii) upon establishment of the na-  
16 tional system, to assist the State in the  
17 transmittal of criminal records to the na-  
18 tional system.

19 (B) AUTHORIZATION OF APPROPRIA-  
20 TIONS.—There are authorized to be appro-  
21 priated for grants under subparagraph (A) a  
22 total of \$100,000,000 for fiscal year 1994 and  
23 all fiscal years thereafter.

24 (b) WITHHOLDING STATE FUNDS.—Effective on the  
25 date of enactment of this Act the Attorney General may

1 reduce by up to 50 percent the allocation to a State for  
2 a fiscal year under title I of the Omnibus Crime Control  
3 and Safe Streets Act of 1968 of a State that is not in  
4 compliance with the timetable established for such State  
5 under section 502(c) of this Act.

6 (c) WITHHOLDING OF DEPARTMENT OF JUSTICE  
7 FUNDS.—If the Attorney General does not certify the na-  
8 tional instant criminal background check system pursuant  
9 to section 502(d)(1) by—

10 (1) 30 months after the date of enactment of  
11 this Act the general administrative funds appro-  
12 priated to the Department of Justice for the fiscal  
13 year beginning in the calendar year in which the  
14 date that is 30 months after the date of enactment  
15 of this Act falls shall be reduced by 5 percent on a  
16 monthly basis; and

17 (2) 42 months after the date of enactment of  
18 this Act the general administrative funds appro-  
19 priated to the Department of Justice for the fiscal  
20 year beginning in the calendar year in which the  
21 date that is 42 months after the date of enactment  
22 of this Act falls shall be reduced by 10 percent on  
23 a monthly basis.

1     **Subtitle B—Gun Crime Penalties**

2     **SEC. 504. ENHANCED PENALTY FOR USE OF A SEMIAUTO-**  
3                   **MATIC FIREARM DURING A CRIME OF VIO-**  
4                   **LENCE OR A DRUG TRAFFICKING CRIME.**

5           (a) AMENDMENT TO SENTENCING GUIDELINES.—  
6 Pursuant to its authority under section 994 of title 28,  
7 United States Code, the United States Sentencing Com-  
8 mission shall amend its sentencing guidelines to provide  
9 an appropriate enhancement of the punishment for a  
10 crime of violence (as defined in section 924(c)(3) of title  
11 18, United States Code) or a drug trafficking crime (as  
12 defined in section 924(c)(2) of title 18, United States  
13 Code) if a semiautomatic firearm is involved.

14          (b) SEMIAUTOMATIC FIREARM.—As used in sub-  
15 section (a), the term “semiautomatic firearm” means any  
16 repeating firearm which utilizes a portion of the energy  
17 of a firing cartridge to extract the fired cartridge case and  
18 chamber the next round, and which requires a separate  
19 pull of the trigger to fire each cartridge.

20     **SEC. 505. ENHANCED PENALTY FOR SECOND OFFENSE OF**  
21                   **USING AN EXPLOSIVE TO COMMIT A FELONY.**

22          Pursuant to its authority under section 994 of title  
23 28, United States Code, the United States Sentencing  
24 Commission shall promulgate amendments to its sentenc-  
25 ing guidelines to provide an appropriate enhancement or

1 penalties where a defendant convicted under section  
2 844(h) of title 18, United States Code, has previously been  
3 convicted under that section.

4 **SEC. 506. SMUGGLING FIREARMS IN AID OF DRUG TRAF-**  
5 **FICKING.**

6 Section 924 of title 18, United States Code, is  
7 amended by adding at the end the following:

8 “(i) Whoever, with the intent to engage in or to pro-  
9 mote conduct which—

10 “(1) is punishable under the Controlled Sub-  
11 stances Act (21 U.S.C. 801 et seq.), the Controlled  
12 Substances Import and Export Act (21 U.S.C. 951  
13 et seq.), or the Maritime Drug Law Enforcement  
14 Act (46 U.S.C. App. 1901 et seq.);

15 “(2) violates any law of a State relating to any  
16 controlled substance (as defined in section 102 of  
17 the Controlled Substances Act, 21 U.S.C. 802); or

18 “(3) constitutes a crime of violence (as defined  
19 in subsection (c)(3),

20 smuggles or knowingly brings into the United States a  
21 firearm, or attempts to do so, shall be imprisoned for not  
22 more than ten years, fined under this title, or both.”

1 **SEC. 507. THEFT OF FIREARMS AND EXPLOSIVES.**

2 (a) FIREARMS.—Section 924 of title 18, United  
3 States Code, is amended by adding after the subsection  
4 added by section 506 of this Act the following:

5 “(j) Whoever steals any firearm which is moving as,  
6 or is a part of, or which has moved in, interstate or foreign  
7 commerce shall be imprisoned for not more than 10 years,  
8 and may be fined under this title, or both.”.

9 (b) EXPLOSIVES.—Section 844 of title 18, United  
10 States Code, is amended by adding at the end the follow-  
11 ing:

12 “(k) Whoever steals any explosives materials which  
13 are moving as, or are a part of, or which have moved in,  
14 interstate or foreign commerce shall be imprisoned for not  
15 more than 10 years, or fined under this title, or both.”.

16 **SEC. 508. INCREASED PENALTY FOR KNOWINGLY MAKING**  
17 **FALSE, MATERIAL STATEMENT IN CONNEC-**  
18 **TION WITH THE ACQUISITION OF A FIREARM**  
19 **FROM A LICENSED DEALER.**

20 Section 924(a) of title 18, United States Code, is  
21 amended—

22 (1) in paragraph (a)(1)(B), by striking out  
23 “(a)(6),”; and

24 (2) in subsection (a)(2), by inserting “(a)(6),”  
25 after “subsection”.

1 **SEC. 509. POSSESSION OF EXPLOSIVES BY FELONS AND**  
2 **OTHERS.**

3 Section 842(i) of title 18, United States Code, is  
4 amended by inserting “or possess” after “to receive”.

5 **SEC. 510. SUMMARY DESTRUCTION OF EXPLOSIVES SUB-**  
6 **JECT TO FORFEITURE.**

7 Section 844(c) of title 18, United States Code, is  
8 amended by redesignating subsection (c) as subsection  
9 (c)(1) and by adding paragraphs (2) and (3) as follows:

10 “(2) Notwithstanding the provisions of paragraph  
11 (1), in the case of the seizure of any explosive materials  
12 for any offense for which the materials would be subject  
13 to forfeiture where it is impracticable or unsafe to remove  
14 the materials to a place of storage, or where it is unsafe  
15 to store them, the seizing officer is authorized to destroy  
16 the explosive materials forthwith. Any destruction under  
17 this paragraph shall be in the presence of at least one  
18 credible witness. The seizing officer shall make a report  
19 of the seizure and take samples as the Secretary may by  
20 regulation prescribe.

21 “(3) Within sixty days after any destruction made  
22 pursuant to paragraph (2), the owner of, including any  
23 person having an interest in, the property so destroyed  
24 may make application to the Secretary for reimbursement  
25 of the value of the property. If the claimant establishes  
26 to the satisfaction of the Secretary that—

1           “(A) the property has not been used or involved  
2           in a violation of law; or

3           “(B) any unlawful involvement or use of the  
4           property was without the claimant’s knowledge, con-  
5           sent, or willful blindness,

6           the Secretary shall make an allowance to the claimant not  
7           exceeding the value of the property destroyed.”.

8   **SEC. 511. ELIMINATION OF OUTMODED LANGUAGE RELAT-**  
9                                   **ING TO PAROLE.**

10          (a) Section 924(e)(1) of title 18, United States Code,  
11          is amended by striking “, and such person shall not be  
12          eligible for parole with respect to the sentence imposed  
13          under this subsection”.

14          (b) Section 924(c)(1) of title 18, United States Code,  
15          is amended by striking “No person sentenced under this  
16          subsection shall be eligible for parole during the term of  
17          imprisonment imposed herein.”.

18   **SEC. 512. PROHIBITION AGAINST TRANSACTIONS INVOLV-**  
19                                   **ING STOLEN FIREARMS WHICH HAVE MOVED**  
20                                   **IN INTERSTATE OR FOREIGN COMMERCE.**

21          Section 922(j) of title 18, United States Code, is  
22          amended to read as follows:

23          “(j) It shall be unlawful for any person to receive,  
24          possess, conceal, store, barter, sell, or dispose of any stolen  
25          firearm or stolen ammunition, or pledge or accept as secu-

1 rity for a loan any stolen firearm or stolen ammunition,  
2 which is moving as, which is a part of, which constitutes,  
3 or which has been shipped or transported in, interstate  
4 or foreign commerce, either before or after it was stolen,  
5 knowing or having reasonable cause to believe that the  
6 firearm or ammunition was stolen.”.

7 **SEC. 513. USING A FIREARM IN THE COMMISSION OF COUN-**  
8 **TERFEITING OR FORGERY.**

9 Pursuant to its authority under section 994 of title  
10 28, United States Code, the United States Sentencing  
11 Commission shall amend its sentencing guidelines to pro-  
12 vide an appropriate enhancement of the punishment for  
13 a defendant convicted of a felony under chapter 25 of title  
14 18, United States Code, if the defendant used or carried  
15 a firearm (as defined in section 921(a)(3) of title 18, Unit-  
16 ed States Code) during and in relation to the felony.

17 **SEC. 514. ENHANCED PENALTIES FOR FIREARMS POSSES-**  
18 **SION BY VIOLENT FELONS AND SERIOUS**  
19 **DRUG OFFENDERS.**

20 Pursuant to its authority under section 994 of title  
21 28, United States Code, the United States Sentencing  
22 Commission shall amend its sentencing guidelines to pro-  
23 vide—

24 (1) an appropriate enhancement of the punish-  
25 ment for a defendant convicted of an offense under

1 section 922(g) of title 18, United States Code, if the  
2 defendant has 1 prior conviction by any court re-  
3 ferred to in section 922(g)(1) of such title for a vio-  
4 lent felony (as defined in section 924(e)(2)(B) of  
5 such title) or a serious drug offense (as defined in  
6 section 924(e)(2)(A) of such title); and

7 (2) an appropriate enhancement of the punish-  
8 ment for such a defendant, if the defendant has 2  
9 such prior convictions for a violent felony (as so de-  
10 fined) or a serious drug offense (as so defined).

11 **SEC. 515. RECEIPT OF FIREARMS BY NONRESIDENT.**

12 Section 922(a) of title 18, United States Code, is  
13 amended—

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

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

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

19 “(9) for any person, other than a licensed im-  
20 porter, licensed manufacturer, licensed dealer, or li-  
21 censed collector, who does not reside in any State to  
22 receive any firearms unless such receipt is for lawful  
23 sporting purposes.”.

1 **SEC. 516. FIREARMS AND EXPLOSIVES CONSPIRACY.**

2 (a) FIREARMS.—Section 924 of title 18, United  
3 States Code, is amended by adding after the subsections  
4 added by sections 506 and 507(a) of this Act the follow-  
5 ing:

6 “(k) Whoever conspires to commit any offense de-  
7 fined in this chapter shall be subject to the same penalties  
8 as those prescribed for the offense the commission of  
9 which was the object of the conspiracy.”.

10 (b) EXPLOSIVES.—Section 844 of title 18, United  
11 States Code, is amended by adding after the subsection  
12 added by section 507(b) of this Act the following:

13 “(l) Whoever conspires to commit any offense defined  
14 in this chapter shall be subject to the same penalties as  
15 those prescribed for the offense the commission of which  
16 was the object of the conspiracy.”.

17 **SEC. 517. STUDY OF INCENDIARY AMMUNITION; REPORT TO**  
18 **CONGRESS.**

19 (a) STUDY.—The Secretary of the Treasury shall  
20 conduct a study of the incendiary ammunition offered for  
21 sale under the brand name “Dragon’s Breath” and also  
22 known as the “Three Second Flame Thrower”, and all in-  
23 cendiary ammunition of similar function or effect, for the  
24 purpose of determining whether there is a reasonable  
25 sporting use for such ammunition and whether there is  
26 a reasonable use for such ammunition in law enforcement.

1 (b) REPORT TO THE CONGRESS.—Within 1 year after  
2 the date of the enactment of this Act, the Secretary of  
3 the Treasury shall submit to the Committee on the Judici-  
4 ary of the House of Representatives a report containing  
5 the results of the study required by subsection (a) and  
6 recommendations for such legislative or administrative ac-  
7 tion, with respect to the ammunition referred to in sub-  
8 section (a), as the Secretary deems appropriate.

9 **SEC. 518. THEFT OF FIREARMS OR EXPLOSIVES FROM LI-**  
10 **CENSEE.**

11 (a) FIREARMS.—Section 924 of title 18, United  
12 States Code, is amended by adding after the subsections  
13 added by sections 506, 507(a), and 516(a) of this Act the  
14 following:

15 “(l) Whoever steals any firearm from a licensed im-  
16 porter, licensed manufacturer, licensed dealer or licensed  
17 collector shall be fined in accordance with this title, im-  
18 prisoned not more than ten years, or both.”.

19 (b) EXPLOSIVES.—Section 844 of title 18, United  
20 States Code, is amended by adding after the subsections  
21 added by sections 507(b) and 516(b) of this Act the fol-  
22 lowing:

23 “(m) Whoever steals any explosive material from a  
24 licensed importer, licensed manufacturer or licensed deal-

1 er, or from any permittee shall be fined in accordance with  
2 this title, imprisoned not more than ten years, or both.”.

3 **SEC. 519. DISPOSING OF EXPLOSIVES TO PROHIBITED PER-**  
4 **SONS.**

5 Section 842(d) of title 18, United States Code, is  
6 amended by striking “licensee” and inserting “person”.

7 **SEC. 520. CLARIFICATION OF “BURGLARY” UNDER THE**  
8 **ARMED CAREER CRIMINAL STATUTE.**

9 Section 924(e)(2) of title 18, United States Code, is  
10 amended—

11 (1) in subparagraph (B)(ii), by striking “and ”  
12 at the end;

13 (2) in subparagraph (C), by striking the period  
14 and inserting “; and”; and

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

16 “(D) the term ‘burglary’ means any crime pun-  
17 ishable by a term of imprisonment exceeding one  
18 year and consisting of entering or remaining surrep-  
19 titiously within a building that is the property of an-  
20 other with intent to engage in conduct constituting  
21 a Federal or State offense.”.

1 **SEC. 521. INCREASED PENALTY FOR INTERSTATE GUN**  
2 **TRAFFICKING.**

3 Section 924 of title 18, United States Code, is  
4 amended by adding after the subsections added by sections  
5 506, 507(a), 516(a), and 518(a) of this Act the following:

6 “(m) Whoever, with the intent to engage in conduct  
7 which constitutes a violation of section 922(a)(1)(A), trav-  
8 els from any State or foreign country into any other State  
9 and acquires, or attempts to acquire, a firearm in such  
10 other State in furtherance of such purpose shall be impris-  
11 oned for not more than 10 years, fined in accordance with  
12 this title, or both.”.

13 **TITLE VI—YOUTH VIOLENCE**  
14 **Subtitle A—General**

15 **SEC. 601. STRENGTHENING FEDERAL PENALTIES FOR EM-**  
16 **PLOYING PERSONS UNDER THE AGE OF 18**  
17 **YEARS TO DISTRIBUTE DRUGS.**

18 Section 419 of the Controlled Substances Act (21  
19 U.S.C. 860) is amended as follows:

20 (1) at the end of subsection (b) by adding the  
21 following:

22 “(c) Notwithstanding any other provision of law, any  
23 person at least 18 years of age who knowingly and inten-  
24 tionally—

1           “(1) employs, hires, uses, persuades, induces,  
2 entices, or coerces, a person under 18 years of age  
3 to violate any provision of this section; or

4           “(2) employs, hires, uses, persuades, induces,  
5 entices, or coerces, a person under 18 years of age  
6 to assist in avoiding detection or apprehension for  
7 any offense of this section by any Federal, State, or  
8 local law enforcement official,  
9 is punishable by a term of imprisonment, or fine, or both,  
10 up to triple that authorized by section 841(b) of this title.”

11 **SEC. 602. COMMENCEMENT OF JUVENILE PROCEEDING.**

12       Section 5032 of title 18, United States Code, is  
13 amended by striking “Any proceedings against a juvenile  
14 under this chapter or as an adult shall not be commenced  
15 until” and inserting “A juvenile shall not be transferred  
16 to adult prosecution nor shall a hearing be held under sec-  
17 tion 5037 (disposition after a finding of juvenile delin-  
18 quency) until”.

19 **SEC. 603. BINDOVER SYSTEM.**

20       Section 501(b) of title I of the Omnibus Crime Con-  
21 trol and Safe Streets Act of 1968 (42 U.S.C. 3751), as  
22 amended by section 1002, is amended—

23           (1) in paragraph (21) by striking “and” at the  
24 end;

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

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

4           “(23) programs which address the need for ef-  
5           fective bindover systems for the prosecution of vio-  
6           lent 16- and 17-year olds in courts with jurisdiction  
7           over adults for the crimes of—

8                   “(A) murder in the first degree;

9                   “(B) murder in the second degree;

10                  “(C) attempted murder;

11                  “(D) armed robbery when armed with a  
12                  firearm;

13                  “(E) aggravated battery or assault when  
14                  armed with a firearm;

15                  “(F) criminal sexual penetration when  
16                  armed with a firearm; and

17                  “(G) drive-by shootings as described in  
18                  section 922 of title 18, United States Code.”.

## 19       **Subtitle B—Criminal Street Gangs**

### 20       **SEC. 604. CRIMINAL STREET GANGS.**

21           (a) IN GENERAL.—Title 18, United States Code, is  
22           amended by inserting after chapter 25 the following:

#### 23           **“CHAPTER 26—CRIMINAL STREET GANGS**

“Sec.

“521. Criminal street gangs.

1 **“§ 521. Criminal street gangs**

2       “(a) Whoever, under the circumstances described in  
3 subsection (c) of this section, commits an offense de-  
4 scribed in subsection (b) of this section, shall, in addition  
5 to any other sentence authorized by law, be sentenced to  
6 a term of imprisonment of not more than 10 years and  
7 may also be fined under this title. Such sentence of impris-  
8 onment shall run consecutively to any other sentence im-  
9 posed.

10       “(b) The offenses referred to in subsection (a) of this  
11 section are—

12               “(1) any Federal felony involving a controlled  
13 substance (as defined in section 102 of the Con-  
14 trolled Substances Act) for which the maximum pen-  
15 alty is not less than five years;

16               “(2) any Federal felony crime of violence;

17               “(3) a conspiracy to commit any of the offenses  
18 described in paragraphs (1) through (3) of this sub-  
19 section.

20       “(c) The circumstances referred to in subsection (a)  
21 of this section are that the offense described in subsection  
22 (b) was committed as a member of, or on behalf of, a  
23 criminal street gang and that person has been convicted,  
24 within the past 5 years for—

25               “(1) any offense listed in subsection (b) of this  
26 section;

1 “(2) any State offense—

2 “(A) involving a controlled substance (as  
3 defined in section 102 of the Controlled Sub-  
4 stances Act) for which the maximum penalty is  
5 not less than one year after imprisonment; or

6 “(B) that is a crime of violence; for which  
7 the maximum penalty is more than 1 year’s im-  
8 prisonment; or

9 “(3) any Federal or State offense that involves  
10 the theft or destruction of property for which the  
11 maximum penalty is more than 1 year’s imprison-  
12 ment; or

13 “(4) a conspiracy to commit any of the offenses  
14 described in paragraphs (1) through (3) of this sub-  
15 section.

16 “(d) For purposes of this section—

17 “(1) the term ‘criminal street gang’ means any  
18 group, club, organization, or association of 5 or  
19 more persons—

20 “(A) whose members engage or have en-  
21 gaged within the past 5 years, in a continuing  
22 series of violations of any offense treated in  
23 subsection (b); and

24 “(B) whose activities affect interstate or  
25 foreign commerce; and

1           “(2) the term ‘conviction’ includes a finding,  
2           under State or Federal law, that a person has com-  
3           mitted an act of juvenile delinquency involving a vio-  
4           lent or controlled substances felony.”.

5           (b) CLERICAL AMENDMENT.—The table of chapters  
6           for part I of title 18, United States Code, is amended by  
7           inserting after the item relating to chapter 25 the follow-  
8           ing:

          “**26. Criminal street gangs** ..... **521**”.

9                           **Subtitle C—Certainty of**  
10                          **Punishment for Young Offenders**

11           **SEC. 605. CERTAINTY OF PUNISHMENT FOR YOUNG OF-**  
12                           **FENDERS.**

13           (a) IN GENERAL.—Title I of the Omnibus Crime  
14           Control and Safe Streets Act of 1968 (42 U.S.C. 3711  
15           et seq.), is amended—

16                       (1) by redesignating part S as part T;

17                       (2) by redesignating section 1901 as section  
18           2001; and

19                       (3) by inserting after part R the following:

20                       **“PART S—ALTERNATIVE PUNISHMENTS FOR**  
21                           **YOUNG OFFENDERS**

22                       **“SEC. 1901. GRANT AUTHORIZATION.**

23                       “(a) IN GENERAL.—The Director of the Bureau of  
24           Justice Assistance (referred to in this part as the ‘Direc-  
25           tor’) may make grants under this part to States, for the

1 use by States and units of local government in the States,  
2 for the purpose of developing alternative methods of pun-  
3 ishment for young offenders to traditional forms of incar-  
4 ceration and probation.

5 “(b) ALTERNATIVE METHODS.—The alternative  
6 methods of punishment referred to in subsection (a)  
7 should ensure certainty of punishment for young offenders  
8 and promote reduced recidivism, crime prevention, and as-  
9 sistance to victims, particularly for young offenders who  
10 can be punished more effectively in an environment other  
11 than a traditional correctional facility, including—

12 “(1) alternative sanctions that create account-  
13 ability and certainty of punishment for young of-  
14 fenders;

15 “(2) boot camp prison programs;

16 “(3) technical training and support for the im-  
17 plementation and maintenance of State and local  
18 restitution programs for young offenders;

19 “(4) innovative projects;

20 “(5) correctional options, such as community-  
21 based incarceration, weekend incarceration, and elec-  
22 tric monitoring of offenders;

23 “(6) community service programs that provide  
24 work service placement for young offenders at non-

1 profit, private organizations and community organi-  
2 zations;

3 “(7) demonstration restitution projects that are  
4 evaluated for effectiveness; and

5 “(8) innovative methods that address the prob-  
6 lems of young offenders convicted of serious sub-  
7 stance abuse, including alcohol abuse, and gang-re-  
8 lated offenses, including technical assistance and  
9 training to counsel and treat such offenders.

10 **“SEC. 1902. STATE APPLICATIONS.**

11 “(a) IN GENERAL.—(1) To request a grant under  
12 this part, the chief executive of a State shall submit an  
13 application to the Director in such form and containing  
14 such information as the Director may reasonably require.

15 “(2) Such application shall include assurances that  
16 Federal funds received under this part shall be used to  
17 supplement, not supplant, non-Federal funds that would  
18 otherwise be available for activities funded under this part.

19 “(b) STATE OFFICE.—The office designated under  
20 section 507 of title I of the Omnibus Crime Control and  
21 Safe Streets Act of 1968 (42 U.S.C. 3757)—

22 “(1) shall prepare the application as required  
23 under section 1902 of the Violent Crime Control and  
24 Law Enforcement Act of 1993; and

1           “(2) shall administer grant funds received  
2           under this part, including, review of spending, proc-  
3           essing, progress, financial reporting, technical assist-  
4           ance, grant adjustments, accounting, auditing, and  
5           fund disbursement.

6   **“SEC. 1903. REVIEW OF STATE APPLICATIONS.**

7           “(a) IN GENERAL.—The Bureau shall make a grant  
8           under section 1901(a) of the Violent Crime Control and  
9           Law Enforcement Act of 1993 to carry out the projects  
10          described in the application submitted by such applicant  
11          under section 1902 of the Violent Crime Control and Law  
12          Enforcement Act of 1993 upon determining that—

13                  “(1) the application is consistent with the re-  
14                  quirements of this part; and

15                  “(2) before the approval of the application, the  
16                  Bureau has made an affirmative finding in writing  
17                  that the proposed project has been reviewed in ac-  
18                  cordance with this part.

19           “(b) APPROVAL.—Each application submitted under  
20          section 1902 of the Violent Crime Control and Law En-  
21          forcement Act of 1993 shall be considered approved, in  
22          whole or in part, by the Bureau not later than 45 days  
23          after first received unless the Bureau informs the appli-  
24          cant of specific reasons for disapproval.

1       “(c) RESTRICTION.—Grant funds received under this  
2 part shall not be used for land acquisition or construction  
3 projects, other than alternative facilities described in sec-  
4 tion 1901(b) of the Violent Crime Control and Law En-  
5 forcement Act of 1993 for young offenders.

6       “(d) DISAPPROVAL NOTICE AND RECONSIDER-  
7 ATION.—The Bureau shall not disapprove any application  
8 without first affording the applicant reasonable notice and  
9 an opportunity for reconsideration.

10 **“SEC. 1904. LOCAL APPLICATIONS.**

11       “(a) IN GENERAL.—(1) To request funds under this  
12 part from a State, the chief executive of a unit of local  
13 government shall submit an application to the office des-  
14 ignated under section 1902(b) of the Violent Crime Con-  
15 trol and Law Enforcement Act of 1993.

16       “(2) Such application shall be considered approved,  
17 in whole or in part, by the State not later than 45 days  
18 after such application is first received unless the State in-  
19 forms the applicant in writing of specific reasons for dis-  
20 approval.

21       “(3) The State shall not disapprove any application  
22 submitted to the State without first affording the appli-  
23 cant reasonable notice and an opportunity for reconsider-  
24 ation.

1       “(4) If such application is approved, the unit of local  
2 government is eligible to receive such funds.

3       “(b) DISTRIBUTION TO UNITS OF LOCAL GOVERN-  
4 MENT.—A State that receives funds under section 1901  
5 of the Violent Crime Control and Law Enforcement Act  
6 of 1993 in a fiscal year shall make such funds available  
7 to units of local government with an application that has  
8 been submitted and approved by the State within 45 days  
9 after the Bureau has approved the application submitted  
10 by the State and has made funds available to the State.  
11 The Director shall have the authority to waive the 45-day  
12 requirement in this section upon a finding that the State  
13 is unable to satisfy such requirement under State statutes.

14 **“SEC. 1905. ALLOCATION AND DISTRIBUTION OF FUNDS.**

15       “(a) STATE DISTRIBUTION.—Of the total amount ap-  
16 propriated under this part in any fiscal year—

17               “(1) 0.4 percent shall be allocated to each of  
18 the participating States; and

19               “(2) of the total funds remaining after the allo-  
20 cation under paragraph (1), there shall be allocated  
21 to each of the participating States an amount which  
22 bears the same ratio to the amount of remaining  
23 funds described in this paragraph as the number of  
24 young offenders of such State bears to the number  
25 of young offenders in all the participating States.

1       “(b) LOCAL DISTRIBUTION.—(1) A State that re-  
2 ceives funds under this part in a fiscal year shall distribute  
3 to units of local government in such State for the purposes  
4 specified under section 1901 of the Violent Crime Control  
5 and Law Enforcement Act of 1993 that portion of such  
6 funds which bears the same ratio to the aggregate amount  
7 of such funds as the amount of funds expended by all units  
8 of local government for criminal justice in the preceding  
9 fiscal year bears to the aggregate amount of funds ex-  
10 pended by the State and all units of local government in  
11 such State for criminal justice in such preceding fiscal  
12 year.

13       “(2) Any funds not distributed to units of local gov-  
14 ernment under paragraph (1) shall be available for ex-  
15 penditure by such State for purposes specified under sec-  
16 tion 1901 of the Violent Crime Control and Law Enforce-  
17 ment Act of 1993.

18       “(3) If the Director determines, on the basis of infor-  
19 mation available during any fiscal year, that a portion of  
20 the funds allocated to a State for such fiscal year will not  
21 be used by such State or that a State is not eligible to  
22 receive funds under section 1901 of the Violent Crime  
23 Control and Law Enforcement Act of 1993, the Director  
24 shall award such funds to units of local government in

1 such State giving priority to the units of local government  
2 that the Director considers to have the greatest need.

3 “(c) FEDERAL SHARE.—The Federal share of a  
4 grant made under this part may not exceed 75 percent  
5 of the total costs of the projects described in the applica-  
6 tion submitted under section 1902(a) of the Violent Crime  
7 Control and Law Enforcement Act of 1993 for the fiscal  
8 year for which the projects receive assistance under this  
9 part.

10 **“SEC. 1906. EVALUATION.**

11 “(a) IN GENERAL.—(1) Each State and local unit of  
12 government that receives a grant under this part shall  
13 submit to the Director an evaluation not later than March  
14 1 of each year in accordance with guidelines issued by the  
15 Director and in consultation with the National Institute  
16 of Justice.

17 “(2) The Director may waive the requirement speci-  
18 fied in subsection (a) if the Director determines that such  
19 evaluation is not warranted in the case of the State or  
20 unit of local government involved.

21 “(b) DISTRIBUTION.—The Director shall make avail-  
22 able to the public on a timely basis evaluations received  
23 under subsection (a).

24 “(c) ADMINISTRATIVE COSTS.—A State and local  
25 unit of government may use not more than 5 percent of

1 funds it receives under this part to develop an evaluation  
2 program under this section.”.

3 (b) CONFORMING AMENDMENT.—The table of con-  
4 tents of title I of the Omnibus Crime Control and Safe  
5 Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended  
6 by striking the matter relating to part S and inserting the  
7 following:

“PART S—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

“Sec. 1901. Grant authorization.

“Sec. 1902. State applications.

“Sec. 1903. Review of State applications.

“Sec. 1904. Local applications.

“Sec. 1905. Allocation and distribution of funds.

“Sec. 1906. Evaluation.

“PART T—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 2001. Continuation of rules, authorities, and proceedings.”.

8 (c) DEFINITION.—Section 901(a) of the Omnibus  
9 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
10 3791(a)), is amended by adding at the end the following  
11 new section:

12 “(25) The term ‘young offender’ means an indi-  
13 vidual 28 years of age or younger.”.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—Section  
15 1001(a) of title I of the Omnibus Crime Control and Safe  
16 Streets Act of 1968 (42 U.S.C. 3793) is amended by add-  
17 ing after paragraph (12) the following:

18 “(13) There are authorized to be appropriated  
19 \$200,000,000 for each of the fiscal years 1994, 1995, and  
20 1996 to carry out the projects under part S.”.

1 **Subtitle D—Juvenile Drug Traf-**  
2 **ficking and Gang Prevention**  
3 **Grants**

4 **SEC. 606. JUVENILE DRUG TRAFFICKING AND GANG PRE-**  
5 **VENTION GRANTS.**

6 The Omnibus Crime Control and Safe Streets Act of  
7 1968, is amended—

8 (1) by redesignating part T as part U;

9 (2) by redesignating section 2001 as section  
10 2101; and

11 (3) by inserting after part S the following new  
12 part:

13 **“PART T—JUVENILE DRUG TRAFFICKING AND**  
14 **GANG PREVENTION GRANTS**

15 **“SEC. 2001. GRANT AUTHORIZATION.**

16 “(a) IN GENERAL.—The Director is authorized to  
17 make grants to States and units of general local govern-  
18 ment or combinations thereof to assist them in planning,  
19 establishing, operating, coordinating, and evaluating  
20 projects directly or through grants and contracts with  
21 public and private agencies for the development of more  
22 effective programs, including education, prevention, treat-  
23 ment and enforcement programs to reduce—

24 “(1) the formation or continuation of juvenile  
25 gangs; and

1           “(2) the use and sale of illegal drugs by juve-  
2           niles.

3           “(b) USES OF FUNDS.—The grants made under this  
4 section may be used for any of the following specific pur-  
5 poses:

6           “(1) to reduce the participation of juveniles in  
7 drug related crimes (including drug trafficking and  
8 drug use), particularly in and around elementary  
9 and secondary schools;

10           “(2) to reduce juvenile involvement in organized  
11 crime, drug and gang-related activity, particularly  
12 activities that involve the distribution of drugs by or  
13 to juveniles;

14           “(3) to develop new and innovative means to  
15 address the problems of juveniles convicted of seri-  
16 ous, drug-related and gang-related offenses;

17           “(4) to reduce juvenile drug and gang-related  
18 activity in public housing projects;

19           “(5) to provide technical assistance and train-  
20 ing to personnel and agencies responsible for the ad-  
21 judicatory and corrections components of the juve-  
22 nile justice system to identify drug-dependent or  
23 gang-involved juvenile offenders and to provide ap-  
24 propriate counseling and treatment to such offend-  
25 ers;

1           “(6) to promote the involvement of all juveniles  
2           in lawful activities, including—

3                   “(A) school programs that teach that drug  
4                   and gang involvement are wrong;

5                   “(B) programs such as youth sports and  
6                   other activities, including girls and boys clubs,  
7                   scout troops, and little leagues;

8           “(7) to facilitate Federal and State cooperation  
9           with local school officials to develop education, pre-  
10          vention and treatment programs for juveniles who  
11          are likely to participate in drug trafficking, drug use  
12          or gang-related activities;

13          “(8) to provide pre- and post-trial drug abuse  
14          treatment to juveniles in the juvenile justice system;  
15          with the highest possible priority to providing drug  
16          abuse treatment to drug-dependent pregnant juve-  
17          niles and drug-dependent juvenile mothers;

18          “(9) to provide education and treatment pro-  
19          grams for youth exposed to severe violence in their  
20          homes, schools, or neighborhoods;

21          “(10) to establish sports mentoring and coach-  
22          ing programs in which athletes serve as role models  
23          for youth to teach that athletics provide a positive  
24          alternative to drug and gang involvement;

1           “(11) to develop new programs that specifically  
2 address the unique crime, drug, and alcohol-related  
3 challenges faced by juveniles living at or near Inter-  
4 national Ports of Entry and in other international  
5 border communities, including rural localities; and

6           “(12) to identify promising new juvenile drug  
7 demand reduction and enforcement programs, to  
8 replicate and demonstrate these programs to serve  
9 as national, regional or local models that could be  
10 used, in whole or in part, by other public and private  
11 juvenile justice programs, and to provide technical  
12 assistance and training to public or private organiza-  
13 tions to implement similar programs.

14 **“SEC. 2002. APPLICATIONS.**

15           “A State or unit of local government applying for  
16 grants under this part shall submit an application to the  
17 Director in such form and containing such information as  
18 the Director shall reasonably require.”.

19           (b) CONFORMING AMENDMENT.—The table of con-  
20 tents of title I of the Omnibus Crime Control and Safe  
21 Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended  
22 by striking the matter relating to part T and inserting  
23 the following:

“PART T—JUVENILE DRUG TRAFFICKING AND GANG PREVENTION GRANTS

“Sec. 2001. Grant authorization.

“Sec. 2002. Applications.

“PART V—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 2101. Continuation of rules, authorities, and proceedings.”.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—Section  
2 1001(a) of title I of the Omnibus Crime Control and Safe  
3 Streets Act of 1968 (42 U.S.C. 3793), is amended by add-  
4 ing after paragraph (13) the following:

5 “(14) There are authorized to be appropriated  
6 \$100,000,000 for each of the fiscal years 1994 and 1995  
7 to carry out the projects under part T.”.

8 **TITLE VII—TERRORISM**  
9 **Subtitle A—Maritime Navigation**  
10 **and Fixed Platforms**

11 **SEC. 701. OFFENSES OF VIOLENCE AGAINST MARITIME**  
12 **NAVIGATION OR FIXED PLATFORMS.**

13 Chapter 111 of title 18, United States Code, is  
14 amended by adding at the end the following:

15 **“§ 2280. Violence against maritime navigation**

16 “(a) Whoever unlawfully and intentionally—

17 “(1) seizes or exercises control over a ship by  
18 force or threat thereof or any other form of intimi-  
19 dation;

20 “(2) performs an act of violence against a per-  
21 son on board a ship if that act is likely to endanger  
22 the safe navigation of that ship;

23 “(3) destroys a ship or causes damage to a ship  
24 or to its cargo which is likely to endanger the safe  
25 navigation of that ship;

1           “(4) places or causes to be placed on a ship, by  
2           any means whatsoever, a device or substance which  
3           is likely to destroy that ship, or cause damage to  
4           that ship or its cargo which endangers or is likely  
5           to endanger the safe navigation of that ship;

6           “(5) destroys or seriously damages maritime  
7           navigational facilities or seriously interferes with  
8           their operation, if such act is likely to endanger the  
9           safe navigation of a ship;

10           “(6) communicates information, knowing the  
11           information to be false and under circumstances in  
12           which such information may reasonably be believed,  
13           thereby endangering the safe navigation of a ship;

14           “(7) injures or kills any person in connection  
15           with the commission or the attempted commission of  
16           any of the offenses set forth in paragraphs (1)  
17           through (6); or

18           “(8) attempts to do any act prohibited under  
19           paragraphs (1) through (7);

20 shall be fined under this title or imprisoned not more than  
21 twenty years, or both; and if the death of any person re-  
22 sults, from conduct prohibited by this subsection, shall be  
23 punished by death or imprisoned for any term of years  
24 or for life.

1       “(b) Whoever threatens to do any act prohibited  
2 under paragraphs (2), (3) or (5) of subsection (a), with  
3 apparent determination and will to carry the threat into  
4 execution, if the threatened act is likely to endanger the  
5 safe navigation of the ship in question, shall be fined  
6 under this title or imprisoned not more than five years,  
7 or both.

8       “(c) There is jurisdiction over the prohibited activity  
9 in subsections (a) and (b)—

10           “(1) in the case of a covered ship, if—

11                   “(A) such activity is committed—

12                           “(i) by a person engaged in terrorism  
13 or who acts on behalf of a terrorist group;

14                           “(ii) against or on board a ship flying  
15 the flag of the United States at the time  
16 the prohibited activity is committed;

17                           “(iii) in the United States and the ac-  
18 tivity is not prohibited as a crime by the  
19 State in which the activity takes place; or

20                           “(iv) the activity takes place on a ship  
21 flying the flag of a foreign country or out-  
22 side the United States, by a national of the  
23 United States or by a stateless person  
24 whose habitual residence is in the United  
25 States;

1           “(B) during the commission of such activ-  
2           ity, a national of the United States is seized,  
3           threatened, injured or killed; or

4           “(C) the offender is later found in the  
5           United States after such activity is committed;

6           “(2) in the case of a ship navigating or sched-  
7           uled to navigate solely within the territorial sea or  
8           internal waters of a country other than the United  
9           States, if the offender is later found in the United  
10          States after such activity is committed; and

11          “(3) in the case of any vessel, if such activity  
12          is committed in an attempt to compel the United  
13          States to do or abstain from doing any act.

14          “(d) As used in this section, the term—

15                 “(1) the term ‘ship’ means a vessel of any type  
16                 whatsoever not permanently attached to the sea-bed,  
17                 including dynamically supported craft, submersibles  
18                 or any other floating craft; but such term does not  
19                 include a warship, a ship owned or operated by a  
20                 government when being used as a naval auxiliary or  
21                 for customs or police purposes, or a ship which has  
22                 been withdrawn from navigation or laid up;

23                 “(2) the term ‘covered ship’ means a ship that  
24                 is navigating or is scheduled to navigate into,  
25                 through or from waters beyond the outer limit of the

1 territorial sea of a single country or a lateral limit  
2 of that country's territorial sea with an adjacent  
3 country;

4 “(3) the term ‘national of the United States’  
5 has the meaning given such term in section  
6 101(a)(22) of the Immigration and Nationality Act  
7 (8 U.S.C. 1101(a)(22));

8 “(4) the term ‘territorial sea of the United  
9 States’ means all waters extending seaward to 12  
10 nautical miles from the baselines of the United  
11 States determined in accordance with international  
12 law; and

13 “(5) the term ‘United States’, when used in a  
14 geographical sense, includes the Commonwealth of  
15 Puerto Rico, the Commonwealth of the Northern  
16 Marianas Islands and all territories and possessions  
17 of the United States.

18 **“§ 2281. Violence against maritime fixed platforms**

19 “(a) Whoever unlawfully and intentionally—

20 “(1) seizes or exercises control over a fixed  
21 platform by force or threat thereof or any other  
22 form of intimidation;

23 “(2) performs an act of violence against a per-  
24 son on board a fixed platform if that act is likely to  
25 endanger its safety;

1           “(3) destroys a fixed platform or causes dam-  
2           age to it which is likely to endanger its safety;

3           “(4) places or causes to be placed on a fixed  
4           platform, by any means whatsoever, a device or sub-  
5           stance which is likely to destroy that fixed platform  
6           or likely to endanger its safety;

7           “(5) injures or kills any person in connection  
8           with the commission or the attempted commission of  
9           any of the offenses set forth in paragraphs (1)  
10          through (4); or

11          “(6) attempts to do anything prohibited under  
12          paragraphs (1) through (5);

13 shall be fined under this title or imprisoned not more than  
14 twenty years, or both; and if death results to any person  
15 from conduct prohibited by this subsection, shall be pun-  
16 ished by death or imprisoned for any term of years or for  
17 life.

18          “(b) Whoever threatens to do anything prohibited  
19          under paragraphs (2) or (3) of subsection (a), with appar-  
20          ent determination and will to carry the threat into execu-  
21          tion, if the threatened act is likely to endanger the safety  
22          of the fixed platform, shall be fined under this title or im-  
23          prisoned not more than five years, or both.

24          “(c) There is jurisdiction over the prohibited activity  
25          in subsections (a) and (b) if—

1           “(1) such activity is committed against or on  
2 board a fixed platform—

3           “(A) that is located on the continental  
4 shelf of the United States, if—

5           “(i) by a person engaged in terrorism  
6 or who acts on behalf of a terrorist group;  
7 or

8           “(ii) if the activity is not prohibited as  
9 a crime by the State in which the activity  
10 takes place;

11           “(B) that is located on the continental  
12 shelf of another country, by a national of the  
13 United States or by a stateless person whose  
14 habitual residence is in the United States; or

15           “(C) in an attempt to compel the United  
16 States to do or abstain from doing any act;

17           “(2) during the commission of such activity  
18 against or on board a fixed platform located on a  
19 continental shelf, a national of the United States is  
20 seized, threatened, injured or killed; or

21           “(3) such activity is committed against or on  
22 board a fixed platform located outside the United  
23 States and beyond the continental shelf of the  
24 United States and the offender is later found in the  
25 United States.

1 “(d) As used in this section, the term—

2 “(1) ‘continental shelf’ means the sea-bed and  
3 subsoil of the submarine areas that extend beyond a  
4 country’s territorial sea to the limits provided by  
5 customary international law as reflected in Article  
6 76 of the 1982 Convention on the Law of the Sea;

7 “(2) ‘fixed platform’ means an artificial island,  
8 installation or structure permanently attached to the  
9 sea-bed for the purpose of exploration or exploitation  
10 of resources or for other economic purposes;

11 “(3) ‘national of the United States’ has the  
12 meaning given such term in section 101(a)(22) of  
13 the Immigration and Nationality Act (8 U.S.C.  
14 1101(a)(22));

15 “(4) ‘territorial sea of the United States’ means  
16 all waters extending seaward to 12 nautical miles  
17 from the baselines of the United States determined  
18 in accordance with international law; and

19 “(5) ‘United States’, when used in a geographi-  
20 cal sense, includes the Commonwealth of Puerto  
21 Rico, the Commonwealth of the Northern Marianas  
22 Islands and all territories and possessions of the  
23 United States.”.

1 **SEC. 702. CLERICAL AMENDMENTS.**

2 The table of sections at the beginning of chapter 111  
3 of title 18, United States Code, is amended by adding at  
4 the end thereof the following:

“2280. Violence against maritime navigation.  
“2281. Violence against maritime fixed platforms.”.

5 **SEC. 703. EFFECTIVE DATES.**

6 This subtitle and the amendments made by this sub-  
7 title shall take effect on the later of—

8 (1) the date of the enactment of this Act; or  
9 (2)(A) in the case of section 2280 of title 18,  
10 United States Code, the date the Convention for the  
11 Suppression of Unlawful Acts Against the Safety of  
12 Maritime Navigation has come into force and the  
13 United States has become a party to that Conven-  
14 tion; and

15 (B) in the case of section 2281 of title 18,  
16 United States Code, the date the Protocol for the  
17 Suppression of Unlawful Acts Against the Safety of  
18 Fixed Platforms Located on the Continental Shelf  
19 has come into force and the United States has be-  
20 come a party to that Protocol.

21 **Subtitle B—General Provisions**

22 **SEC. 704. WEAPONS OF MASS DESTRUCTION.**

23 (a) OFFENSE.—Chapter 113A of title 18, United  
24 States Code, as added by the preceding section, is amend-

1 ed by inserting after section 2332 the following new sec-  
2 tion:

3 **“§ 2332a. Use of weapons of mass destruction**

4 “(a) Whoever uses, or attempts or conspires to use,  
5 a weapon of mass destruction—

6 “(1) against a national of the United States  
7 while such national is outside of the United States;

8 “(2) against any person within the United  
9 States; or

10 “(3) against any property that is owned, leased  
11 or used by the United States or by any department  
12 or agency of the United States, whether the property  
13 is within or outside of the United States;

14 shall be imprisoned for any term of years or for life, and  
15 if death results, shall be punished by death or imprisoned  
16 for any term of years or for life.

17 “(b) For purposes of this section—

18 “(1) ‘national of the United States’ has the  
19 meaning given in section 101(a)(22) of the Immigra-  
20 tion and Nationality Act (8 U.S.C. 1101(a)(22));  
21 and

22 “(2) ‘weapon of mass destruction’ means—

23 “(A) any destructive device as defined in  
24 section 921 of this title;

25 “(B) poison gas;

1           “(C) any weapon involving a disease orga-  
2           nism; or

3           “(D) any weapon that is designed to re-  
4           lease radiation or radioactivity at a level dan-  
5           gerous to human life.”.

6           (b) CLERICAL AMENDMENT.—The table of sections  
7 at the beginning of chapter 113A of title 18, United States  
8 Code, is amended by inserting after the item relating to  
9 section 2332 the following:

“2332a. Use of weapons of mass destruction.”.

10 **SEC. 705. JURISDICTION OVER CRIMES AGAINST UNITED**  
11 **STATES NATIONALS ON CERTAIN FOREIGN**  
12 **SHIPS.**

13           Section 7 of title 18, United States Code (relating  
14 to the special maritime and territorial jurisdiction of the  
15 United States), is amended by inserting at the end thereof  
16 the following new paragraph:

17           “(8) To an extent permitted by international law, any  
18 foreign vessel during a voyage having a scheduled depar-  
19 ture from or arrival in the United States with respect to  
20 an offense committed by or against a national of the  
21 United States.”.

22 **SEC. 706. TORTURE.**

23           (a) IN GENERAL.—Part I of title 18, United States  
24 Code, is amended by inserting after chapter 113A the fol-  
25 lowing new chapter:

1                   **“CHAPTER 113B—TORTURE**

“Sec.  
2340. Definitions.  
2340A. Torture.  
2340B. Exclusive remedies.

2   **“§ 2340. Definitions**

3           “As used in this chapter—

4                   “(1) ‘torture’ means an act committed by a per-  
5           son acting under the color of law specifically in-  
6           tended to inflict severe physical or mental pain or  
7           suffering (other than pain or suffering incidental to  
8           lawful sanctions) upon another person within his or  
9           her custody or physical control;

10                   “(2) ‘severe mental pain or suffering’ means  
11           the prolonged mental harm caused by or resulting  
12           from: (a) the intentional infliction or threatened in-  
13           fliction of severe physical pain or suffering; (b) the  
14           administration or application, or threatened adminis-  
15           tration or application, of mind altering substances or  
16           other procedures calculated to disrupt profoundly  
17           the senses or the personality; (c) the threat of immi-  
18           nent death; or (d) the threat that another person  
19           will imminently be subjected to death, severe phys-  
20           ical pain or suffering, or the administration or appli-  
21           cation of mind altering substances or other proce-  
22           dures calculated to disrupt profoundly the senses or  
23           personality; and

1           “(3) ‘United States’ includes all areas under  
2           the jurisdiction of the United States including any  
3           of the places within the provisions of sections 5 and  
4           7 of this title and section 101(38) of the Federal  
5           Aviation Act of 1958, as amended (49 U.S.C. App.  
6           1301(38)).

7           **“§ 2340A. Torture**

8           “(a) Whoever outside the United States commits or  
9           attempts to commit torture shall be fined under this title  
10          or imprisoned not more than twenty years, or both; and  
11          if death results to any person from conduct prohibited by  
12          this subsection, shall be punished by death or imprisoned  
13          for any term of years or for life.

14          “(b) There is jurisdiction over the prohibited activity  
15          in subsection (a) if: (1) the alleged offender is a national  
16          of the United States; or (2) the alleged offender is present  
17          in the United States, irrespective of the nationality of the  
18          victim or the alleged offender.

19          **“§ 2340B. Exclusive remedies**

20          “Nothing in this chapter shall be construed as pre-  
21          cluding the application of State or local laws on the same  
22          subject, nor shall anything in this chapter be construed  
23          as creating any substantive or procedural right enforceable  
24          by law by any party in any civil proceeding.”.

1 (b) CLERICAL AMENDMENT.—The table of chapters  
 2 for part I of title 18, United States Code, is amended by  
 3 inserting after the item for chapter 113A the following  
 4 new item:

“**113B. Torture** ..... **2340.**”.

5 (c) EFFECTIVE DATE.—This section shall take effect  
 6 on the later of—

- 7 (1) the date of enactment of this section; or  
 8 (2) the date the United States has become a  
 9 party to the Convention Against Torture and Other  
 10 Cruel, Inhuman or Degrading Treatment or Punish-  
 11 ment.

12 **SEC. 707. EXTENSION OF THE STATUTE OF LIMITATIONS**  
 13 **FOR CERTAIN TERRORISM OFFENSES.**

14 (a) IN GENERAL.—Chapter 213 of title 18, United  
 15 States Code, is amended by inserting after section 3285  
 16 the following:

17 **“§ 3286. Extension of statute of limitations for certain**  
 18 **terrorism offenses**

19 “Notwithstanding the provisions of section 3282, no  
 20 person shall be prosecuted, tried, or punished for any of-  
 21 fense involving a violation of section 32 (aircraft destruc-  
 22 tion), section 36 (airport violence), section 112 (assaults  
 23 upon diplomats), section 351 (crimes against Congress-  
 24 men or Cabinet officers), section 1116 (crimes against dip-  
 25 lomats), section 1203 (hostage taking), section 1361 (will-

1 ful injury to government property), section 1751 (crimes  
2 against the President), section 2280 (maritime violence),  
3 section 2281 (maritime platform violence), section 2331  
4 (terrorist acts abroad against United States nationals),  
5 section 2339 (use of weapons of mass destruction), or sec-  
6 tion 2340A (torture) of this title or section 902 (i), (j),  
7 (k), (l), or (n) of the Federal Aviation Act of 1958, as  
8 amended (49 U.S.C. App. 1572 (i), (j), (k), (l), or (n)),  
9 unless the indictment is found or the information is insti-  
10 tuted within ten years next after such offense shall have  
11 been committed.”.

12 (b) CLERICAL AMENDMENT.—The table of sections  
13 at the beginning of chapter 213 is amended by inserting  
14 below the item for:

“3285. Criminal contempt.”.

15 the following:

“3286. Extension of statute of limitations for certain terrorism offenses.”.

16 **SEC. 708. F.B.I. ACCESS TO TELEPHONE SUBSCRIBER IN-**  
17 **FORMATION.**

18 (a) REQUIRED CERTIFICATION.—Section 2709(b) of  
19 title 18, United States Code, is amended to read as fol-  
20 lows:

21 “(b) REQUIRED CERTIFICATION.—The Director of  
22 the Federal Bureau of Investigation, or his or her designee  
23 in a position not lower than Deputy Assistant Director,  
24 may—

1           “(1) request the name, address, length of serv-  
2           ice, and toll billing records of a person or entity if  
3           the Director (or his or her designee in a position not  
4           lower than Deputy Assistant Director) certifies in  
5           writing to the wire or electronic communication serv-  
6           ice provider to which the request is made that—

7                   “(A) the name, address, length of service,  
8                   and toll billing records sought are relevant to  
9                   an authorized foreign counterintelligence inves-  
10                  tigation; and

11                  “(B) there are specific and articulable  
12                  facts giving reason to believe that the person or  
13                  entity to whom the information sought pertains  
14                  is a foreign power or an agent of a foreign  
15                  power as defined in section 101 of the Foreign  
16                  Intelligence Surveillance Act of 1978 (50  
17                  U.S.C. 1801); and

18           “(2) request the name, address, and length of  
19           service of a person or entity if the Director (or his  
20           or her designee in a position not lower than Deputy  
21           Assistant Director) certifies in writing to the wire or  
22           electronic communication service provider to which  
23           the request is made that—

1           “(A) the information sought is relevant to  
2 an authorized foreign counterintelligence inves-  
3 tigation; and

4           “(B) there are specific and articulable  
5 facts giving reason to believe that communica-  
6 tion facilities registered in the name of the per-  
7 son or entity have been used, through the serv-  
8 ices of such provider, in communication with—

9           “(i) an individual who is engaging or  
10 has engaged in international terrorism as  
11 defined in section 101(c) of the Foreign  
12 Intelligence Surveillance Act or clandestine  
13 intelligence activities that involve or may  
14 involve a violation of the criminal statutes  
15 of the United States; or

16           “(ii) a foreign power or an agent of a  
17 foreign power under circumstances giving  
18 reason to believe that the communication  
19 concerned international terrorism as de-  
20 fined in section 101(c) of the Foreign In-  
21 telligence Surveillance Act or clandestine  
22 intelligence activities that involve or may  
23 involve a violation of the criminal statutes  
24 of the United States.”.

1 (b) REPORT TO JUDICIARY COMMITTEES.—Section  
2 2709(e) of title 18, United States Code, is amended by  
3 adding after “Senate” the following: “, and the Commit-  
4 tees on the Judiciary of the Senate and the House of Rep-  
5 resentatives,”.

6 **SEC. 709. VIOLENCE AT AIRPORTS SERVING INTER-**  
7 **NATIONAL CIVIL AVIATION.**

8 (a) OFFENSE.—Chapter 2 of title 18, United States  
9 Code, is amended by adding at the end thereof the follow-  
10 ing:

11 **“§ 36. Violence at international airports**

12 “(a) Whoever unlawfully and intentionally, using any  
13 device, substance or weapon—

14 “(1) performs an act of violence against a per-  
15 son at an airport serving international civil aviation  
16 which causes or is likely to cause serious bodily in-  
17 jury or death; or

18 “(2) destroys or seriously damages the facilities  
19 of an airport serving international civil aviation or a  
20 civil aircraft not in service located thereon or dis-  
21 rupts the services of the airport;

22 if such an act endangers or is likely to endanger safety  
23 at that airport, or attempts to do such an act, shall be  
24 fined under this title or imprisoned not more than twenty  
25 years, or both; and if the death of any person results from

1 conduct prohibited by this subsection, shall be punished  
2 by death or imprisoned for any term of years or for life.

3 “(b) There is jurisdiction over the prohibited activity  
4 in subsection (a) if—

5 “(1) the prohibited activity takes place in the  
6 United States and—

7 “(A) the perpetrator of the prohibited ac-  
8 tivity engages in terrorism or acts on behalf of  
9 a terrorist group;

10 “(B) the activity violates subsection (a)(1)  
11 and the person against whom the violence is di-  
12 rected is engaged in international air travel;

13 “(C) the activity violates subsection (a)(2)  
14 and the facility or aircraft destroyed or dam-  
15 aged is owned by or leased by a foreign flag  
16 carrier or the services disrupted are primarily  
17 for the benefit of such a carrier; or

18 “(D) the activity is not prohibited as a  
19 crime by the law of the State in which the air-  
20 port is located; or

21 “(2) the prohibited activity takes place outside  
22 of the United States and the offender is later found  
23 in the United States.

24 “(c) For the purposes of this section, the terms ‘ter-  
25 rorism’ and ‘terrorist group’ have, respectively, the mean-

1 ings given those terms in section 140 of Public Law 100–  
2 204 (22 U.S.C. 2656f).”.

3 (b) CLERICAL AMENDMENT.—The table of sections  
4 at the beginning of chapter 2 of title 18, United States  
5 Code, is amended by adding at the end the following:

“36. Violence at international airports.”.

6 (c) EFFECTIVE DATE.—This section shall take effect  
7 on the later of—

8 (1) the date of the enactment of this Act; or

9 (2) the date the Protocol for the Suppression of  
10 Unlawful Acts of Violence at Airports Serving Inter-  
11 national Civil Aviation, Supplementary to the Con-  
12 vention for the Suppression of Unlawful Acts  
13 Against the Safety of Civil Aviation, done at Mon-  
14 treal on 23 September 1971, has come into force  
15 and the United States has become a party to the  
16 Protocol.

17 **SEC. 710. PREVENTING ACTS OF TERRORISM AGAINST CI-**  
18 **VILIAN AVIATION.**

19 (a) IN GENERAL.—Chapter 2 of title 18, United  
20 States Code, is amended by adding at the end thereof the  
21 following new section:

22 **“§37. Violations of Federal aviation security regula-**  
23 **tions**

24 “Whoever willfully violates a security regulation  
25 under part 107 or 108 of title 14, Code of Federal Regula-

1 tions (relating to airport and airline security) issued pur-  
2 suant to section 1356 and 1357 of title 49, United States  
3 Code, shall be fined under this title or imprisoned for not  
4 more than one year, or both.”.

5 (b) TABLE OF SECTIONS.—The table of sections for  
6 chapter 2 of title 18, United States Code, is amended by  
7 adding at the end thereof the following:

“37. Violations of Federal aviation security regulations.”.

8 **SEC. 711. COUNTERFEITING UNITED STATES CURRENCY**  
9 **ABROAD.**

10 (a) IN GENERAL.—Chapter 25 of title 18, United  
11 States Code, is amended by adding before section 471 the  
12 following new section:

13 **“§ 470. Counterfeit acts committed outside the**  
14 **United States**

15 “Whoever, outside the United States, engages in the  
16 act of—

17 “(1) making, dealing, or possessing any coun-  
18 terfeit obligation or other security of the United  
19 States; or

20 “(2) making, dealing, or possessing any plate,  
21 stone, or other thing, or any part thereof, used to  
22 counterfeit such obligation or security,

23 if such act would constitute a violation of section 471, 473,  
24 or 474 of this title if committed within the United States,

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

3 (b) TABLE OF SECTIONS.—The table of sections for  
4 chapter 25 of title 18, United States Code, is amended  
5 by adding before section 471 the following:

“470. Counterfeit acts committed outside the United States.”.

6 (c) TABLE OF CHAPTERS.—The table of chapters at  
7 the beginning of part I of title 18, United States Code,  
8 is amended by striking the item for chapter 25 and insert-  
9 ing the following:

“25. Counterfeiting and forgery ..... 470”.

10 **SEC. 712. ENHANCEMENT OF PENALTIES FOR TERRORIST**  
11 **CRIMES.**

12 Pursuant to its authority under section 944 of title  
13 28, United States Code, the United States Sentencing  
14 Commission shall amend its sentencing guidelines to pro-  
15 vide an appropriate enhancement of the punishment for  
16 any felony, whether committed within or outside the  
17 United States, that involves or is intended to promote  
18 international terrorism, unless such involvement or intent  
19 is itself an element of the crime.

20 **SEC. 713. ALIEN WITNESS COOPERATION.**

21 (a) ESTABLISHMENT OF NEW NONIMMIGRANT CLAS-  
22 SIFICATION.—Section 101(a)(15) of the Immigration and  
23 Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

1 (1) by striking “or” at the end of subparagraph  
2 (Q),

3 (2) by striking the period at the end of sub-  
4 paragraph (R) and inserting “; or”, and

5 (3) by adding at the end the following new sub-  
6 paragraph:

7 “(S) subject to section 214(j), an alien—

8 “(i) whom the Attorney General deter-  
9 mines (I) is in possession of critical reliable in-  
10 formation concerning a criminal organization or  
11 enterprise, and (II) is willing to supply such in-  
12 formation to Federal or State law enforcement  
13 authorities or a Federal or State court of law,  
14 and

15 “(ii) whose presence in the United States  
16 the Attorney General determines is essential to  
17 the success of an authorized criminal investiga-  
18 tion or the successful prosecution of an individ-  
19 ual involved in the criminal organization or en-  
20 terprise,

21 and the spouse and minor children of the alien if ac-  
22 companying, or following to join, the alien.”.

23 (b) CONDITIONS OF ENTRY.—

24 (1) WAIVER OF GROUNDS FOR EXCLUSION.—

25 Section 212(d) of such Act (8 U.S.C. 1182(d)) is

1 amended by inserting at the beginning the following  
2 new paragraph:

3 “(1) The Attorney General may, in his or her discre-  
4 tion, waive the application of subsection (a) (other than  
5 paragraph (3)(E) thereof) in the case of a nonimmigrant  
6 described in section 101(a)(15)(S), if the Attorney Gen-  
7 eral deems it in the national interest. Any such waiver  
8 shall be deemed a waiver of any comparable ground for  
9 deportation under section 241(a)(1)(A).”.

10 (2) NUMERICAL LIMITATIONS; PERIOD OF AD-  
11 MISSION; ETC.—Section 214 of such Act (8 U.S.C.  
12 1184) is amended by adding at the end the following  
13 new subsection:

14 “(j)(1) The number of aliens who may be provided  
15 a visa as nonimmigrants under section 101(a)(15)(S) in  
16 any fiscal year may not exceed 100.

17 “(2) No alien may be admitted into the United States  
18 as such a nonimmigrant more than 5 years after the date  
19 of the enactment of this subsection.

20 “(3) The period of admission of an alien as such a  
21 nonimmigrant may not exceed 3 years. Such period may  
22 not be extended by the Attorney General.

23 “(4) As a condition for the admission, and continued  
24 stay in lawful status, of such a nonimmigrant, the non-  
25 immigrant (A) shall report not less often than quarterly

1 to the Commissioner such information concerning the  
2 alien's whereabouts and activities as the Attorney General  
3 may require, (B) may not be convicted of any criminal  
4 offense in the United States after the date of such admis-  
5 sion, and (C) must have executed a form that waives the  
6 nonimmigrant's right to contest, other than on the basis  
7 of an application for withholding of deportation, any ac-  
8 tion for deportation of the alien instituted before the alien  
9 obtains lawful permanent resident status.

10       “(5) The Attorney General shall submit a report an-  
11 nually to the Committees on the Judiciary of the House  
12 of Representatives and of the Senate concerning (A) the  
13 number of such nonimmigrants admitted, (B) the number  
14 of successful criminal prosecutions or investigations re-  
15 sulting from cooperation of such aliens, (C) the number  
16 of such nonimmigrants whose admission has not resulted  
17 in successful criminal prosecution or investigation, and  
18 (D) the number of such nonimmigrants who have failed  
19 to report quarterly (as required under paragraph (4)) or  
20 who have been convicted of crimes in the United States  
21 after the date of their admission as such a non-  
22 immigrant.”.

23               (3) PROHIBITION OF CHANGE OF STATUS.—  
24       Section 248(1) of such Act (8 U.S.C. 1258(1)) is

1 amended by striking “or (K)” and inserting “(K), or  
2 (S)”.

3 (c) ADJUSTMENT TO PERMANENT RESIDENT STA-  
4 TUS.—

5 (1) IN GENERAL.—Section 245 of such Act (8  
6 U.S.C. 1255), as amended by section 2(c) of the  
7 Armed Forces Immigration Adjustment Act of 1991,  
8 is amended by adding at the end the following new  
9 subsection:

10 “(h)(1) If, in the opinion of the Attorney General—

11 “(A) a nonimmigrant admitted into the United  
12 States under section 101(a)(15)(S) has supplied in-  
13 formation described in clauses (i) and (ii) of such  
14 section, and

15 “(B) the provision of such information has sub-  
16 stantially contributed to the success of an authorized  
17 criminal investigation or the successful prosecution  
18 of an individual described in clause (ii) of such sec-  
19 tion,

20 the Attorney General may adjust the status of the alien  
21 (and the spouse and child of the alien if admitted under  
22 such section) to that of an alien lawfully admitted for per-  
23 manent residence if the alien is not described in section  
24 212(a)(3)(E).

1       “(2) Upon the approval of adjustment of status under  
2 paragraph (1), the Attorney General shall record the  
3 alien’s lawful admission for permanent residence as of the  
4 date of such approval and the Secretary of State shall re-  
5 duce by one the number of visas authorized to be issued  
6 under section 201(d) and 203(b)(4) for the fiscal year  
7 then current.”.

8           (2) EXCLUSIVE MEANS OF ADJUSTMENT.—Sec-  
9 tion 245(c) of such Act (8 U.S.C. 1255(c)) is  
10 amended by striking “or” before “(4)” and by in-  
11 sserting before the period at the end the following: “;  
12 or (5) an alien who was admitted as a nonimmigrant  
13 described in section 101(a)(15)(S)”.

14       (d) EXTENDING PERIOD OF DEPORTATION FOR CON-  
15 VICTION OF A CRIME.—Section 241(a)(2)(A)(i)(I) of such  
16 Act (8 U.S.C. 1251(a)(2)(A)(i)(I)) is amended by insert-  
17 ing “(or 10 years in the case of an alien provided lawful  
18 permanent resident status under section 245(h))” after  
19 “five years”.

20 **SEC. 714. PROVIDING MATERIAL SUPPORT TO TERRORISTS.**

21       (a) OFFENSE.—Chapter 113A of title 18, United  
22 States Code, is amended by adding the following new sec-  
23 tion:

1 **“§ 2339A. Providing material support to terrorists**

2 “Whoever, within the United States, provides mate-  
3 rial support or resources or conceals or disguises the na-  
4 ture, location, source, or ownership of material support or  
5 resources, knowing or intending that they are to be used  
6 in preparation for, or in carrying out, a violation of section  
7 32, 36, 351, 844 (f) or (i), 1114, 1116, 1203, 1361, 1363,  
8 1751, 2280, 2281, 2331, or 2339 of this title, or section  
9 902(i) of the Federal Aviation Act of 1958, as amended  
10 (49 U.S.C. App. 1472(i)), or in preparation for or carry-  
11 ing out the concealment of an escape from the commission  
12 of any such violation, shall be fined under this title, im-  
13 prisoned not more than ten years, or both. For purposes  
14 of this section, the term ‘material support or resources’  
15 means currency or other financial securities, financial  
16 services, lodging, training, safehouses, false documenta-  
17 tion or identification, communications equipment, facili-  
18 ties, weapons, lethal substances, explosives, personnel,  
19 transportation, and other physical assets, but does not in-  
20 clude humanitarian assistance to persons not directly in-  
21 volved in such violations.”.

22 (b) CLERICAL AMENDMENT.—The table of sections  
23 at the beginning of chapter 113A of title 18, United States  
24 Code, is amended by adding the following:

“2339A. Providing material support to terrorists.”.

1 **TITLE VIII—SEXUAL VIOLENCE**  
2 **AND CHILD ABUSE**

3 **Subtitle A—Sexual Abuse**

4 **SEC. 801. SEXUAL ABUSE AMENDMENTS.**

5 (a) DEFINITIONS OF SEXUAL ACT AND SEXUAL CON-  
6 TACT FOR VICTIMS UNDER THE AGE OF 16.—Paragraph  
7 (2) of section 2245 of title 18, United States Code,  
8 is amended—

9 (1) in subparagraph (B), by striking “or” after  
10 the semicolon;

11 (2) in subparagraph (C) by striking “; and”  
12 and inserting in lieu thereof “; or”; and

13 (3) by inserting a new subparagraph (D) as fol-  
14 lows:

15 “(D) the intentional touching, not through  
16 the clothing, of the genitalia of another person  
17 who has not attained the age of 16 years with  
18 an intent to abuse, humiliate, harass, degrade,  
19 or arouse or gratify the sexual desire of any  
20 person;”.

21 **Subtitle B—Child Protection**

22 **SEC. 802. PURPOSES.**

23 The purposes of this subtitle are—

24 (1) to establish a national system through  
25 which child care organizations may obtain the bene-

1 fit of a nationwide criminal background check to de-  
2 termine if persons who are current or prospective  
3 child care providers have committed child abuse  
4 crimes or other serious crimes;

5 (2) to establish minimum criteria for State laws  
6 and procedures that permit child care organizations  
7 to obtain the benefit of nationwide criminal back-  
8 ground checks to determine if persons who are cur-  
9 rent or prospective child care providers have commit-  
10 ted child abuse crimes or other serious crimes;

11 (3) to provide procedural rights for persons who  
12 are subject to nationwide criminal background  
13 checks, including procedures to challenge and correct  
14 inaccurate background check information;

15 (4) to establish a national system for the re-  
16 porting by the States of child abuse crime informa-  
17 tion; and

18 (5) to document and study the problem of child  
19 abuse by providing statistical and informational data  
20 on child abuse and related crimes to the Department  
21 of Justice and other interested parties.

22 **SEC. 803. DEFINITIONS.**

23 For the purposes of this subtitle—

24 (1) the term “authorized agency” means a divi-  
25 sion or office of a State designated by a State to re-

1 port, receive, or disseminate information under this  
2 subtitle;

3 (2) the term “background check crime” means  
4 a child abuse crime, murder, manslaughter, aggra-  
5 vated assault, kidnapping, arson, sexual assault, do-  
6 mestic violence, incest, indecent exposure, prostitu-  
7 tion, promotion of prostitution, and a felony offense  
8 involving the use or distribution of a controlled sub-  
9 stance;

10 (3) the term “child” means a person who is a  
11 child for purposes of the criminal child abuse law of  
12 a State;

13 (4) the term “child abuse” means the physical  
14 or mental injury, sexual abuse or exploitation, ne-  
15 glectful treatment, negligent treatment, or maltreat-  
16 ment of a child by any person in violation of the  
17 criminal child abuse laws of a State, but does not in-  
18 clude discipline administered by a parent or legal  
19 guardian to his or her child provided it is reasonable  
20 in manner and moderate in degree and otherwise  
21 does not constitute cruelty;

22 (5) the term “child abuse crime” means a crime  
23 committed under any law of a State that establishes  
24 criminal penalties for the commission of child abuse

1 by a parent or other family member of a child or by  
2 any other person;

3 (6) the term “child abuse crime information”  
4 means the following facts concerning a person who  
5 is under indictment for, or has been convicted of, a  
6 child abuse crime: full name, race, sex, date of birth,  
7 height, weight, a brief description of the child abuse  
8 crime or offenses for which the person has been ar-  
9 rested or is under indictment or has been convicted,  
10 the disposition of the charge, and any other informa-  
11 tion that the Attorney General determines may be  
12 useful in identifying persons arrested for, under in-  
13 dictment for, or convicted of, a child abuse crime;

14 (7) the term “child care” means the provision  
15 of care, treatment, education, training, instruction,  
16 supervision, or recreation to children;

17 (8) the term “domestic violence” means a fel-  
18 ony or misdemeanor involving the use or threatened  
19 use of force by—

20 (A) a present or former spouse of the vic-  
21 tim;

22 (B) a person with whom the victim shares  
23 a child in common;

24 (C) a person who is cohabiting with or has  
25 cohabited with the victim as a spouse; or

1 (D) any person defined as a spouse of the  
2 victim under the domestic or family violence  
3 laws of a State;

4 (9) the term “exploitation” means child pornog-  
5 raphy and child prostitution;

6 (10) the term “mental injury” means harm to  
7 a child’s psychological or intellectual functioning,  
8 which may be exhibited by severe anxiety, depres-  
9 sion, withdrawal or outward aggressive behavior, or  
10 a combination of those behaviors or by a change in  
11 behavior, emotional response, or cognition;

12 (11) the term “national criminal background  
13 check system” means the system maintained by the  
14 Federal Bureau of Investigation based on fingerprint  
15 identification or any other method of positive identi-  
16 fication;

17 (12) the term “negligent treatment” means the  
18 failure to provide, for a reason other than poverty,  
19 adequate food, clothing, shelter, or medical care so  
20 as to seriously endanger the physical health of a  
21 child;

22 (13) the term “physical injury” includes lacera-  
23 tions, fractured bones, burns, internal injuries, se-  
24 vere bruising, and serious bodily harm;

25 (14) the term “provider” means—

1 (A) a person who—

2 (i) is employed by or volunteers with  
3 a qualified entity;

4 (ii) who owns or operates a qualified  
5 entity; or

6 (iii) who has or may have unsuper-  
7 vised access to a child to whom the quali-  
8 fied entity provides child care; and

9 (B) a person who—

10 (i) seeks to be employed by or volun-  
11 teer with a qualified entity;

12 (ii) seeks to own or operate a qualified  
13 entity; or

14 (iii) seeks to have or may have unsu-  
15 pervised access to a child to whom the  
16 qualified entity provides child care;

17 (15) the term “qualified entity” means a busi-  
18 ness or organization, whether public, private, for-  
19 profit, not-for-profit, or voluntary, that provides  
20 child care or child care placement services, including  
21 a business or organization that licenses or certifies  
22 others to provide child care or child care placement  
23 services;

24 (16) the term “sex crime” means an act of sex-  
25 ual abuse that is a criminal act;

1           (17) the term “sexual abuse” includes the em-  
2           ployment, use, persuasion, inducement, enticement,  
3           or coercion of a child to engage in, or assist another  
4           person to engage in, sexually explicit conduct or the  
5           rape, molestation, prostitution, or other form of sex-  
6           ual exploitation of children or incest with children;  
7           and

8           (18) the term “State” means a State, the Dis-  
9           trict of Columbia, the Commonwealth of Puerto  
10          Rico, American Samoa, the Virgin Islands, Guam,  
11          and the Trust Territories of the Pacific.

12 **SEC. 804. REPORTING BY THE STATES.**

13          (a) IN GENERAL.—An authorized criminal justice  
14          agency of a State shall report child abuse crime informa-  
15          tion to, or index child abuse crime information in, the na-  
16          tional criminal background check system.

17          (b) PROVISION OF STATE CHILD ABUSE CRIME  
18          RECORDS THROUGH THE NATIONAL CRIMINAL BACK-  
19          GROUND CHECK SYSTEM.—(1) Not later than 180 days  
20          after the date of enactment of this Act, the Attorney Gen-  
21          eral shall—

22                (A) investigate the criminal records of each  
23                State and determine for each State a timetable by  
24                which the State should be able to provide child  
25                abuse crime records on an on-line capacity basis

1 through the national criminal background check sys-  
2 tem;

3 (B) establish guidelines for the reporting or in-  
4 dexing of child abuse crime information, including  
5 guidelines relating to the format, content, and accu-  
6 racy of child abuse crime information and other pro-  
7 cedures for carrying out this Act; and

8 (C) notify each State of the determinations  
9 made pursuant to subparagraphs (A) and (B).

10 (2) The Attorney General shall require as a part of  
11 the State timetable that the State—

12 (A) achieve, by not later than the date that is  
13 3 years after the date of enactment of this Act, at  
14 least 80 percent currency of final case dispositions  
15 in computerized criminal history files for all identifi-  
16 able child abuse crime cases in which there has been  
17 an event of activity within the last 5 years;

18 (B) continue to maintain at least 80 percent  
19 currency of final case dispositions in all identifiable  
20 child abuse crime cases in which there has been an  
21 event of activity within the preceding 5 years; and

22 (C) take steps to achieve full disposition report-  
23 ing, including data quality audits and periodic no-  
24 tices to criminal justice agencies identifying records

1 that lack final dispositions and requesting those dis-  
2 positions.

3 (c) LIAISON.—An authorized agency of a State shall  
4 maintain close liaison with the National Center on Child  
5 Abuse and Neglect, the National Center for Missing and  
6 Exploited Children, and the National Center for the Pros-  
7 ecution of Child Abuse for the exchange of technical as-  
8 sistance in cases of child abuse.

9 (d) ANNUAL SUMMARY.—(1) The Attorney General  
10 shall publish an annual statistical summary of the child  
11 abuse crime information reported under this subtitle.

12 (2) The annual statistical summary described in  
13 paragraph (1) shall not contain any information that may  
14 reveal the identity of any particular victim or alleged viola-  
15 tor.

16 (e) ANNUAL REPORT.—The Attorney General shall  
17 publish an annual summary of each State's progress in  
18 reporting child abuse crime information to the national  
19 criminal background check system.

20 (f) STUDY OF CHILD ABUSE OFFENDERS.—(1) Not  
21 later than 180 days after the date of enactment of this  
22 Act, the Administrator of the Office of Juvenile Justice  
23 and Delinquency Prevention shall begin a study based on  
24 a statistically significant sample of convicted child abuse  
25 offenders and other relevant information to determine—

1 (A) the percentage of convicted child abuse of-  
2 fenders who have more than 1 conviction for an of-  
3 fense involving child abuse;

4 (B) the percentage of convicted child abuse of-  
5 fenders who have been convicted of an offense in-  
6 volving child abuse in more than 1 State;

7 (C) whether there are crimes or classes of  
8 crimes, in addition to those defined as background  
9 check crimes in section 3, that are indicative of a  
10 potential to abuse children; and

11 (D) the extent to which and the manner in  
12 which instances of child abuse form a basis for con-  
13 victions for crimes other than child abuse crimes.

14 (2) Not later than 1 year after the date of enactment  
15 of this Act, the Administrator shall submit a report to the  
16 Chairman of the Committee on the Judiciary of the Senate  
17 and the Chairman of the Committee on the Judiciary of  
18 the House of Representatives containing a description of  
19 and a summary of the results of the study conducted pur-  
20 suant to paragraph (1).

21 **SEC. 805. BACKGROUND CHECKS.**

22 (a) IN GENERAL.—(1) A State may have in effect  
23 procedures (established by or under State statute or regu-  
24 lation) to permit a qualified entity to contact an author-  
25 ized agency of the State to request a nationwide back-

1 ground check for the purpose of determining whether  
2 there is a report that a provider is under indictment for,  
3 or has been convicted of, a background check crime.

4 (2) The authorized agency shall access and review  
5 State and Federal records of background check crimes  
6 through the national criminal background check system  
7 and shall respond promptly to the inquiry.

8 (b) GUIDELINES.—(1) The Attorney General shall es-  
9 tablish guidelines for State background check procedures  
10 established under subsection (a), which guidelines shall in-  
11 clude the requirements and protections this subtitle.

12 (2) The guidelines established under paragraph (1)  
13 shall require—

14 (A) that no qualified entity may request a back-  
15 ground check of a provider under subsection (a) un-  
16 less the provider first completes and signs a state-  
17 ment that—

18 (i) contains the name, address, and date of  
19 birth appearing on a valid identification docu-  
20 ment (as defined by section 1028(d)(1) of title  
21 18, United States Code) of the provider;

22 (ii) the provider is not under indictment  
23 for, and has not been convicted of, a back-  
24 ground check crime and, if the provider is  
25 under indictment for or has been convicted of

1 a background check crime, contains a descrip-  
2 tion of the crime and the particulars of the in-  
3 dictment or conviction;

4 (iii) notifies the provider that the entity  
5 may request a background check under sub-  
6 section (a);

7 (iv) notifies the provider of the provider's  
8 rights under subparagraph (B); and

9 (v) notifies the provider that prior to the  
10 receipt of the background check the qualified  
11 entity may choose to deny the provider unsuper-  
12 vised access to a child to whom the qualified en-  
13 tity provides child care;

14 (B) that each State establish procedures under  
15 which a provider who is the subject of a background  
16 check under subsection (a) is entitled—

17 (i) to obtain a copy of any background  
18 check report and any record that forms the  
19 basis for any such report; and

20 (ii) to challenge the accuracy and com-  
21 pleteness of any information contained in any  
22 such report or record and obtain a prompt de-  
23 termination from an authorized agency as to  
24 the validity of such challenge;

1 (C) that an authorized agency to which a quali-  
2 fied entity has provided notice pursuant to sub-  
3 section (a) make reasonable efforts to complete re-  
4 search in whatever State and local recordkeeping  
5 systems are available and in the national criminal  
6 background check system and respond to the quali-  
7 fied entity within 15 business days;

8 (D) that the response of an authorized agency  
9 to an inquiry pursuant to subsection (a) inform the  
10 qualified entity that the background check pursuant  
11 to this section—

12 (i) may not reflect all indictments or con-  
13 victions for a background check crime; and

14 (ii) may not be the sole basis for determin-  
15 ing the fitness of a provider;

16 (E) that the response of an authorized agency  
17 to an inquiry pursuant to subsection (a) be limited  
18 to the conviction or pending indictment information  
19 reasonably required to accomplish the purposes of  
20 this Act;

21 (F) that the qualified entity may choose to deny  
22 the provider unsupervised access to a child to whom  
23 the qualified entity provides child care on the basis  
24 of a background check under subsection (a) until the  
25 provider has obtained a determination as to the va-

1 lidity of any challenge under subparagraph (B) or  
2 waived the right to make such challenge;

3 (G) that each State establish procedures to en-  
4 sure that any background check under subsection  
5 (a) and the results thereof shall be requested by and  
6 provided only to—

7 (i) qualified entities identified by States;

8 (ii) authorized representatives of a quali-  
9 fied entity who have a need to know such infor-  
10 mation;

11 (iii) the provider who is the subject of a  
12 background check;

13 (iv) law enforcement authorities; or

14 (v) pursuant to the direction of a court of  
15 law;

16 (H) that background check information con-  
17 veyed to a qualified entity pursuant to subsection (a)  
18 shall not be conveyed to any person except as pro-  
19 vided under subparagraph (G);

20 (I) that an authorized agency shall not be liable  
21 in an action at law for damages for failure to pre-  
22 vent a qualified entity from taking action adverse to  
23 a provider on the basis of a background check;

24 (J) that a State employee or a political subdivi-  
25 sion of a State or employee thereof responsible for

1 providing information to the national criminal back-  
2 ground check system shall not be liable in an action  
3 at law for damages for failure to prevent a qualified  
4 entity from taking action adverse to a provider on  
5 the basis of a background check; and

6 (K) that a State or Federal provider of criminal  
7 history records, and any employee thereof, shall not  
8 be liable in an action at law for damages for failure  
9 to prevent a qualified entity from taking action ad-  
10 verse to a provider on the basis of a criminal back-  
11 ground check, or due to a criminal history record's  
12 being incomplete.

13 (c) EQUIVALENT PROCEDURES.—(1) Notwithstand-  
14 ing anything to the contrary in this section, the Attorney  
15 General may certify that a State licensing or certification  
16 procedure that differs from the procedures described in  
17 subsections (a) and (b) shall be deemed to be the equiva-  
18 lent of such procedures for purposes of this Act, but the  
19 procedures described in subsections (a) and (b) shall con-  
20 tinue to apply to those qualified entities, providers, and  
21 background check crimes that are not governed by or in-  
22 cluded within the State licensing or certification proce-  
23 dure.

24 (2) The Attorney General shall by regulation estab-  
25 lish criteria for certifications under this subsection. Such

1 criteria shall include a finding by the Attorney General  
2 that the State licensing or certification procedure accom-  
3 plishes the purposes of this Act and incorporates a nation-  
4 wide review of State and Federal records of background  
5 check offenses through the national criminal background  
6 check system.

7 (d) REGULATIONS.—(1) The Attorney General may  
8 by regulation prescribe such other measures as may be  
9 required to carry out the purposes of this Act, including  
10 measures relating to the security, confidentiality, accu-  
11 racy, use, misuse, and dissemination of information, and  
12 audits and recordkeeping.

13 (2) The Attorney General shall, to the maximum ex-  
14 tent possible, encourage the use of the best technology  
15 available in conducting background checks.

16 **SEC. 806. FUNDING FOR IMPROVEMENT OF CHILD ABUSE**  
17 **CRIME INFORMATION.**

18 (a) USE OF FORMULA GRANTS FOR IMPROVEMENTS  
19 IN STATE RECORDS AND SYSTEMS.—Section 509(b) of  
20 the Omnibus Crime Control and Safe Streets Act of 1968  
21 (42 U.S.C. 3759(b)) is amended—

22 (A) in paragraph (2) by striking “and” after  
23 the semicolon;

24 (B) in paragraph (3) by striking the period and  
25 inserting “; and”; and

1 (C) by adding at the end the following new  
2 paragraph:

3 “(4) the improvement of State record systems  
4 and the sharing of all of the records described in  
5 paragraphs (1), (2), and (3) and the records re-  
6 quired by the Attorney General under section 804 of  
7 the Violent Crime Control and Law Enforcement  
8 Act of 1993 for the purposes of implementing sec-  
9 tions 804 and 805 of that Act.”.

10 (b) ADDITIONAL FUNDING GRANTS FOR THE IM-  
11 PROVEDMENT OF CHILD ABUSE CRIME INFORMATION.—

12 (1) The Attorney General shall, subject to appropriations  
13 and with preference to States that as of the date of enact-  
14 ment of this Act have the lowest percent currency of case  
15 dispositions in computerized criminal history files, make  
16 a grant to each State to be used—

17 (A) for the computerization of criminal history  
18 files for the purposes of this subtitle;

19 (B) for the improvement of existing computer-  
20 ized criminal history files for the purposes of this  
21 subtitle;

22 (C) to improve accessibility to the national  
23 criminal background check system for the purposes  
24 of this subtitle; and

1 (D) to assist the State in the transmittal of  
2 criminal records to, or the indexing of criminal his-  
3 tory record in, the national criminal background  
4 check system for the purposes of this subtitle.

5 (2) There are authorized to be appropriated for  
6 grants under paragraph (1) a total of \$20,000,000 for fis-  
7 cal years 1994, 1995, and 1996.

8 (c) WITHHOLDING STATE FUNDS.—Effective 1 year  
9 after the date of enactment of this Act, the Attorney Gen-  
10 eral may reduce by up to 10 percent the allocation to a  
11 State for a fiscal year under title I of the Omnibus Crime  
12 Control and Safe Streets Act of 1968 of a State that is  
13 not in compliance with the timetable established for that  
14 State under section 804 of this Act.

## 15 **Subtitle C—Crimes Against** 16 **Children Registration**

### 17 **SEC. 807. ESTABLISHMENT OF PROGRAM.**

18 (a) IN GENERAL.—

19 (1) STATE GUIDELINES.—The Attorney General  
20 shall establish guidelines for State programs requir-  
21 ing any person who is convicted of a criminal offense  
22 against a victim who is a minor to register a current  
23 address with a designated State law enforcement  
24 agency for 10 years after release from prison, being

1 placed on parole, or being placed on supervised re-  
2 lease.

3 (2) DEFINITION.—For purposes of this sub-  
4 section, the term “criminal offense against a victim  
5 who is a minor” includes—

6 (A) kidnapping of a minor, except by a  
7 noncustodial parent;

8 (B) false imprisonment of a minor, except  
9 by a noncustodial parent;

10 (C) criminal sexual conduct toward a  
11 minor;

12 (D) solicitation of minors to engage in sex-  
13 ual conduct;

14 (E) use of minors in a sexual performance;  
15 or

16 (F) solicitation of minors to practice pros-  
17 titution.

18 (b) REGISTRATION REQUIREMENT UPON RELEASE,  
19 PAROLE, OR SUPERVISED RELEASE.—An approved State  
20 registration program established by this section shall con-  
21 tain the following requirements:

22 (1) NOTIFICATION.—If a person who is re-  
23 quired to register under this section is released from  
24 prison, paroled, or placed on supervised release, a  
25 State prison officer shall—

1 (A) inform the person of the duty to reg-  
2 ister;

3 (B) inform the person that if the person  
4 changes residence address, the person shall give  
5 the new address to a designated State law en-  
6 forcement agency in writing within 10 days;

7 (C) obtain fingerprints and a photograph  
8 of the person if these have not already been ob-  
9 tained in connection with the offense that trig-  
10 gers registration; and

11 (D) require the person to read and sign a  
12 form stating that the duty of the person to reg-  
13 ister under this section has been explained.

14 (2) TRANSFER OF INFORMATION TO STATE AND  
15 THE F.B.I.—The officer shall, within 3 days after re-  
16 ceipt of information described in paragraph (1), for-  
17 ward it to a designated State law enforcement agen-  
18 cy. The State law enforcement agency shall imme-  
19 diately enter the information into the appropriate  
20 State law enforcement record system and notify the  
21 appropriate law enforcement agency having jurisdic-  
22 tion where the person expects to reside. The State  
23 law enforcement agency shall also immediately  
24 transmit the conviction data and fingerprints to the

1 Identification Division of the Federal Bureau of In-  
2 vestigation.

3 (3) ANNUAL VERIFICATION.—On each anniver-  
4 sary of a person's initial registration date during the  
5 period in which the person is required to register  
6 under this section, the designated State law enforce-  
7 ment agency shall mail a nonforwardable verification  
8 form to the last reported address of the person. The  
9 person shall mail the verification form to the officer  
10 within 10 days after receipt of the form. The ver-  
11 ification form shall be signed by the person, and  
12 state that the person still resides at the address last  
13 reported to the designated State law enforcement  
14 agency. If the person fails to mail the verification  
15 form to the designated State law enforcement agen-  
16 cy within 10 days after receipt of the form, the per-  
17 son shall be in violation of this section unless the  
18 person proves that the person has not changed his  
19 or her residence address.

20 (4) NOTIFICATION OF LOCAL LAW ENFORCE-  
21 MENT AGENCIES OF CHANGES IN ADDRESS.—Any  
22 change of address by a person required to register  
23 under this section reported to the designated State  
24 law enforcement agency shall immediately be re-

1       ported to the appropriate law enforcement agency  
2       having jurisdiction where the person is residing.

3       (c) **REGISTRATION FOR 10 YEARS.**—A person re-  
4       quired to register under this section shall continue to com-  
5       ply with this section until 10 years have elapsed since the  
6       person was released from imprisonment, or placed on pa-  
7       role or supervised release.

8       (d) **PENALTY.**—A person required to register under  
9       a State program established pursuant to this section who  
10      knowingly fails to so register and keep such registration  
11      current shall be subject to criminal penalties in such State.  
12      It is the sense of Congress that such penalties should in-  
13      clude at least 6 months imprisonment.

14      (e) **PRIVATE DATA.**—The information provided under  
15      this section is private data on individuals and may be used  
16      for law enforcement purposes and confidential background  
17      checks conducted with fingerprints by a designated state  
18      law enforcement agency for child care services providers.

19      **SEC. 808. STATE COMPLIANCE.**

20      (a) **COMPLIANCE DATE.**—Each State shall have 3  
21      years from the date of the enactment of this Act in which  
22      to implement the provisions of this subtitle.

23      (b) **INELIGIBILITY FOR FUNDS.**—The allocation of  
24      funds under section 506 of title I of the Omnibus Crime  
25      Control and Safe Streets Act of 1968 (42 U.S.C. 3756)

1 received by a State not complying with this subtitle 3  
2 years after the date of enactment of this Act may be re-  
3 duced by 10 percent and the unallocated funds shall be  
4 reallocated to the States in compliance with this section.

## 5 **TITLE IX—CRIME VICTIMS**

### 6 **SEC. 901. VICTIMS' FUND PERCENTAGE ALLOCATION MODI-** 7 **FICATION.**

8 Section 1402(d)(2) of the Victims of Crime Act of  
9 1984 (42 U.S.C. 10601(d)(2)), is amended—

10 (a) by striking “and” at the end of subpara-  
11 graph (A);

12 (b) by striking the period at the end of sub-  
13 paragraph (B) and inserting a semicolon; and

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

15 “(C) 1 percent shall be available for grants  
16 under section 1404(c); and

17 “(D) 4.5 percent shall be available for  
18 grants as provided in section 1404A.”.

### 19 **SEC. 902. RELATIONSHIP OF CRIME VICTIM COMPENSA-** 20 **TION TO CERTAIN FEDERAL PROGRAMS.**

21 Section 1403 of the Victims of Crime Act of 1984  
22 (42 U.S.C. 10602) is amended by adding at the end the  
23 following:

24 “(e) Notwithstanding any other provision of law, if  
25 the compensation paid by an eligible crime victim com-

1 pensionation program would cover costs that a Federal pro-  
2 gram, or a federally financed State or local program,  
3 would otherwise pay, then—

4 “(1) such crime victim compensation program  
5 shall not pay that compensation; and

6 “(2) the other program shall make its payments  
7 without regard to the existence of the crime victim  
8 compensation program.”.

9 **SEC. 903. VICTIM'S RIGHT OF ALLOCUTION IN SENTENCING.**

10 Rule 32 of the Federal Rules of Criminal Procedure  
11 is amended by—

12 (1) striking “and” following the semicolon in  
13 subdivision (a)(1)(B);

14 (2) striking the period at the end of subdivision  
15 (a)(1)(C) and inserting in lieu thereof “; and”;

16 (3) inserting after subdivision (a)(1)(C) the fol-  
17 lowing:

18 “(D) if sentence is to be imposed for a  
19 crime of violence or sexual abuse, address the  
20 victim personally if the victim is present at the  
21 sentencing hearing and determine if the victim  
22 wishes to make a statement and to present any  
23 information in relation to the sentence.”;

24 (4) in the second to last sentence of subdivision  
25 (a)(1), striking “equivalent opportunity” and insert-

1 ing in lieu thereof “opportunity equivalent to that of  
2 the defendant’s counsel”;

3 (5) in the last sentence of subdivision (a)(1) in-  
4 sserting “the victim,” before “or the attorney for the  
5 Government.”; and

6 (6) adding at the end the following:

7 “(f) DEFINITIONS.—For purposes of this rule—

8 “(1) ‘victim’ means any individual against  
9 whom an offense for which a sentence is to be im-  
10 posed has been committed, but the right of allocu-  
11 tion under subdivision (a)(1)(D) may be exercised  
12 instead by—

13 “(A) a parent or legal guardian in case the  
14 victim is below the age of eighteen years or in-  
15 competent; or

16 “(B) one or more family members or rel-  
17 atives designated by the court in case the victim  
18 is deceased or incapacitated;

19 if such person or persons are present at the sentenc-  
20 ing hearing, regardless of whether the victim is  
21 present; and

22 “(2) ‘crime of violence or sexual abuse’ means  
23 a crime that involved the use or attempted or threat-  
24 ened use of physical force against the person or

1 property of another, or a crime under chapter 109A  
2 of title 18, United States Code.”.

3 **SEC. 904. REPORT ON BATTERED WOMEN'S SYNDROME.**

4 (a) REPORT.—Not less than 1 year after the date of  
5 enactment of this Act, the Attorney General and the Sec-  
6 retary of Health and Human Services shall transmit to  
7 the House Committee on Energy and Commerce, the Sen-  
8 ate Committee on Labor and Human Resources, and the  
9 Committees on the Judiciary of the Senate and the House  
10 of Representatives a report on the medical and psycho-  
11 logical basis of “battered women’s syndrome” and on the  
12 extent to which evidence of the syndrome has been held  
13 to be admissible as evidence of guilt or as a defense in  
14 a criminal trial.

15 (b) COMPONENTS OF THE REPORT.—The report de-  
16 scribed in subsection (a) shall include—

17 (1) medical and psychological testimony on the  
18 validity of battered women’s syndrome as a psycho-  
19 logical condition;

20 (2) a compilation of State and Federal court  
21 cases that have admitted evidence of battered wom-  
22 en’s syndrome as evidence of guilt as a defense in  
23 criminal trials; and

24 (3) an assessment by State and Federal judges,  
25 prosecutors, and defense attorneys on the effects

1 that evidence of battered women's syndrome may  
2 have in criminal trials.

3 **TITLE X—STATE AND LOCAL**  
4 **LAW ENFORCEMENT**  
5 **Subtitle A—Safer Streets and**  
6 **Neighborhoods**

7 **SEC. 1001. CONTINUATION OF FEDERAL-STATE FUNDING**  
8 **FORMULA.**

9 Section 504(a)(1) of part E of title I of the Omnibus  
10 Crime Control and Safe Streets Act of 1968, as amended  
11 by section 211 of the Department of Justice Appropria-  
12 tions Act, 1990 (Public Law 101-162) and section 601  
13 of the Crime Control Act of 1990 (Public Law 101-647),  
14 is amended by striking "1991" and inserting "1994".

15 **SEC. 1002. LIMITATION ON GRANT DISTRIBUTION.**

16 (a) **AMENDMENT.**—Section 510(b) of title I of the  
17 Omnibus Crime Control and Safe Streets Act of 1968 (42  
18 U.S.C. 3760(b)) is amended by inserting "non-Federal"  
19 after "with".

20 (b) **EFFECTIVE DATE.**—The amendment made by  
21 subsection (a) shall take effect on October 1, 1994.

## 1       **Subtitle B—DNA Identification**

### 2       **SEC. 1003. FUNDING TO IMPROVE THE QUALITY AND AVAIL-** 3                   **ABILITY OF DNA ANALYSES FOR LAW EN-** 4                   **FORCEMENT IDENTIFICATION PURPOSES.**

5           (a) DRUG CONTROL AND SYSTEM IMPROVEMENT  
6 GRANT PROGRAM.—Section 501(b) of title I of the Omni-  
7 bus Crime Control and Safe Streets Act of 1968 (42  
8 U.S.C. 3751(b)) is amended—

9           (1) in paragraph (20) by striking “and” at the  
10 end,

11           (2) in paragraph (21) by striking the period at  
12 the end and inserting “; and”, and

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

14           “(22) developing or improving in a forensic lab-  
15 oratory a capability to analyze deoxyribonucleic acid  
16 (hereinafter in this title referred to as ‘DNA’) for  
17 identification purposes.”.

18           (b) STATE APPLICATIONS.—Section 503(a) of title I  
19 of the Omnibus Crime Control and Safe Streets Act of  
20 1968 (42 U.S.C. 3753(a)) is amended by adding at the  
21 end thereof the following new paragraph:

22           “(12) If any part of a grant made under this  
23 part is to be used to develop or improve a DNA  
24 analysis capability in a forensic laboratory, a certifi-  
25 cation that—

1           “(A) DNA analyses performed at such lab-  
2           oratory will satisfy or exceed then current  
3           standards for a quality assurance program for  
4           DNA analysis, issued by the Director of the  
5           Federal Bureau of Investigation under section  
6           1003 of the Violent Crime Control and Law  
7           Enforcement Act of 1993;

8           “(B) DNA samples obtained by, and DNA  
9           analyses performed at, such laboratory will be  
10          accessible only—

11                   “(i) to criminal justice agencies for  
12                   law enforcement identification purposes;

13                   “(ii) for criminal defense purposes, to  
14                   a defendant, who shall have access to sam-  
15                   ples and analyses performed in connection  
16                   with the case in which such defendant is  
17                   charged; or

18                   “(iii) if personally identifiable infor-  
19                   mation is removed, for a population statis-  
20                   tics database, for identification research  
21                   and protocol development purposes, or for  
22                   quality control purposes; and

23           “(C) such laboratory, and each analyst  
24           performing DNA analyses at such laboratory,  
25           will undergo, at regular intervals of not to ex-



1 odically revise, recommended standards for quality assur-  
2 ance, including standards for testing the proficiency of fo-  
3 rensic laboratories, and forensic analysts, in conducting  
4 analyses of DNA.

5 (2) The Director of the Federal Bureau of Investiga-  
6 tion, after taking into consideration such recommended  
7 standards, shall issue (and revise from time to time)  
8 standards for quality assurance, including standards for  
9 testing the proficiency of forensic laboratories, and foren-  
10 sic analysts, in conducting analyses of DNA.

11 (3) The standards described in paragraphs (1) and  
12 (2) shall specify criteria for quality assurance and pro-  
13 ficiency tests to be applied to the various types of DNA  
14 analyses used by forensic laboratories. The standards shall  
15 also include a system for grading proficiency testing per-  
16 formance to determine whether a laboratory is performing  
17 acceptably.

18 (4) Until such time as the advisory board has made  
19 recommendations to the Director of the Federal Bureau  
20 of Investigation and the Director has acted upon those  
21 recommendations, the quality assurance guidelines adopt-  
22 ed by the technical working group on DNA analysis meth-  
23 ods shall be deemed the Director's standards for purposes  
24 of this section.

1 (b) ADMINISTRATION OF THE ADVISORY BOARD.—  
2 For administrative purposes, the advisory board appointed  
3 under subsection (a) shall be considered an advisory board  
4 to the Director of the Federal Bureau of Investigation.  
5 Section 14 of the Federal Advisory Committee Act (5  
6 U.S.C. App.) shall not apply with respect to the advisory  
7 board appointed under subsection (a). The board shall  
8 cease to exist on the date 5 years after the initial appoint-  
9 ments are made to the board, unless the existence of the  
10 board is extended by the Director of the Federal Bureau  
11 of Investigation.

12 **SEC. 1005. INDEX TO FACILITATE LAW ENFORCEMENT EX-**  
13 **CHANGE OF DNA IDENTIFICATION INFORMA-**  
14 **TION.**

15 (a) The Director of the Federal Bureau of Investiga-  
16 tion may establish an index of—

17 (1) DNA identification records of persons con-  
18 victed of crimes;

19 (2) analyses of DNA samples recovered from  
20 crime scenes; and

21 (3) analyses of DNA samples recovered from  
22 unidentified human remains.

23 (b) Such index may include only information on DNA  
24 identification records and DNA analyses that are—

1           (1) based on analyses performed in accordance  
2 with publicly available standards that satisfy or ex-  
3 ceed the guidelines for a quality assurance program  
4 for DNA analysis, issued by the Director of the Fed-  
5 eral Bureau of Investigation under section 1004 of  
6 this subtitle;

7           (2) prepared by laboratories, and DNA ana-  
8 lysts, that undergo, at regular intervals of not to ex-  
9 ceed 180 days, external proficiency testing by a  
10 DNA proficiency testing program meeting the stand-  
11 ards issued under section 1004 of this subtitle; and

12           (3) maintained by Federal, State, and local  
13 criminal justice agencies pursuant to rules that allow  
14 disclosure of stored DNA samples and DNA analy-  
15 ses only—

16                   (A) to criminal justice agencies for law en-  
17 forcement identification purposes;

18                   (B) for criminal defense purposes, to a de-  
19 fendant, who shall have access to samples and  
20 analyses performed in connection with the case  
21 in which such defendant is charged; or

22                   (C) if personally identifiable information is  
23 removed, for a population statistics database,  
24 for identification research and protocol develop-  
25 ment purposes, or for quality control purposes.

1 (c) The exchange of records authorized by this section  
2 is subject to cancellation if the quality control and privacy  
3 requirements described in subsection (b) of this section are  
4 not met.

5 **SEC. 1006. FEDERAL BUREAU OF INVESTIGATION.**

6 (a) PROFICIENCY TESTING REQUIREMENTS.—

7 (1) GENERALLY.—Personnel at the Federal  
8 Bureau of Investigation who perform DNA analyses  
9 shall undergo, at regular intervals of not to exceed  
10 180 days, external proficiency testing by a DNA  
11 proficiency testing program meeting the standards  
12 issued under section 1004(b). Within one year of the  
13 date of enactment of this Act, the Director of the  
14 Federal Bureau of Investigation shall arrange for  
15 periodic blind external tests to determine the pro-  
16 ficiency of DNA analysis performed at the Federal  
17 Bureau of Investigation laboratory. As used in this  
18 paragraph, the term “blind external test” means a  
19 test that is presented to the laboratory through a  
20 second agency and appears to the analysts to involve  
21 routine evidence.

22 (2) REPORT.—For five years after the date of  
23 enactment of this Act, the Director of the Federal  
24 Bureau of Investigation shall submit to the Commit-  
25 tees on the Judiciary of the House and Senate an

1 annual report on the results of each of the tests re-  
2 ferred to in paragraph (1).

3 (b) PRIVACY PROTECTION STANDARDS.—

4 (1) GENERALLY.—Except as provided in para-  
5 graph (2), the results of DNA tests performed for  
6 a Federal law enforcement agency for law enforce-  
7 ment purposes may be disclosed only—

8 (A) to criminal justice agencies for law en-  
9 forcement identification purposes; or

10 (B) for criminal defense purposes, to a de-  
11 fendant, who shall have access to samples and  
12 analyses performed in connection with the case  
13 in which such defendant is charged.

14 (2) EXCEPTION.—If personally identifiable in-  
15 formation is removed, test results may be disclosed  
16 for a population statistics database, for identification  
17 research and protocol development purposes, or for  
18 quality control purposes.

19 (c) CRIMINAL PENALTY.—(1) Whoever—

20 (A) by virtue of employment or official position,  
21 has possession of, or access to, individually identifi-  
22 able DNA information indexed in a database created  
23 or maintained by any Federal law enforcement agen-  
24 cy; and

1 (B) willfully discloses such information in any  
2 manner to any person or agency not entitled to re-  
3 ceive it;

4 shall be fined not more than \$100,000.

5 (2) Whoever, without authorization, willfully obtains  
6 DNA samples or individually identifiable DNA informa-  
7 tion indexed in a database created or maintained by any  
8 Federal law enforcement agency shall be fined not more  
9 than \$100,000.

10 **SEC. 1007. AUTHORIZATION OF APPROPRIATIONS.**

11 There are authorized to be appropriated to the Fed-  
12 eral Bureau of Investigation \$4,500,000 for each of fiscal  
13 years 1994 through 1998 to carry out sections 1004,  
14 1005, and 1006 of this Act.

15 **Subtitle C—Department of Justice**  
16 **Community Substance Abuse**  
17 **Prevention**

18 **SEC. 1008. COMMUNITY PARTNERSHIPS.**

19 Part E of title I of the Omnibus Crime Control and  
20 Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is  
21 amended by adding at the end thereof the following:

22 “Subpart 4—Community Coalitions on Substance Abuse

23 “GRANTS TO COMBAT SUBSTANCE ABUSE

24 “SEC. 531. (a) DEFINITION.—As used in this section,  
25 the term ‘eligible coalition’ means an association, consist-

1 ing of at least seven organizations, agencies, and individ-  
2 uals that are concerned about preventing substance abuse,  
3 that shall include—

4 “(1) public and private organizations and agen-  
5 cies that represent law enforcement, schools, health  
6 and social service agencies, and community-based or-  
7 ganizations; and

8 “(2) representatives of 3 of the following  
9 groups: the clergy, academia, business, parents,  
10 youth, the media, civic and fraternal groups, or  
11 other nongovernmental interested parties.

12 “(b) GRANT PROGRAM.—The Attorney General, act-  
13 ing through the Director of the Bureau of Justice Assist-  
14 ance, and the appropriate State agency, may make grants  
15 to eligible coalitions in order to—

16 “(1) plan and implement comprehensive long-  
17 term strategies for substance abuse prevention;

18 “(2) develop a detailed assessment of existing  
19 substance abuse prevention programs and activities  
20 to determine community resources and to identify  
21 major gaps and barriers in such programs and ac-  
22 tivities;

23 “(3) identify and solicit funding sources to en-  
24 able such programs and activities to become self-sus-  
25 taining;

1           “(4) develop a consensus regarding the prior-  
2           ities of a community concerning substance abuse;

3           “(5) develop a plan to implement such prior-  
4           ities; and

5           “(6) coordinate substance abuse services and  
6           activities, including prevention activities in the  
7           schools or communities and substance abuse treat-  
8           ment programs.

9           “(c) COMMUNITY PARTICIPATION.—In developing  
10          and implementing a substance abuse prevention program,  
11          a coalition receiving funds under subsection (b) shall—

12           “(1) emphasize and encourage substantial vol-  
13           untary participation in the community, especially  
14           among individuals involved with youth such as teach-  
15           ers, coaches, parents, and clergy; and

16           “(2) emphasize and encourage the involvement  
17           of businesses, civic groups, and other community or-  
18           ganizations and members.

19           “(d) APPLICATION.—An eligible coalition shall sub-  
20          mit an application to the Attorney General and the appro-  
21          priate State agency in order to receive a grant under this  
22          section. Such application shall—

23           “(1) describe and, to the extent possible, docu-  
24           ment the nature and extent of the substance abuse  
25           problem, emphasizing who is at risk and specifying

1 which groups of individuals should be targeted for  
2 prevention and intervention;

3 “(2) describe the activities needing financial as-  
4 sistance;

5 “(3) identify participating agencies, organiza-  
6 tions, and individuals;

7 “(4) identify the agency, organization, or indi-  
8 vidual that has responsibility for leading the coali-  
9 tion, and provide assurances that such agency, orga-  
10 nization or individual has previous substance abuse  
11 prevention experience;

12 “(5) describe a mechanism to evaluate the suc-  
13 cess of the coalition in developing and carrying out  
14 the substance abuse prevention plan referred to in  
15 subsection (b)(5) and to report on such plan to the  
16 Attorney General on an annual basis; and

17 “(6) contain such additional information and  
18 assurances as the Attorney General and the appro-  
19 priate State agency may prescribe.

20 “(e) PRIORITY.—In awarding grants under this sec-  
21 tion, the Attorney General and the appropriate State  
22 agency shall give priority to a community that—

23 “(1) provides evidence of significant substance  
24 abuse;

1           “(2) proposes a comprehensive and multifaceted  
2           approach to eliminating substance abuse;

3           “(3) encourages the involvement of businesses  
4           and community leaders in substance abuse preven-  
5           tion activities;

6           “(4) demonstrates a commitment and a high  
7           priority for preventing substance abuse; and

8           “(5) demonstrates support from the community  
9           and State and local agencies for efforts to eliminate  
10          substance abuse.

11          “(f) REVIEW.—Each coalition receiving money pursu-  
12          ant to the provisions of this section shall submit an annual  
13          report to the Attorney General, and the appropriate State  
14          agency, evaluating the effectiveness of the plan described  
15          in subsection (b)(5) and containing such additional infor-  
16          mation as the Attorney General, or the appropriate State  
17          agency, may prescribe. The Attorney General, in conjunc-  
18          tion with the Director of the Bureau of Justice Assistance,  
19          and the appropriate State agency, shall submit an annual  
20          review to the Committee on the Judiciary of the Senate  
21          and the Committee on the Judiciary of the House of Rep-  
22          resentatives. Such review shall—

23                 “(1) evaluate the grant program established in  
24                 this section to determine its effectiveness;

1           “(2) implement necessary changes to the pro-  
2           gram that can be done by the Attorney General; and

3           “(3) recommend any statutory changes that are  
4           necessary.

5           “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
6           are authorized to be appropriated to carry out the provi-  
7           sions of this section, \$15,000,000 for fiscal year 1994,  
8           \$20,000,000 for fiscal year 1995, and \$25,000,000 for fis-  
9           cal year 1996.”.

10          (c) AMENDMENT TO TABLE OF SECTIONS.—The  
11          table of sections of title I of the Omnibus Crime Control  
12          and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.)  
13          is amended by adding at the end thereof the following:

                  “SUBPART 4—COMMUNITY COALITION ON SUBSTANCE ABUSE

                  “Sec. 531. Grants to combat substance abuse.”.

14                   **Subtitle D—Drug Testing of**  
15                   **Arrested Individuals**

16          **SEC. 1009. DRUG TESTING UPON ARREST.**

17          (a) IN GENERAL.—Title I of the Omnibus Crime  
18          Control and Safe Streets Act of 1968 (42 U.S.C. 3711  
19          et seq.), is amended—

20                  (1) by redesignating part U as part V;

21                  (2) by redesignating section 2101 as section  
22                  2201; and

23                  (3) by inserting after part T the following:

1     **“PART U—GRANTS FOR DRUG TESTING UPON**  
2                                   **ARREST**

3     **“SEC. 2101. GRANT AUTHORIZATION.**

4             “The Director of the Bureau of Justice Assistance  
5 is authorized to make grants under this part to States,  
6 for the use by States and units of local government in  
7 the States, for the purpose of developing, implementing,  
8 or continuing a drug testing project when individuals are  
9 arrested and during the pretrial period.

10    **“SEC. 2102. STATE APPLICATIONS.**

11           “(a) GENERAL REQUIREMENTS.—To request a grant  
12 under this part the chief executive of a State shall submit  
13 an application to the Director in such form and containing  
14 such information as the Director may reasonably require.

15           “(b) MANDATORY ASSURANCES.—To be eligible to  
16 receive funds under this part, a State must agree to de-  
17 velop or maintain programs of urinalysis or similar drug  
18 testing of individuals upon arrest and on a regular basis  
19 pending trial for the purpose of making pretrial detention  
20 decisions.

21           “(c) CENTRAL OFFICE.—The office designated under  
22 section 507 of title I of the Omnibus Crime Control and  
23 Safe Streets Act of 1968 (42 U.S.C. 3757)—

24                   “(1) shall prepare the application as required  
25                   under subsection (a); and

1           “(2) shall administer grant funds received  
2           under this part, including, review of spending, proc-  
3           essing, progress, financial reporting, technical assist-  
4           ance, grant adjustments, accounting, auditing, and  
5           fund disbursement.

6   **“SEC. 2103. LOCAL APPLICATIONS.**

7           “(a) IN GENERAL.—(1) To request funds under this  
8           part from a State, the chief executive of a unit of local  
9           government shall submit an application to the office des-  
10          ignated under section 2102(c) of the Violent Crime Con-  
11          trol and Law Enforcement Act of 1993.

12          “(2) Such application shall be considered approved,  
13          in whole or in part, by the State not later than 90 days  
14          after such application is first received unless the State in-  
15          forms the applicant in writing of specific reasons for dis-  
16          approval.

17          “(3) The State shall not disapprove any application  
18          submitted to the State without first affording the appli-  
19          cant reasonable notice and an opportunity for reconsider-  
20          ation.

21          “(4) If such application is approved, the unit of local  
22          government is eligible to receive such funds.

23          “(b) DISTRIBUTION TO UNITS OF LOCAL GOVERN-  
24          MENT.—A State that receives funds under section 2101  
25          of the Violent Crime Control and Law Enforcement Act

1 of 1993 in a fiscal year shall make such funds available  
2 to units of local government with an application that has  
3 been submitted and approved by the State within 90 days  
4 after the Bureau has approved the application submitted  
5 by the State and has made funds available to the State.  
6 The Director shall have the authority to waive the 90-day  
7 requirement in this section upon a finding that the State  
8 is unable to satisfy such requirement under State statutes.

9 **“SEC. 2104. ALLOCATION AND DISTRIBUTION OF FUNDS.**

10 “(a) STATE DISTRIBUTION.—Of the total amount ap-  
11 propriated under this part in any fiscal year—

12 “(1) 0.4 percent shall be allocated to each of  
13 the participating States; and

14 “(2) of the total funds remaining after the allo-  
15 cation under paragraph (1), there shall be allocated  
16 to each of the participating States an amount which  
17 bears the same ratio to the amount of remaining  
18 funds described in this paragraph as the number of  
19 individuals arrested in such State bears to the num-  
20 ber of individuals arrested in all the participating  
21 States.

22 “(b) LOCAL DISTRIBUTION.—(1) A State that re-  
23 ceives funds under this part in a fiscal year shall distribute  
24 to units of local government in such State that portion  
25 of such funds which bears the same ratio to the aggregate

1 amount of such funds as the amount of funds expended  
2 by all units of local government for criminal justice in the  
3 preceding fiscal year bears to the aggregate amount of  
4 funds expended by the State and all units of local govern-  
5 ment in such State for criminal justice in such preceding  
6 fiscal year.

7       “(2) Any funds not distributed to units of local gov-  
8 ernment under paragraph (1) shall be available for ex-  
9 penditure by such State for purposes specified in such  
10 State’s application.

11       “(3) If the Director determines, on the basis of infor-  
12 mation available during any fiscal year, that a portion of  
13 the funds allocated to a State for such fiscal year will not  
14 be used by such State or that a State is not eligible to  
15 receive funds under section 2101 of the Violent Crime  
16 Control and Law Enforcement Act of 1993, the Director  
17 shall award such funds to units of local government in  
18 such State giving priority to the units of local government  
19 that the Director considers to have the greatest need.

20       “(c) FEDERAL SHARE.—The Federal share of a  
21 grant made under this part may not exceed 75 percent  
22 of the total costs of the projects described in the applica-  
23 tion submitted under section 2102 of the Violent Crime  
24 Control and Law Enforcement Act of 1993 for the fiscal

1 year for which the projects receive assistance under this  
2 part.

3 “(d) GEOGRAPHIC DISTRIBUTION.—The Director  
4 shall attempt, to the extent practicable, to achieve an equi-  
5 table geographic distribution of grant awards.

6 **“SEC. 2105. REPORT.**

7 “A State or unit of local government that receives  
8 funds under this part shall submit to the Director a report  
9 in March of each fiscal year that funds are received under  
10 this part regarding the effectiveness of the drug testing  
11 project.”.

12 (b) CONFORMING AMENDMENT.—The table of con-  
13 tents of title I of the Omnibus Crime Control and Safe  
14 Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended  
15 by striking the matter relating to part U and inserting  
16 the following:

“PART U—DRUG TESTING FOR INDIVIDUALS ARRESTED

“Sec. 2101. Grant authorization.

“Sec. 2102. State applications.

“Sec. 2103. Local applications.

“Sec. 2104. Allocation and distribution of funds.

“Sec. 2105. Report.

“PART V—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 2201. Continuation of rules, authorities, and proceedings.”.

17 **SEC. 1010. AUTHORIZATION OF APPROPRIATIONS.**

18 Section 1001(a) of the Omnibus Crime Control and  
19 Safe Streets Act of 1968 (42 U.S.C. 3793), is amended  
20 by adding after paragraph (14) the following:

1       “(15) There are authorized to be appropriated  
2 \$100,000,000 for the fiscal years 1994, 1995, and 1996  
3 to carry out the projects under part U.”.

4       **Subtitle E—Racial and Ethnic Bias**  
5                                   **Study Grants**

6       **SEC. 1011. STUDY GRANTS.**

7           (a) AUTHORIZATION OF GRANT PROGRAM.—

8               (1) IN GENERAL.—The Attorney General,  
9               through the Bureau of Justice Assistance, is author-  
10              ized to make grants to States that have established  
11              by State law or by the court of last resort a plan  
12              for analyzing the role of race in that State’s criminal  
13              justice system. Such plan shall include recommenda-  
14              tions designed to correct any findings that racial and  
15              ethnic bias plays such a role.

16             (2) CRITERIA FOR GRANTS.—Grants under this  
17             subsection shall be awarded based upon criteria es-  
18             tablished by the Attorney General. In establishing  
19             the criteria, the Attorney General shall take into  
20             consideration the population of the respective States,  
21             the racial and ethnic composition of the population  
22             of the States, and the crime rates of the States.

23             (3) REPORTS BY STATES.—Recipients of grants  
24             under this subsection shall report the findings and  
25             recommendations of studies funded by grants under

1 this subsection to the Committees on the Judiciary  
2 of the Senate and the House of Representatives  
3 within reasonable time limits established by the At-  
4 torney General.

5 (4) REIMBURSEMENT OF STATES.—Grants may  
6 be made to reimburse States for work started prior  
7 to the date of enactment of this Act.

8 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
9 are authorized to be appropriated \$2,000,000 for each of  
10 the fiscal years 1994, 1995, 1996, 1997, and 1998 to  
11 carry out the provisions of this section.

12 **TITLE XI—PROVISIONS**  
13 **RELATING TO POLICE OFFICERS**  
14 **Subtitle A—Law Enforcement**  
15 **Family Support**

16 **SEC. 1101. LAW ENFORCEMENT FAMILY SUPPORT.**

17 Title I of the Omnibus Crime Control and Safe  
18 Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amend-  
19 ed—

- 20 (1) by redesignating part V as part W;  
21 (2) by redesignating section 2201 as 2301; and  
22 (3) by inserting after part U the following:

23 **“PART V—FAMILY SUPPORT**

24 **“SEC. 2201. DUTIES OF DIRECTOR.**

25 “The Director shall—

1           “(1) establish guidelines and oversee the imple-  
2           mentation of family-friendly policies within law en-  
3           forcement-related offices and divisions in the De-  
4           partment of Justice;

5           “(2) study the effects of stress on law enforce-  
6           ment personnel and family well-being and dissemi-  
7           nate the findings of such studies to Federal, State,  
8           and local law enforcement agencies, related organi-  
9           zations, and other interested parties;

10           “(3) identify and evaluate model programs that  
11           provide support services to law enforcement person-  
12           nel and families;

13           “(4) provide technical assistance and training  
14           programs to develop stress reduction and family sup-  
15           port to State and local law enforcement agencies;

16           “(5) collect and disseminate information re-  
17           garding family support, stress reduction, and psy-  
18           chological services to Federal, State, and local law  
19           enforcement agencies, law enforcement-related orga-  
20           nizations, and other interested entities; and

21           “(6) determine issues to be researched by the  
22           Bureau and by grant recipients.

23 **“SEC. 2202. GENERAL AUTHORIZATION.**

24           “The Director is authorized to make grants to States  
25           and local law enforcement agencies and to organizations

1 representing State and local law enforcement personnel to  
2 provide family support services to law enforcement person-  
3 nel.

4 **“SEC. 2203. USES OF FUNDS.**

5       “(a) IN GENERAL.—A State or local law enforcement  
6 agency or organization that receives a grant under this  
7 part shall use amounts provided under the grant to estab-  
8 lish or improve training and support programs for law en-  
9 forcement personnel.

10       “(b) REQUIRED ACTIVITIES.—A law enforcement  
11 agency or organization that receives funds under this part  
12 shall provide at least one of the following services:

13               “(1) Counseling for law enforcement family  
14 members.

15               “(2) Child care on a 24-hour basis.

16               “(3) Marital and adolescent support groups.

17               “(4) Stress reduction programs.

18               “(5) Stress education for law enforcement re-  
19 cruits and families.

20               “(6) Technical assistance and training pro-  
21 grams to support any or all of the services listed in  
22 (1) through (5).

23       “(c) OPTIONAL ACTIVITIES.—A law enforcement  
24 agency or organization that receives funds under this part  
25 may provide the following services:

1           “(1) Post-shooting debriefing for officers and  
2 their spouses.

3           “(2) Group therapy.

4           “(3) Hypertension clinics.

5           “(4) Critical incident response on a 24-hour  
6 basis.

7           “(5) Law enforcement family crisis telephone  
8 services on a 24-hour basis.

9           “(6) Counseling for law enforcement personnel  
10 exposed to the human immunodeficiency virus.

11           “(7) Counseling for peers.

12           “(8) Counseling for families of personnel killed  
13 in the line of duty.

14           “(9) Seminars regarding alcohol, drug use,  
15 gambling, and overeating.

16           “(10) Technical assistance and training to sup-  
17 port any or all of the services listed in (1) through  
18 (9).

19 **“SEC. 2204. APPLICATIONS.**

20           “A law enforcement agency or organization desiring  
21 to receive a grant under this part shall submit to the Di-  
22 rector an application at such time, in such manner, and  
23 containing or accompanied by such information as the Di-  
24 rector may reasonably require. Such application shall—

1           “(1) certify that the law enforcement agency or  
2 organization shall match all Federal funds with an  
3 equal amount of cash or in-kind goods or services  
4 from other non-Federal sources;

5           “(2) include a statement from the highest rank-  
6 ing law enforcement official from the State or local-  
7 ity or from the highest ranking official of the organi-  
8 zation applying for the grant that attests to the need  
9 and intended use of services to be provided with  
10 grant funds; and

11           “(3) assure that the Director or the Comptrol-  
12 ler General of the United States shall have access to  
13 all records related to the receipt and use of grant  
14 funds received under this part.

15 **“SEC. 2205. AWARD OF GRANTS; LIMITATION.**

16           “(a) GRANT DISTRIBUTION.—In approving grants  
17 under this part, the Director shall assure an equitable dis-  
18 tribution of assistance among the States, among urban  
19 and rural areas of the United States, and among urban  
20 and rural areas of a State.

21           “(b) DURATION.—The Director may award a grant  
22 each fiscal year, not to exceed \$100,000 to a State or local  
23 law enforcement agency or organization for a period not  
24 to exceed 5 years. In any application from a State or local  
25 law enforcement agency or organization for a grant to con-

1 tinue a program for the second, third, fourth, or fifth fis-  
2 cal year following the first fiscal year in which a grant  
3 was awarded to such agency, the Director shall review the  
4 progress made toward meeting the objectives of the pro-  
5 gram. The Director may refuse to award a grant if the  
6 Director finds sufficient progress has not been made to-  
7 ward meeting such objectives, but only after affording the  
8 applicant notice and an opportunity for reconsideration.

9 “(c) LIMITATION.—Not more than 10 percent of  
10 grant funds received by a State or a local law enforcement  
11 agency or organization may be used for administrative  
12 purposes.

13 **“SEC. 2206. DISCRETIONARY RESEARCH GRANTS.**

14 “The Director may reserve 10 percent of funds to  
15 award research grants to a State or local law enforcement  
16 agency or organization to study issues of importance in  
17 the law enforcement field as determined by the Director.

18 **“SEC. 2207. REPORTS.**

19 “(a) REPORT FROM GRANT RECIPIENTS.—A State  
20 or local law enforcement agency or organization that re-  
21 ceives a grant under this part shall submit to the Director  
22 an annual report that includes—

23 “(1) program descriptions;

24 “(2) the number of staff employed to admin-  
25 ister programs;

1           “(3) the number of individuals who participated  
2           in programs; and

3           “(4) an evaluation of the effectiveness of grant  
4           programs.

5           “(b) REPORT FROM DIRECTOR.—(1) The Director  
6           shall submit to the Committees on the Judiciary of the  
7           Senate and the House of Representatives a report not  
8           later than March 31 of each fiscal year.

9           “(2) Such report shall contain—

10           “(A) a description of the types of projects de-  
11           veloped or improved through funds received under  
12           this part;

13           “(B) a description of exemplary projects and  
14           activities developed;

15           “(C) a designation of the family relationship to  
16           the law enforcement personnel of individuals served;  
17           and

18           “(D) the number of individuals served in each  
19           location and throughout the country.

20   **“SEC. 2208. DEFINITIONS.**

21           “For purposes of this part—

22           “(1) the term ‘family-friendly policy’ means a  
23           policy to promote or improve the morale and well  
24           being of law enforcement personnel and their fami-  
25           lies; and

1           “(2) the term ‘law enforcement personnel’  
2           means individuals employed by Federal, State, and  
3           local law enforcement agencies.”.

4           (b) CONFORMING AMENDMENT.—The table of con-  
5           tents of title I of the Omnibus Crime Control and Safe  
6           Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended  
7           by striking the matter relating to part V and inserting  
8           the following:

“PART V—FAMILY SUPPORT

“Sec. 2201. Duties of director.  
“Sec. 2202. General authorization.  
“Sec. 2203. Uses of funds.  
“Sec. 2204. Applications.  
“Sec. 2205. Award of grants; limitation.  
“Sec. 2206. Discretionary research grants.  
“Sec. 2207. Reports.  
“Sec. 2208. Definitions.

“PART W—TRANSITION; EFFECTIVE DATE; REPEALS

“Sec. 2301. Continuation of rules, authorities, and privileges.”.

9           **SEC. 1102. AUTHORIZATION OF APPROPRIATIONS.**

10           Section 1001(a) of the Omnibus Crime Control and  
11           Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as  
12           amended by section 1199 of this Act, is amended by add-  
13           ing after paragraph (15) the following:

14           “(16) There are authorized to be appropriated  
15           \$5,000,000 for each of the fiscal years 1994, 1995, 1996,  
16           1997, and 1998. Not more than 20 percent of such funds  
17           may be used to accomplish the duties of the Director  
18           under section 2201 in part V of this Act, including admin-  
19           istrative costs, research, and training programs.”.

1           **Subtitle B—Police Pattern or**  
2                           **Practice**

3   **SEC. 1103. PATTERN OR PRACTICE CASES; CAUSE OF AC-**  
4                           **TION.**

5           Chapter 21 of title 42, United States Code, is amend-  
6 ed by adding the following new section:

7   **“SECTION 1998. PATTERN OR PRACTICE CASES.**

8           “(a) UNLAWFUL CONDUCT.—It shall be unlawful for  
9 any governmental authority, or any agent thereof, or any  
10 person acting on behalf of a governmental authority, to  
11 engage in a pattern or practice of conduct by law enforce-  
12 ment officers that deprives persons of rights, privileges,  
13 or immunities, secured or protected by the Constitution  
14 or laws of the United States.

15           “(b) CIVIL ACTION BY ATTORNEY GENERAL.—  
16 Whenever the Attorney General has reasonable cause to  
17 believe that a violation of paragraph (1) has occurred, the  
18 Attorney General, for or in the name of the United States,  
19 may in a civil action obtain appropriate equitable and de-  
20 claratory relief to eliminate the pattern or practice.”.

21   **SEC. 1104. DATA ON USE OF EXCESSIVE FORCE.**

22           (a) ATTORNEY GENERAL TO COLLECT.—The Attor-  
23 ney General shall, through the victimization surveys con-  
24 ducted by the Bureau of Justice Statistics, acquire data

1 about the use of excessive force by law enforcement offi-  
2 cers.

3 (b) LIMITATION ON USE OF DATA.—Data acquired  
4 under this section shall be used only for research or statis-  
5 tical purposes and may not contain any information that  
6 may reveal the identity of the victim or any law enforce-  
7 ment officer.

8 (c) ANNUAL SUMMARY.—The Attorney General shall  
9 publish an annual summary of the data acquired under  
10 this section.

11 **Subtitle C—Police Corps and Law**  
12 **Enforcement Officers Scholar-**  
13 **ship Programs**

14 **SEC. 1105. PURPOSES.**

15 The purposes of this subtitle are to—

16 (1) address violent crime by increasing the  
17 number of police with advanced education and train-  
18 ing on community patrol;

19 (2) provide educational assistance to law en-  
20 forcement personnel and to students who possess a  
21 sincere interest in public service in the form of law  
22 enforcement; and

23 (3) assist State and local law enforcement ef-  
24 forts to enhance the educational status of law en-  
25 forcement personnel both through increasing the

1 educational level of existing officers and by recruit-  
2 ing more highly educated officers.

3 **CHAPTER 1—COMMUNITY POLICE CORPS**  
4 **INITIATIVES**

5 **SEC. 1106. STATEMENT OF PURPOSES.**

6 The purposes of this Chapter are to support and en-  
7 courage State and locally based police corps programs  
8 which provide educational assistance and job placement  
9 for police recruits in community-oriented policing, and to  
10 support and encourage scholarship programs for in-service  
11 officers related to community-oriented policing.

12 **SEC. 1107. DEFINITIONS.**

13 As used in this Chapter—

14 (1) “educational institution” means an institu-  
15 tion of postsecondary education having a program  
16 whose regular duration is not less than 2 years and  
17 not more than 4 years, or a combination of such in-  
18 stitutions that enter into a partnership with a juris-  
19 diction under section 1109 of the Violent Crime  
20 Control and Law Enforcement Act of 1993;

21 (2) “jurisdiction” means a State or local law  
22 enforcement agency or a State or local government,  
23 or a combination of such agencies or governments  
24 that enter into a partnership with an educational in-

1       stitution under section 1109 of the Violent Crime  
2       Control and Law Enforcement Act of 1993; and

3               (3) “partnership” means a cooperative arrange-  
4       ment of an educational institution and a jurisdiction  
5       for the purpose of operating a Community Police  
6       Corps Program.

7       **SEC. 1108. AUTHORIZATION OF PROGRAM.**

8       (a) GRANTS.—The Attorney General may make  
9       grants to educational institutions for the support of Com-  
10      munity Police Corps Programs as described in this Chap-  
11      ter. The duration of a grant under this section shall not  
12      exceed 5 years. Grants that have a duration that is less  
13      than 5 years may be renewed by the Attorney General if  
14      the aggregate duration of grants for a particular Commu-  
15      nity Police Corps Program does not exceed 5 years. A  
16      maximum of 10 Community Police Corps Programs may  
17      receive funding under this section at any time.

18      (b) GEOGRAPHIC DISTRIBUTION.—The Attorney  
19      General shall attempt, to the extent practicable, to achieve  
20      an equitable geographic distribution of grant awards.

21      (c) SCHOLARSHIPS.—Grants provided to educational  
22      institutions under this section shall be used to provide  
23      scholarships of not more than \$5,000 annually to a partic-  
24      ipant in Community Police Corps Programs. Scholarships  
25      may be provided for the full duration of the institution’s

1 educational program or for any shorter period, but the ag-  
2 gregate amount provided to any participant shall not ex-  
3 ceed \$5,000 times the number of years in the institution's  
4 regular program.

5 (d) UTILIZATION OF DEPARTMENT OF JUSTICE OF-  
6 FICES AND SERVICES.—The Attorney General may utilize  
7 any office or service of the Department of Justice in carry-  
8 ing out this Chapter.

9 **SEC. 1109. PARTNERSHIPS OF EDUCATIONAL INSTITUTIONS**  
10 **AND JURISDICTIONS.**

11 (a) FORMATION OF PARTNERSHIPS.—All Community  
12 Police Corps Programs funded under this Chapter shall  
13 be operated by partnerships that include an educational  
14 institution and a jurisdiction. The partnership shall pub-  
15 licize the availability of scholarships under the Community  
16 Police Corps Program and shall carry out the specific re-  
17 sponsibilities set out in subsections (b), (c), (d), and (e).

18 (b) RESPONSIBILITIES OF EDUCATIONAL INSTITU-  
19 TION.—The educational institution in a partnership shall  
20 be responsible for—

21 (1) determining degree requirements, or devis-  
22 ing an educational curriculum, or both, in consulta-  
23 tion with the jurisdiction in the partnership, for par-  
24 ticipants in the Community Police Corps Program,  
25 which shall include instruction that helps to prepare

1 the participants for work in community-oriented po-  
2 licing; and

3 (2) evaluating the educational and academic fit-  
4 ness of applicants for participation in the Program,  
5 and selecting applicants for participation with the  
6 concurrence of the jurisdiction in the partnership.

7 (c) RESPONSIBILITIES OF JURISDICTION.—The juris-  
8 diction in a partnership shall be responsible for—

9 (1) evaluating the fitness of applicants for fu-  
10 ture police work, and selecting applicants for partici-  
11 pation with the concurrence of the educational insti-  
12 tution in the partnership;

13 (2) providing work study and training opportu-  
14 nities for participants during the educational period;

15 (3) providing any additional necessary training,  
16 and hiring as law enforcement officers all partici-  
17 pants who have successfully completed the edu-  
18 cational program and any work study or training re-  
19 quirements, and who otherwise meet minimum quali-  
20 fication and fitness standards for available positions;  
21 and

22 (4) utilizing such participants to help imple-  
23 ment community-oriented policing for a period of at  
24 least 4 years.

1 (d) APPLICATION AND PLAN.—A partnership may  
2 seek support for a Community Police Corps Program by  
3 submitting an application to the Attorney General which  
4 contains a plan for operating such a program. The plan  
5 shall describe the discharge of the responsibilities set out  
6 in this section, and shall address any other matters that  
7 the Attorney General may prescribe. An application under  
8 this subsection may be submitted in coordination with an  
9 application submitted under section 1702 of the Omnibus  
10 Crime Control and Safe Streets Act of 1968.

11 (e) MINIMUM ENROLLMENT REQUIREMENT.—A  
12 qualifying plan must specify that at least 10 participants  
13 will be enrolled in the Program. If scholarships are pro-  
14 vided to participants in more than 1 educational class, not  
15 less than 10 participants shall be enrolled in each such  
16 class.

17 **SEC. 1110. RESPONSIBILITIES OF PARTICIPANTS.**

18 (a) CONDITIONS OF PARTICIPATION.—A person may  
19 apply for participation in a Community Police Corps Pro-  
20 gram by submitting an application in the form and man-  
21 ner prescribed by the partnership that operates the Pro-  
22 gram. By enrolling in the Program, a participant agrees  
23 to—

24 (1) complete the educational component of the  
25 Program, and any work study or training require-

1       ments which are part of the Program, including sat-  
2       isfaction of any performance or testing standards set  
3       by the educational institution or the jurisdiction;

4               (2) accept employment by the jurisdiction as a  
5       law enforcement officer; and

6               (3) remain in such employment for a period of  
7       not less than 4 years without misconduct or deficits  
8       in performance that warrant discharge or removal  
9       from a position as a law enforcement officer under  
10      the rules of the employing jurisdiction.

11      (b) VIOLATIONS OF CONDITIONS.—A participant who  
12      fails to comply with the conditions set forth in subsection  
13      (a) may be required to repay to the United States the  
14      amount of any scholarship or scholarships provided under  
15      this Chapter, together with interest at a fair rate specified  
16      by the Attorney General. The Attorney General may allow  
17      a participant to fulfill the employment requirement under  
18      this Chapter, wholly or in part, through some other form  
19      of public service of comparable duration, on a finding that  
20      the participant's inability to fulfill the employment re-  
21      quirement is the result of disability or other good cause  
22      for which the participant is not at fault.

1 **SEC. 1111. COMMUNITY POLICING SCHOLARSHIPS FOR IN-**  
2 **SERVICE OFFICERS.**

3 (a) GRANTS.—In addition to grants provided under  
4 section 1108 of the Violent Crime Control and Law En-  
5 forcement Act of 1993, the Attorney General may make  
6 grants to educational institutions participating in partner-  
7 ships with jurisdictions under section 1109 of the Violent  
8 Crime Control and Law Enforcement Act of 1993 for pur-  
9 poses of supporting study at the institution or in a related  
10 post-graduate program by law enforcement officers who  
11 are employed by the jurisdiction.

12 (b) SCHOLARSHIPS.—Grants provided to educational  
13 institutions under this section shall be used to provide  
14 scholarships to officers who are assigned or will be as-  
15 signed to community-oriented policing, or who exercise or  
16 will exercise a supervisory or training role in relation to  
17 officers assigned to community-oriented policing. Scholar-  
18 ships under this section shall be applied to support courses  
19 of study that are relevant to community-oriented policing  
20 or related supervisory or training functions.

21 (c) LIMITATIONS.—The amount of a scholarship  
22 under this section may not exceed \$5,000 annually for any  
23 recipient, or an aggregate amount of \$10,000 for any re-  
24 cipient. The funding provided under this section shall not  
25 exceed 10 percent of the total funding available under this  
26 Chapter.

1 (d) APPLICATION AND GRANT CONDITIONS.—A part-  
2 nership that wishes to establish a scholarship program for  
3 in-service officers under this section shall submit an appli-  
4 cation to the Attorney General which may be combined  
5 with an application seeking support for a Community Po-  
6 lice Corps Program under section 1109(d) of the Violent  
7 Crime Control and Law Enforcement Act of 1993. The  
8 application and the conduct of programs funded under this  
9 section shall conform to any requirements that may be  
10 prescribed by the Attorney General.

11 **SEC. 1112. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated not more  
13 than \$5,000,000 for each of the fiscal years 1994, 1995,  
14 1996, 1997, and 1998 to carry out this Chapter.

15 **SEC. 1113. REVIEW AND REPORT ON PROGRAM.**

16 The grant authority created by this Chapter shall  
17 lapse at the conclusion of 5 years from the date of enact-  
18 ment of this Chapter. Prior to the expiration of the grant  
19 authority under this Chapter, the Attorney General shall  
20 submit a report to the Committees on the Judiciary of  
21 the Senate and the House of Representatives concerning  
22 the experience with and efficacy of the programs that have  
23 received support under this Chapter.

1           **CHAPTER 2—LAW ENFORCEMENT**  
2                           **SCHOLARSHIP PROGRAM**

3 **SEC. 1114. DEFINITIONS.**

4           As used in this Chapter—

5                   (1) the term “Director” means the Director of  
6           the Bureau of Justice Assistance;

7                   (2) the term “educational expenses” means ex-  
8           penses that are directly attributable to—

9                           (A) a course of education leading to the  
10           award of an associate degree;

11                           (B) a course of education leading to the  
12           award of a baccalaureate degree; or

13                           (C) a course of graduate study following  
14           award of a baccalaureate degree;

15           including the cost of tuition, fees, books, supplies,  
16           and related expenses;

17                   (3) the term “institution of higher education”  
18           has the same meaning given such term in section  
19           1201(a) of the Higher Education Act of 1965;

20                   (4) the term “law enforcement position” means  
21           employment as an officer in a State or local police  
22           force, or correctional institution; and

23                   (5) the term “State” means a State of the  
24           United States, the District of Columbia, the Com-  
25           monwealth of Puerto Rico, the Virgin Islands of the

1 United States, American Samoa, Guam, and the  
2 Commonwealth of the Northern Mariana Islands.

3 **SEC. 1115. ALLOTMENT.**

4 From amounts appropriated pursuant to the author-  
5 ity of section 1122 of the Violent Crime Control and Law  
6 Enforcement Act of 1993, the Director shall allot—

7 (1) 80 percent of such funds to States on the  
8 basis of the number of law enforcement officers in  
9 each State compared to the number of law enforce-  
10 ment officers in all States; and

11 (2) 20 percent of such funds to States on the  
12 basis of the shortage of law enforcement personnel  
13 and the need for assistance under this Chapter in  
14 the State compared to the shortage of law enforce-  
15 ment personnel and the need for assistance under  
16 this Chapter in all States.

17 **SEC. 1116. PROGRAM ESTABLISHED.**

18 (a) USE OF ALLOTMENT.—

19 (1) IN GENERAL.—Each State receiving an al-  
20 lotment pursuant to section 1115 of the Violent  
21 Crime Control and Law Enforcement Act of 1993  
22 shall use such allotment to pay the Federal share of  
23 the costs of—

1 (A) awarding scholarships to in-service law  
2 enforcement personnel to enable such personnel  
3 to seek further education; and

4 (B) providing—

5 (i) full-time employment in summer;

6 or

7 (ii) part-time (not to exceed 20 hours  
8 per week) employment during a period not  
9 to exceed one year.

10 (2) EMPLOYMENT.—The employment described  
11 in subparagraph (B) of paragraph (1) shall be pro-  
12 vided by State and local law enforcement agencies  
13 for students who are juniors or seniors in high  
14 school or are enrolled in an accredited institution of  
15 higher education and who demonstrate an interest in  
16 undertaking a career in law enforcement. Such em-  
17 ployment shall not be in a law enforcement position.  
18 Such employment shall consist of performing mean-  
19 ingful tasks that inform such students of the nature  
20 of the tasks performed by law enforcement agencies.

21 (b) PAYMENTS; FEDERAL SHARE; NON-FEDERAL  
22 SHARE.—

23 (1) PAYMENTS.—The Director shall pay to each  
24 State receiving an allotment under section 1115 of  
25 the Violent Crime Control and Law Enforcement

1 Act of 1993 the Federal share of the cost of the ac-  
2 tivities described in the application submitted pursu-  
3 ant to section 1119 of the Violent Crime Control  
4 and Law Enforcement Act of 1993.

5 (2) FEDERAL SHARE.—The Federal share shall  
6 not exceed 60 percent.

7 (3) NON-FEDERAL SHARE.—The non-Federal  
8 share of the cost of scholarships and student em-  
9 ployment provided under this Chapter shall be sup-  
10 plied from sources other than the Federal Govern-  
11 ment.

12 (c) LEAD AGENCY.—Each State receiving an allot-  
13 ment under section 1115 of the Violent Crime Control and  
14 Law Enforcement Act of 1993 shall designate an appro-  
15 priate State agency to serve as the lead agency to conduct  
16 a scholarship program, a student employment program, or  
17 both in the State in accordance with this Chapter.

18 (d) RESPONSIBILITIES OF DIRECTOR.—The Director  
19 shall be responsible for the administration of the programs  
20 conducted pursuant to this Chapter and shall, in consulta-  
21 tion with the Assistant Secretary for Postsecondary Edu-  
22 cation, issue rules to implement this Chapter.

23 (e) ADMINISTRATIVE EXPENSES.—Each State receiv-  
24 ing an allotment under section 1115 of the Violent Crime  
25 Control and Law Enforcement Act of 1993 may reserve

1 not more than 8 percent of such allotment for administra-  
2 tive expenses.

3 (f) SPECIAL RULE.—Each State receiving an allot-  
4 ment under section 1115 of the Violent Crime Control and  
5 Law Enforcement Act of 1993 shall ensure that each  
6 scholarship recipient under this Chapter be compensated  
7 at the same rate of pay and benefits and enjoy the same  
8 rights under applicable agreements with labor organiza-  
9 tions and under State and local law as other law enforce-  
10 ment personnel of the same rank and tenure in the office  
11 of which the scholarship recipient is a member.

12 (g) SUPPLEMENTATION OF FUNDING.—Funds re-  
13 ceived under this Chapter shall only be used to supple-  
14 ment, and not to supplant, Federal, State, or local efforts  
15 for recruitment and education of law enforcement person-  
16 nel.

17 **SEC. 1117. SCHOLARSHIPS.**

18 (a) PERIOD OF AWARD.—Scholarships awarded  
19 under this Chapter shall be for a period of one academic  
20 year.

21 (b) USE OF SCHOLARSHIPS.—Each individual award-  
22 ed a scholarship under this Chapter may use such scholar-  
23 ship for educational expenses at any accredited institution  
24 of higher education.

1 **SEC. 1118. ELIGIBILITY.**

2 (a) SCHOLARSHIPS.—An individual shall be eligible  
3 to receive a scholarship under this Chapter if such individ-  
4 ual has been employed in law enforcement for the 2-year  
5 period immediately preceding the date on which assistance  
6 is sought.

7 (b) INELIGIBILITY FOR STUDENT EMPLOYMENT.—  
8 An individual who has been employed as a law enforce-  
9 ment officer is ineligible to participate in a student em-  
10 ployment program carried out under this Chapter.

11 **SEC. 1119. STATE APPLICATION.**

12 Each State desiring an allotment under section 1115  
13 of the Violent Crime Control and Law Enforcement Act  
14 of 1993 shall submit an application to the Director at such  
15 time, in such manner, and accompanied by such informa-  
16 tion as the Director may reasonably require. Each such  
17 application shall—

18 (1) describe the scholarship program and the  
19 student employment program for which assistance  
20 under this Chapter is sought;

21 (2) contain assurances that the lead agency will  
22 work in cooperation with the local law enforcement  
23 liaisons, representatives of police labor organizations  
24 and police management organizations, and other ap-  
25 propriate State and local agencies to develop and im-

1       plement interagency agreements designed to carry  
2       out this Chapter;

3           (3) contain assurances that the State will ad-  
4       vertise the scholarship assistance and student em-  
5       ployment it will provide under this Chapter and that  
6       the State will use such programs to enhance recruit-  
7       ment efforts;

8           (4) contain assurances that the State will  
9       screen and select law enforcement personnel for par-  
10      ticipation in the scholarship program under this  
11      Chapter;

12          (5) contain assurances that under such student  
13      employment program the State will screen and se-  
14      lect, for participation in such program, students who  
15      have an interest in undertaking a career in law en-  
16      forcement;

17          (6) contain assurances that under such scholar-  
18      ship program the State will make scholarship pay-  
19      ments to institutions of higher education on behalf  
20      of individuals receiving scholarships under this  
21      Chapter;

22          (7) with respect to such student employment  
23      program, identify—

24              (A) the employment tasks students will be  
25              assigned to perform;

1 (B) the compensation students will be paid  
2 to perform such tasks; and

3 (C) the training students will receive as  
4 part of their participation in such program;

5 (8) identify model curriculum and existing pro-  
6 grams designed to meet the educational and profes-  
7 sional needs of law enforcement personnel; and

8 (9) contain assurances that the State will pro-  
9 mote cooperative agreements with educational and  
10 law enforcement agencies to enhance law enforce-  
11 ment personnel recruitment efforts in institutions of  
12 higher education.

13 **SEC. 1120. LOCAL APPLICATION.**

14 (a) IN GENERAL.—Each individual who desires a  
15 scholarship or employment under this Chapter shall sub-  
16 mit an application to the State at such time, in such man-  
17 ner, and accompanied by such information as the State  
18 may reasonably require. Each such application shall de-  
19 scribe the academic courses for which a scholarship is  
20 sought, or the location and duration of employment  
21 sought, as appropriate.

22 (b) PRIORITY.—In awarding scholarships and provid-  
23 ing student employment under this Chapter, each State  
24 shall give priority to applications from individuals who  
25 are—

1           (1) members of racial, ethnic, or gender groups  
2 whose representation in the law enforcement agen-  
3 cies within the State is substantially less than in the  
4 population eligible for employment in law enforce-  
5 ment in the State;

6           (2) pursuing an undergraduate degree; and

7           (3) not receiving financial assistance under the  
8 Higher Education Act of 1965.

9 **SEC. 1121. SCHOLARSHIP AGREEMENT.**

10       (a) IN GENERAL.—Each individual who receives a  
11 scholarship under this Chapter shall enter into an agree-  
12 ment with the Director.

13       (b) CONTENTS.—Each agreement described in sub-  
14 section (a) shall—

15           (1) provide assurances that the individual will  
16 work in a law enforcement position in the State  
17 which awarded such individual the scholarship in ac-  
18 cordance with the service obligation described in  
19 subsection (c) after completion of such individual's  
20 academic courses leading to an associate, bachelor,  
21 or graduate degree;

22           (2) provide assurances that the individual will  
23 repay the entire scholarship awarded under this  
24 Chapter in accordance with such terms and condi-  
25 tions as the Director shall prescribe, in the event

1 that the requirements of such agreement are not  
2 complied with unless the individual—

3 (A) dies;

4 (B) becomes physically or emotionally dis-  
5 abled, as established by the sworn affidavit of  
6 a qualified physician; or

7 (C) has been discharged in bankruptcy;

8 and

9 (3) set forth the terms and conditions under  
10 which an individual receiving a scholarship under  
11 this Chapter may seek employment in the field of  
12 law enforcement in a State other than the State  
13 which awarded such individual the scholarship under  
14 this Chapter.

15 (c) SERVICE OBLIGATION.—

16 (1) IN GENERAL.— Except as provided in para-  
17 graph (2), each individual awarded a scholarship  
18 under this Chapter shall work in a law enforcement  
19 position in the State which awarded such individual  
20 the scholarship for a period of one month for each  
21 credit hour for which funds are received under such  
22 scholarship.

23 (2) SPECIAL RULE.—For purposes of satisfying  
24 the requirement specified in paragraph (1), each in-  
25 dividual awarded a scholarship under this Chapter

1 shall work in a law enforcement position in the State  
2 which awarded such individual the scholarship for  
3 not less than 6 months nor more than 2 years.

4 **SEC. 1122. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) GENERAL AUTHORIZATION OF APPROPRIA-  
6 TIONS.—There are authorized to be appropriated  
7 \$25,000,000 for each of the fiscal years 1994, 1995, 1996,  
8 and 1997, to carry out this Chapter.

9 (b) USES OF FUNDS.—Of the funds appropriated  
10 under subsection (a) for any fiscal year—

11 (1) 80 percent shall be available to provide  
12 scholarships described in section 1116(a)(1)(A) of  
13 the Violent Crime Control and Law Enforcement  
14 Act of 1993; and

15 (2) 20 percent shall be available to provide em-  
16 ployment described in sections 1116(a)(1)(B) and  
17 1116(a)(2) of the Violent Crime Control and Law  
18 Enforcement Act of 1993.

19 **CHAPTER 3—REPORTS**

20 **SEC. 1123. REPORTS TO CONGRESS.**

21 (a) ANNUAL REPORTS.—No later than April 1 of  
22 each fiscal year, the Attorney General shall submit a re-  
23 port to the the Committees on the Judiciary of the Senate  
24 and the House of Representatives. Such report shall—

1           (1) state the number of current and past par-  
2           ticipants in the Police Corps program authorized by  
3           Chapter 1, broken down according to the levels of  
4           educational study in which they are engaged and  
5           years of service they have served on police forces (in-  
6           cluding service following completion of the 4-year  
7           service obligation);

8           (2) describe the geographic, racial, and gender  
9           dispersion of participants in the Police Corps pro-  
10          gram;

11          (3) state the number of present and past schol-  
12          arship recipients under Chapter 2, categorized ac-  
13          cording to the levels of educational study in which  
14          such recipients are engaged and the years of service  
15          such recipients have served in law enforcement;

16          (4) describe the geographic, racial, and gender  
17          dispersion of scholarship recipients under Chapter 2;  
18          and

19          (5) describe the progress of the programs au-  
20          thorized by this subtitle and make recommendations  
21          for changes in the programs.

22          (b) SPECIAL REPORT.—Not later than 6 months  
23          after the date of enactment of this Act, the Attorney Gen-  
24          eral shall submit a report to the Committees on the Judici-  
25          ary of the Senate and the House of Representatives con-

1 taining a plan to expand the assistance provided under  
2 Chapter 2 to Federal law enforcement officers. Such plan  
3 shall contain information of the number and type of Fed-  
4 eral law enforcement officers eligible for such assistance.

## 5 **Subtitle D—Study Rights of Police** 6 **Officers**

### 7 **SEC. 1124. STUDY ON OFFICERS' RIGHTS.**

8 The Attorney General, through the National Institute  
9 of Justice, shall conduct a study of the procedures followed  
10 in internal, noncriminal investigations of State and local  
11 law enforcement officers to determine if such investiga-  
12 tions are conducted fairly and effectively. The study shall  
13 examine the adequacy of the rights available to law en-  
14 forcement officers and members of the public in cases in-  
15 volving the performance of a law enforcement officer, in-  
16 cluding—

- 17 (1) notice;
- 18 (2) conduct of questioning;
- 19 (3) counsel;
- 20 (4) hearings;
- 21 (5) appeal; and
- 22 (6) sanctions.

23 Not later than one year after the date of enactment of  
24 this Act, the Attorney General shall submit to the Com-  
25 mittees on the Judiciary of the Senate and the House of

1 Representatives a report on the results of the study, along  
2 with findings and recommendations on strategies to guar-  
3 antee fair and effective internal affairs investigations.

4       **TITLE XII—GRANT PROGRAM**  
5               **FOR STATE PRISONS**

6       **SEC. 1201. RESIDENTIAL SUBSTANCE ABUSE TREATMENT**  
7               **FOR STATE PRISONERS.**

8       (a) RESIDENTIAL SUBSTANCE ABUSE TREATMENT  
9 FOR PRISONERS.—Title I of the Omnibus Crime Control  
10 and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.),  
11 is amended—

12               (1) by redesignating part W as part X;

13               (2) by redesignating section 2301 as section  
14       2401; and

15               (3) by inserting after part V the following:

16       **“PART W—RESIDENTIAL SUBSTANCE ABUSE**  
17               **TREATMENT FOR STATE PRISONERS**

18       **“SEC. 2301. GRANT AUTHORIZATION.**

19       “The Director of the Bureau of Justice Assistance  
20 (referred to in this part as the ‘Director’) may make  
21 grants under this part to States, for the use by States  
22 and units of local government for the purpose of develop-  
23 ing and implementing residential substance abuse treat-  
24 ment programs within State correctional facilities, as well  
25 as within local correctional facilities in which inmates are

1 incarcerated for a period of time sufficient to permit sub-  
2 stance abuse treatment.

3 **“SEC. 2302. STATE APPLICATIONS.**

4 “(a) IN GENERAL.—(1) To request a grant under  
5 this part the chief executive of a State shall submit an  
6 application to the Director in such form and containing  
7 such information as the Director may reasonably require.

8 “(2) Such application shall include assurances that  
9 Federal funds received under this part shall be used to  
10 supplement, not supplant, non-Federal funds that would  
11 otherwise be available for activities funded under this part.

12 “(3) Such application shall coordinate the design and  
13 implementation of treatment programs between State cor-  
14 rectional representatives and the State Alcohol and Drug  
15 Abuse agency (and, if appropriate, between representa-  
16 tives of local correctional agencies and representatives of  
17 either the State alcohol and drug abuse agency or any ap-  
18 propriate local alcohol and drug abuse agency).

19 “(b) DRUG TESTING REQUIREMENT.—To be eligible  
20 to receive funds under this part, a State must agree to  
21 implement or continue to require urinalysis or similar test-  
22 ing of individuals in correctional residential substance  
23 abuse treatment programs. Such testing shall include indi-  
24 viduals released from residential substance abuse treat-  
25 ment programs who remain in the custody of the State.

1       “(c) ELIGIBILITY FOR PREFERENCE WITH  
2 AFTERCARE COMPONENT.—

3           “(1) To be eligible for a preference under this  
4 part, a State must ensure that individuals who par-  
5 ticipate in the drug treatment program established  
6 or implemented with assistance provided under this  
7 part will be provided with aftercare services.

8           “(2) State aftercare services must involve the  
9 coordination of the prison treatment program with  
10 other human service and rehabilitation programs,  
11 such as educational and job training programs, pa-  
12 role supervision programs, half-way house programs,  
13 and participation in self-help and peer group pro-  
14 grams, that may aid in the rehabilitation of individ-  
15 uals in the drug treatment program.

16           “(3) To qualify as an aftercare program, the  
17 head of the drug treatment program, in conjunction  
18 with State and local authorities and organizations  
19 involved in drug treatment, shall assist in placement  
20 of drug treatment program participants with appro-  
21 priate community drug treatment facilities when  
22 such individuals leave prison at the end of a sen-  
23 tence or on parole.

1       “(d) STATE OFFICE.—The office designated under  
2 section 507 of title I of the Omnibus Crime Control and  
3 Safe Streets Act of 1968 (42 U.S.C. 3757)—

4           “(1) shall prepare the application as required  
5 under section 2302 of the Violent Crime Control and  
6 Law Enforcement Act of 1993; and

7           “(2) shall administer grant funds received  
8 under this part, including, review of spending, proc-  
9 essing, progress, financial reporting, technical assist-  
10 ance, grant adjustments, accounting, auditing, and  
11 fund disbursement.

12 **“SEC. 2303. REVIEW OF STATE APPLICATIONS.**

13       “(a) IN GENERAL.—The Bureau shall make a grant  
14 under section 2301 of the Violent Crime Control and Law  
15 Enforcement Act of 1993 to carry out the projects de-  
16 scribed in the application submitted under section 2302  
17 of the Violent Crime Control and Law Enforcement Act  
18 of 1993 upon determining that—

19           “(1) the application is consistent with the re-  
20 quirements of this part; and

21           “(2) before the approval of the application the  
22 Bureau has made an affirmative finding in writing  
23 that the proposed project has been reviewed in ac-  
24 cordance with this part.

1       “(b) APPROVAL.—Each application submitted under  
2 section 2302 of the Violent Crime Control and Law En-  
3 forcement Act of 1993 shall be considered approved, in  
4 whole or in part, by the Bureau not later than 45 days  
5 after first received unless the Bureau informs the appli-  
6 cant of specific reasons for disapproval.

7       “(c) RESTRICTION.—Grant funds received under this  
8 part shall not be used for land acquisition or construction  
9 projects.

10       “(d) DISAPPROVAL NOTICE AND RECONSIDER-  
11 ATION.—The Bureau shall not disapprove any application  
12 without first affording the applicant reasonable notice and  
13 an opportunity for reconsideration.

14 **“SEC. 2304. ALLOCATION AND DISTRIBUTION OF FUNDS.**

15       “(a) ALLOCATION.—Of the total amount appro-  
16 priated under this part in any fiscal year—

17               “(1) 0.4 percent shall be allocated to each of  
18 the participating States; and

19               “(2) of the total funds remaining after the allo-  
20 cation under paragraph (1), there shall be allocated  
21 to each of the participating States an amount which  
22 bears the same ratio to the amount of remaining  
23 funds described in this paragraph as the State pris-  
24 on population of such State bears to the total prison  
25 population of all the participating States.

1       “(b) FEDERAL SHARE.—The Federal share of a  
2 grant made under this part may not exceed 75 percent  
3 of the total costs of the projects described in the applica-  
4 tion submitted under section 2302 of the Violent Crime  
5 Control and Law Enforcement Act of 1993 for the fiscal  
6 year for which the projects receive assistance under this  
7 part.

8       **“SEC. 2305. EVALUATION.**

9       “Each State that receives a grant under this part  
10 shall submit to the Director an evaluation not later than  
11 March 1 of each year in such form and containing such  
12 information as the Director may reasonably require.”.

13       (b) CONFORMING AMENDMENT.—The table of con-  
14 tents of title I of the Omnibus Crime Control and Safe  
15 Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended  
16 by striking the matter relating to part W and inserting  
17 the following:

      “PART W—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS

      “Sec. 2301. Grant authorization.

      “Sec. 2302. State applications.

      “Sec. 2303. Review of State applications.

      “Sec. 2304. Allocation and distribution of funds.

      “Sec. 2305. Evaluation.

      “PART X—TRANSITION; EFFECTIVE DATE; REPEALER

      “Sec. 2401. Continuation of rules, authorities, and proceedings.”.

18       (c) DEFINITIONS.—Section 901(a) of the Omnibus  
19 Crime Control and Safe Streets Act of 1968 (42 U.S.C.

1 3791(a) is amended by adding after paragraph (25) the  
2 following:

3 “(26) The term ‘residential substance abuse  
4 treatment program’ means a course of individual  
5 and group activities, lasting between 9 and 12  
6 months, in residential treatment facilities set apart  
7 from the general prison population—

8 “(A) directed at the substance abuse prob-  
9 lems of the prisoner; and

10 “(B) intended to develop the prisoner’s  
11 cognitive, behavioral, social, vocational, and  
12 other skills so as to solve the prisoner’s sub-  
13 stance abuse and related problems.”.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—Section  
15 1001(a) of title I of the Omnibus Crime Control and Safe  
16 Streets Act of 1968 (42 U.S.C. 3793), is amended by add-  
17 ing after paragraph (16) the following:

18 “(17) There are authorized to be appropriated  
19 \$100,000,000 for each of the fiscal years 1994, 1995, and  
20 1996 to carry out the projects under part W.”.

## 21 **TITLE XIII—FEDERAL PRISONS**

### 22 **Subtitle A—General**

#### 23 **SEC. 1301. PRISONER’S PLACE OF IMPRISONMENT.**

24 Paragraph (b) of section 3621 of title 18, United  
25 States Code, is amended by inserting after subsection (5)

1 the following: “However, the bureau may not consider the  
2 social or economic status of the prisoner in designating  
3 the place of the prisoner’s imprisonment.”.

4 **SEC. 1302. PRISON IMPACT ASSESSMENTS.**

5 (a) IN GENERAL.—Chapter 303 of title 18, United  
6 States Code, is amended by adding at the end the follow-  
7 ing new section:

8 **“§ 4047. Prison impact assessments**

9 “(a) Any submission of legislation by the Judicial or  
10 Executive branch which could increase or decrease the  
11 number of persons incarcerated or in Federal penal insti-  
12 tutions shall be accompanied by a prison impact state-  
13 ment, as defined in subsection (b) of this section.

14 “(b) The Attorney General shall, in consultation with  
15 the Sentencing Commission and the Administrative Office  
16 of the United States Courts, prepare and furnish prison  
17 impact assessments under subsection (c) of this section,  
18 and in response to requests from Congress for information  
19 relating to a pending measure or matter that might affect  
20 the number of defendants processed through the Federal  
21 criminal justice system. A prison impact assessment on  
22 pending legislation must be supplied within 14 days of any  
23 request. A prison impact assessment shall include—

24 “(1) projections of the impact on prison, proba-  
25 tion, and post prison supervision populations;

1           “(2) an estimate of the fiscal impact of such  
2           population changes on Federal expenditures, includ-  
3           ing those for construction and operation of correc-  
4           tional facilities for the current fiscal year and 5 suc-  
5           ceeding fiscal years;

6           “(3) an analysis of any other significant factor  
7           affecting the cost of the measure and its impact on  
8           the operations of components of the criminal justice  
9           system; and

10           “(4) a statement of the methodologies and as-  
11           sumptions utilized in preparing the assessment.

12           “(c) The Attorney General shall prepare and transmit  
13           to the Committees on the Judiciary of the Senate and the  
14           House of Representatives, by March 1 of each year, a pris-  
15           on impact assessment reflecting the cumulative effect of  
16           all relevant changes in the law taking effect during the  
17           preceding calendar year.”.

18           (b) CLERICAL AMENDMENT.—The table of sections  
19           at the beginning of chapter 303 is amended by adding at  
20           the end the following new item:

          “4047. Prison impact assessments.”.

21           **SEC. 1303. NOTIFICATION OF RELEASE OF PRISONERS.**

22           Section 4042 of title 18, United States Code, is  
23           amended—

24           (1) by striking “The Bureau” and inserting  
25           “(a) IN GENERAL.—The Bureau”;

1           (2) by striking “This section” and inserting  
2           “(c) Application of Section.—This section”;

3           (3) in paragraph (4) of subsection (a), as des-  
4           ignated by paragraph (1) of this subsection—

5                 (A) by striking “Provide” and inserting  
6                 “provide”; and

7                 (B) by striking the period at the end and  
8                 inserting “; and”;

9           (4) by inserting after paragraph (4) of sub-  
10           section (a), as designated by paragraph (1) of this  
11           subsection, the following new paragraph:

12                 “(5) provide notice of release of prisoners in ac-  
13                 cordance with subsection (b).”; and

14           (5) by inserting after subsection (a), as des-  
15           ignated by paragraph (1) of this subsection, the fol-  
16           lowing new subsection:

17           “(b) NOTICE OF RELEASE OF PRISONERS.—(1) Ex-  
18           cept in the case of a prisoner being protected under chap-  
19           ter 224, the Bureau of Prisons shall, at least 5 days prior  
20           to the date on which a prisoner described in paragraph  
21           (3) is to be released on supervised release, or, in the case  
22           of a prisoner on supervised release, at least 5 days prior  
23           to the date on which the prisoner changes residence to  
24           a new jurisdiction, cause written notice of the release or  
25           change of residence to be made to the chief law enforce-

1 ment officer of the State and of the local jurisdiction in  
2 which the prisoner will reside.

3 “(2) A notice under paragraph (1) shall disclose—

4 “(A) the prisoner’s name;

5 “(B) the prisoner’s criminal history, including a  
6 description of the offense of which the prisoner was  
7 convicted; and

8 “(C) any restrictions on conduct or other condi-  
9 tions to the release of the prisoner that are imposed  
10 by law, the sentencing court, or the Bureau of Pris-  
11 ons or any other Federal agency.

12 “(3) A prisoner is described in this paragraph if the  
13 prisoner was convicted of—

14 “(A) a drug trafficking crime, as that term is  
15 defined in section 924(c)(2); or

16 “(B) a crime of violence, as that term is defined  
17 in section 924(c)(3).

18 “(4) The notice provided under this section  
19 shall be used solely for law enforcement purposes.”.

20 **SEC. 1304. APPLICATION TO PRISONERS TO WHICH PRIOR**  
21 **LAW APPLIES.**

22 In the case of a prisoner convicted of an offense com-  
23 mitted prior to November 1, 1987, the reference to super-  
24 vised release in section 4042(b) of title 18, United States

1 Code, shall be deemed to be a reference to probation or  
2 parole.

### 3 **Subtitle B—Drug Testing**

#### 4 **SEC. 1305. POST-CONVICTION RELEASE DRUG TESTING—** 5 **FEDERAL OFFENDERS.**

6 (b) DRUG TESTING PROGRAM.—(1) Chapter 229 of  
7 title 18, United States Code, is amended by adding at the  
8 end the following new section:

#### 9 **“§ 3608. Drug testing of Federal offenders on post-** 10 **conviction release**

11 “The Director of the Administrative Office of the  
12 United States Courts, in consultation with the Attorney  
13 General and the Secretary of Health and Human Services,  
14 shall establish a program of drug testing of Federal of-  
15 fenders on post-conviction release. The program shall in-  
16 clude such standards and guidelines as the Director may  
17 determine necessary to ensure the reliability and accuracy  
18 of the drug testing programs. In each judicial district the  
19 chief probation officer shall arrange for the drug testing  
20 of defendants on post-conviction release pursuant to a con-  
21 viction for a felony or other offense described in section  
22 3563(a)(4) of this title.”.

23 (2) The table of sections at the beginning of chapter  
24 229 of title 18, United States Code, is amended by adding  
25 at the end the following:

“3608. Drug testing of Federal offenders on post-conviction release.”.

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

3 (1) in paragraph (2) by striking “and” after  
4 the semicolon;

5 (2) in paragraph (3) by striking the period and  
6 inserting “; and”;

7 (3) by adding at the end the following new  
8 paragraph:

9 “(4) for a felony, a misdemeanor, or an infrac-  
10 tion, that the defendant refrain from any unlawful  
11 use of a controlled substance and submit to one drug  
12 test within 15 days of release on probation and at  
13 least 2 periodic drug tests thereafter (as determined  
14 by the court) for use of a controlled substance, but  
15 the condition stated in this paragraph may be ame-  
16 liorated or suspended by the court for any individual  
17 defendant if the defendant’s presentence report or  
18 other reliable sentencing information indicates a low  
19 risk of future substance abuse by the defendant.”;  
20 and

21 (4) by adding at the end the following: “The re-  
22 sults of a drug test administered in accordance with  
23 paragraph (4) shall be subject to confirmation only  
24 if the results are positive, the defendant is subject  
25 to possible imprisonment for such failure, and either

1 the defendant denies the accuracy of such test or  
2 there is some other reason to question the results of  
3 the test. A defendant who tests positive may be de-  
4 tained pending verification of a positive drug test re-  
5 sult. A drug test confirmation shall be a urine drug  
6 test confirmed using gas chromatography/mass spec-  
7 trometry techniques or such test as the Director of  
8 the Administrative Office of the United States  
9 Courts after consultation with the Secretary of  
10 Health and Human Services may determine to be of  
11 equivalent accuracy. The court shall consider wheth-  
12 er the availability of appropriate substance abuse  
13 treatment programs, or an individual's current or  
14 past participation in such programs, warrants an ex-  
15 ception in accordance with United States Sentencing  
16 Commission guidelines from the rule of subsection  
17 3565(b), when considering any action against a de-  
18 fendant who fails a drug test administered in ac-  
19 cordance with paragraph (4). ”.

20 (d) CONDITIONS OF SUPERVISED RELEASE.—Section  
21 3583(d) of title 18, United States Code, is amended by  
22 inserting after the first sentence the following: “The court  
23 shall also order, as an explicit condition of supervised re-  
24 lease, that the defendant refrain from any unlawful use  
25 of a controlled substance and submit to a drug test within

1 15 days of release on supervised release and at least 2  
2 periodic drug tests thereafter (as determined by the court)  
3 for use of a controlled substance. The condition stated in  
4 the preceding sentence may be ameliorated or suspended  
5 by the court as provided in section 3563(a)(4). The results  
6 of a drug test administered in accordance with the preced-  
7 ing subsection shall be subject to confirmation only if the  
8 results are positive, the defendant is subject to possible  
9 imprisonment for such failure, and either the defendant  
10 denies the accuracy of such test or there is some other  
11 reason to question the results of the test. A drug test con-  
12 firmation shall be a urine drug test confirmed using gas  
13 chromatography/mass spectrometry techniques or such  
14 test as the Director of the Administrative Office of the  
15 United States Courts after consultation with the Secretary  
16 of Health and Human Services may determine to be of  
17 equivalent accuracy. The court shall consider whether the  
18 availability of appropriate substance abuse treatment pro-  
19 grams, or an individual's current or past participation in  
20 such programs, warrants an exception in accordance with  
21 United States Sentencing Commission guidelines from the  
22 rule of subsection 3565(g) when considering any action  
23 against a defendant who fails a drug test.”.

24 (e) CONDITIONS OF PAROLE.—Section 4209(a) of  
25 title 18, United States Code, is amended by inserting after

1 the first sentence the following: “In every case, the Com-  
2 mission shall also impose as a condition of parole that the  
3 parolee pass a drug test prior to release and refrain from  
4 any unlawful use of a controlled substance and submit to  
5 at least 2 periodic drug tests (as determined by the Com-  
6 mission) for use of a controlled substance. The condition  
7 stated in the preceding sentence may be ameliorated or  
8 suspended by the Commission for any individual parolee  
9 if it determines that there is good cause for doing so. The  
10 results of a drug test administered in accordance with the  
11 provisions of the preceding sentence shall be subject to  
12 confirmation only if the results are positive, the defendant  
13 is subject to possible imprisonment for such failure, and  
14 either the defendant denies the accuracy of such test or  
15 there is some other reason to question the results of the  
16 test. A drug test confirmation shall be a urine drug test  
17 confirmed using gas chromatography/mass spectrometry  
18 techniques or such test as the Director of the Administra-  
19 tive Office of the United States Courts after consultation  
20 with the Secretary of Health and Human Services may  
21 determine to be of equivalent accuracy. The Commission  
22 shall consider whether the availability of appropriate sub-  
23 stance abuse treatment programs, or an individual’s cur-  
24 rent or past participation in such programs, warrants an  
25 exception in accordance with United States Sentencing

1 Commission guidelines from the rule of subsection  
2 3565(b) when considering any action against a defendant  
3 who fails a drug test.”.

## 4 **Subtitle C—Enhanced Penalties for** 5 **Drugs in Federal Prisons**

### 6 **SEC. 1306. ENHANCEMENT OF PENALTIES FOR DRUG TRAF-** 7 **FICKING IN FEDERAL PRISONS.**

8 (a) SENTENCING COMMISSION DIRECTION.—Pursu-  
9 ant to its authority under 994 of title 28, United States,  
10 Code, the United States Sentencing Commission shall  
11 amend its sentencing guidelines to provide an appropriate  
12 enhancement of any controlled substances offense if the  
13 offense was committed while the defendant was impris-  
14 oned.

15 (b) TITLE 18 AMENDMENTS.—Section 1791 of title  
16 18, United States, Code, is amended—

17 (1) in subsection (d)(1)(A), by inserting after  
18 “a firearm or destructive device” the following: “or  
19 a controlled substance in schedule I or II, other than  
20 marijuana or a controlled substance referred to in  
21 subparagraph (C) of this subsection”;

22 (2) in subsection (d)(1)(B), by inserting before  
23 “ammunition,” the following: “marijuana or a con-  
24 trolled substance in schedule III, other than a con-

1 trolled substance referred to in subparagraph (C) of  
2 this subsection,”;

3 (3) in subsection (d)(1)(C), by inserting “meth-  
4 amphetamine, its salts, isomers, and salts of its iso-  
5 mers,” after “a narcotic drug,”;

6 (4) in subsection (d)(1)(D), by inserting “(A),  
7 (B), or” before “(C)”; and

8 (5) in subsection (b), by striking “(c)” each  
9 place it appears and inserting in lieu thereof “(d)”.

10 **SEC. 1307. ENHANCED PENALTIES FOR ILLEGAL DRUG USE**

11 **IN FEDERAL PRISONS.**

12 (a) **DECLARATION OF POLICY.**—It is the policy of the  
13 Federal Government that the use or distribution of illegal  
14 drugs in the Nation’s Federal prisons will not be tolerated  
15 and that such crimes shall be prosecuted to the fullest ex-  
16 tent of the law.

17 (b) **SENTENCING GUIDELINES.**—Pursuant to its au-  
18 thority under section 994 of title 28, United States Code,  
19 the United States Sentencing Commission shall amend its  
20 sentencing guidelines to provide for an appropriate en-  
21 hancement of the penalty for a person convicted of an of-  
22 fense—

23 “(1) under section 404 of the Controlled Sub-  
24 stances Act involving simple possession of a con-

1 trolled substance within a Federal prison or other  
2 Federal detention facility; or

3 “(2) under section 401(b) of the Controlled  
4 Substances Act involving the smuggling of a con-  
5 trolled substance into a Federal prison or other Fed-  
6 eral detention facility or the distribution or intended  
7 distribution of a controlled substance within a Fed-  
8 eral prison or other Federal detention facility.

9 (c) NO PROBATION OR SUSPENSION OF SEN-  
10 TENCE.—Notwithstanding any other law, the court shall  
11 not place on probation or suspend the sentence of a person  
12 convicted of an offense described in subsection (b).

## 13 **Subtitle D—Drug Treatment in** 14 **Federal Prisons**

### 15 **SEC. 1308. DRUG TREATMENT IN FEDERAL PRISONS.**

16 (a) DEFINITIONS.—As used in this section—

17 (1) the term “residential substance abuse treat-  
18 ment” means a course of individual and group ac-  
19 tivities, lasting between 9 and 12 months, in residen-  
20 tial treatment facilities set apart from the general  
21 prison population—

22 (A) directed at the substance abuse prob-  
23 lems of the prisoner; and

24 (B) intended to develop the prisoner’s cog-  
25 nitive, behavioral, social, vocational, and other

1 skills so as to solve the prisoner's substance  
2 abuse and related problems; and

3 (2) the term "eligible prisoner" means a pris-  
4 oner who is—

5 (A) determined by the Bureau of Prisons  
6 to have a substance abuse problem; and

7 (B) willing to participate in a residential  
8 substance abuse treatment program.

9 (b) IMPLEMENTATION OF SUBSTANCE ABUSE  
10 TREATMENT REQUIREMENT.—

11 (1) In order to carry out the requirement of the  
12 last sentence of section 3621(b) of title 18, United  
13 States Code, that every prisoner with a substance  
14 abuse problem have the opportunity to participate in  
15 appropriate substance abuse treatment, the Bureau  
16 of Prisons shall provide residential substance abuse  
17 treatment—

18 (A) for not less than 50 percent of eligible  
19 prisoners by the end of fiscal year 1995;

20 (B) for not less than 75 percent of eligible  
21 prisoners by the end of fiscal year 1996; and

22 (C) for all eligible prisoners by the end of  
23 fiscal year 1997 and thereafter.

1           (2) Section 3621 of title 18, United States  
2 Code, is amended by adding at the end the follow-  
3 ing:

4           “(d) INCENTIVE FOR PRISONERS’ SUCCESSFUL COM-  
5 PLETION OF TREATMENT PROGRAM.—

6           “(1) GENERALLY.—Any prisoner who, in the  
7 judgment of the Director of the Bureau of Prisons,  
8 has successfully completed a program of residential  
9 substance abuse treatment provided under sub-  
10 section (b) of this section, shall remain in the cus-  
11 tody of the Bureau for such time (as limited by  
12 paragraph (2) of this subsection) and under such  
13 conditions, as the Bureau deems appropriate. If the  
14 conditions of confinement are different from those  
15 the prisoner would have experienced absent the suc-  
16 cessful completion of the treatment, the Bureau  
17 shall periodically test the prisoner for drug abuse  
18 and discontinue such conditions on determining that  
19 drug abuse has recurred.

20           “(2) PERIOD OF CUSTODY.—The period the  
21 prisoner remains in custody after successfully com-  
22 pleting a treatment program shall not exceed the  
23 prison term the law would otherwise require such  
24 prisoner to serve, but may not be less than such  
25 term minus one year.”.

1 (c) REPORT.—The Bureau of Prisons shall transmit  
2 to the Committees on the Judiciary of the Senate and the  
3 House of Representatives on January 1, 1995, and on  
4 January 1 of each year thereafter, a report. Such report  
5 shall contain—

6 (1) a detailed quantitative and qualitative de-  
7 scription of each substance abuse treatment pro-  
8 gram, residential or not, operated by the Bureau;

9 (2) a full explanation of how eligibility for such  
10 programs is determined, with complete information  
11 on what proportion of prisoners with substance  
12 abuse problems are eligible; and

13 (3) a complete statement of to what extent the  
14 Bureau has achieved compliance with the require-  
15 ments of this title.

16 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
17 are authorized to be appropriated in each fiscal year such  
18 sums as may be necessary to carry out this section.

## 19 **Subtitle E—Studies**

### 20 **SEC. 1309. NATIONAL INSTITUTE OF JUSTICE STUDY.**

21 (a) FEASIBILITY STUDY.—The National Institute of  
22 Justice shall study the feasibility of establishing a clear-  
23 inghouse to provide information to interested persons to  
24 facilitate the transfer of prisoners in State correctional in-  
25 stitutions to other such correctional institutions, pursuant

1 to the Interstate Corrections Compact or other applicable  
2 interstate compact, for the purpose of allowing prisoners  
3 to serve their prison sentences at correctional institutions  
4 in close proximity to their families.

5 (b) REPORT TO CONGRESS.—The National Institute  
6 of Justice shall, not later than 1 year after the date of  
7 the enactment of this Act, submit to the Committees on  
8 the Judiciary of the House of Representatives and the  
9 Senate a report containing the results of the study con-  
10 ducted under subsection (a), together with any rec-  
11 ommendations the Institute may have on establishing a  
12 clearinghouse described in such subsection.

13 (c) DEFINITION.—For purposes of this section, the  
14 term “State” includes the District of Columbia and any  
15 territory or possession of the United States.

16 **SEC. 1310. STUDY AND ASSESSMENT OF ALCOHOL USE AND**  
17 **TREATMENT.**

18 The Director of the National Institute of Justice  
19 shall—

20 (1) conduct a study to compare the recidivism  
21 rates of individuals under the influence of alcohol or  
22 alcohol in combination with other drugs at the time  
23 of their offense—

1 (A) who participated in a residential treat-  
2 ment program while in the custody of the State;  
3 and

4 (B) who did not participate in a residential  
5 treatment program while in the custody of the  
6 State.

7 (2) conduct a nationwide assessment regarding  
8 the use of alcohol and alcohol in combination with  
9 other drugs as a factor in violent, domestic, and gen-  
10 eral criminal activity.

11 **TITLE XIV—RURAL CRIME**  
12 **Subtitle A—Fighting Drug**  
13 **Trafficking in Rural Areas**

14 **SEC. 1401. AUTHORIZATIONS FOR RURAL LAW ENFORCE-**  
15 **MENT AGENCIES.**

16 (a) AUTHORIZATION OF APPROPRIATIONS.—The sec-  
17 ond paragraph (7) of section 1001(a) of title I of the Om-  
18 nibus Crime Control and Safe Streets Act of 1968 is  
19 amended—

20 (1) by striking “(7)” and inserting “(8)”; and

21 (2) by striking “and such” and all that follows  
22 through “part O” and inserting “\$50,000,000 for  
23 fiscal year 1994, and such sums as may be nec-  
24 essary for fiscal years 1995 and 1996 to carry out  
25 part O of this title”.

1 (b) AMENDMENT TO BASE ALLOCATION.—Section  
2 1501(a)(2)(A) of title I of the Omnibus Crime Control and  
3 Safe Streets Act of 1968 is amended by striking  
4 “\$100,000” and inserting “\$250,000”.

5 **SEC. 1402. RURAL DRUG ENFORCEMENT TASK FORCES.**

6 (a) ESTABLISHMENT.—Not later than 1 year after  
7 the date of enactment of this Act, the Attorney General,  
8 in consultation with the Governors, mayors, and chief ex-  
9 ecutive officers of State and local law enforcement agen-  
10 cies, shall establish a Rural Drug Enforcement Task  
11 Force in each of the Federal judicial districts which en-  
12 compass significant rural lands.

13 (b) TASK FORCE MEMBERSHIP.—The task forces es-  
14 tablished under subsection (a) shall be chaired by the  
15 United States Attorney for the respective Federal judicial  
16 district. The task forces shall include representatives  
17 from—

- 18 (1) State and local law enforcement agencies;  
19 (2) the Drug Enforcement Administration;  
20 (3) the Federal Bureau of Investigation;  
21 (4) the Immigration and Naturalization Service;  
22 and  
23 (5) law enforcement officers from the United  
24 States Park Police, United States Forest Service  
25 and Bureau of Land Management, and such other

1 Federal law enforcement agencies as the Attorney  
2 General may direct.

3 **SEC. 1403. CROSS-DESIGNATION OF FEDERAL OFFICERS.**

4 The Attorney General may cross-designate up to 100  
5 law enforcement officers from each of the agencies speci-  
6 fied under section 1502(b)(5) with jurisdiction to enforce  
7 the provisions of the Controlled Substances Act on non-  
8 Federal lands to the extent necessary to effect the pur-  
9 poses of this title.

10 **SEC. 1404. RURAL DRUG ENFORCEMENT TRAINING.**

11 (a) SPECIALIZED TRAINING FOR RURAL OFFI-  
12 CERS.—The Director of the Federal Law Enforcement  
13 Training Center shall develop a specialized course of in-  
14 struction devoted to training law enforcement officers  
15 from rural agencies in the investigation of drug trafficking  
16 and related crimes.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
18 authorized to be appropriated \$1,000,000 for each of the  
19 fiscal years 1994, 1995 and 1996 to carry out the pur-  
20 poses of subsection (a) of this section.

1 **Subtitle B—Drug Free Truck Stops**  
2 **and Safety Rest Areas**

3 **SEC. 1405. DRUG FREE TRUCK STOPS AND SAFETY REST**  
4 **AREAS.**

5 (a) AMENDMENT TO CONTROLLED SUBSTANCES  
6 ACT.—

7 (1) IN GENERAL.—Part D of the Controlled  
8 Substances Act (21 U.S.C. 801 et seq.) is amended  
9 by inserting after section 408 the following new sec-  
10 tion:

11 “TRANSPORTATION SAFETY OFFENSES

12 “SEC. 409. (a) Any person who violates section  
13 401(a)(1) or section 416 by distributing or possessing  
14 with intent to distribute a controlled substance in or on,  
15 or within 1,000 feet of, a truck stop or safety rest area  
16 is (except as provided in subsection (b)) subject to—

17 “(1) twice the maximum punishment authorized  
18 by section 401(b); and

19 “(2) twice any term of supervised release au-  
20 thorized by section 401(b) for a first offense.

21 “(b) Any person who violates section 401(a)(1) or  
22 section 416 by distributing or possessing with intent to  
23 distribute a controlled substance in or on, or within 1,000  
24 feet of, a truck stop or a safety rest area after a prior

1 conviction or convictions under subsection (a) have become  
2 final is subject to—

3 “(1) 3 times the maximum punishment author-  
4 ized by section 401(b); and

5 “(2) 3 times any term of supervised release au-  
6 thORIZED by section 401(b) for a first offense.

7 “(c) For purposes of this section—

8 “(1) the term ‘safety rest area’ means a road-  
9 side facility with parking facilities for the rest or  
10 other needs of motorists; and

11 “(2) the term ‘truck stop’ means any facility  
12 (including any parking lot appurtenant thereto) that  
13 has the capacity to provide fuel or service, or both,  
14 to any commercial motor vehicle as defined under  
15 section 12019(6) of the Commercial Motor Vehicle  
16 Safety Act of 1986, operating in commerce as de-  
17 fined in section 12019(3) of such Act and that is lo-  
18 cated within 2,500 feet of the National System of  
19 Interstate and Defense Highways or the Federal-Aid  
20 Primary System.”.

21 (2) CONFORMING AMENDMENTS.—

22 (A) CROSS REFERENCE.—Section 401(b)  
23 of such Act (21 U.S.C. 841(b)) is amended by  
24 inserting “409,” immediately before “418,”  
25 each place it appears.

1           (B) TABLE OF CONTENTS.—The table of  
2           contents of the Comprehensive Drug Abuse  
3           Prevention and Control Act of 1970 is amended  
4           by striking the item relating to section 409, the  
5           following new item:

“Sec. 409. Transportation safety offenses.”.

6           (b) SENTENCING GUIDELINES.—

7           (1) PROMULGATION OF GUIDELINES.—Pursu-  
8           ant to its authority under section 994 of title 28,  
9           United States Code, and section 21 of the Sentenc-  
10          ing Act of 1987 (28 U.S.C. 994 note), the United  
11          States Sentencing Commission shall amend its sen-  
12          tencing guidelines to provide an appropriate en-  
13          hancement of punishment for a defendant convicted  
14          of violating section 409 of the Controlled Substances  
15          Act, as added by subsection (a).

16          (2) LIMITATION.—The guidelines described in  
17          paragraph (1), as amended under this subsection,  
18          shall provide that an offense that could be subject  
19          to multiple enhancements pursuant to this sub-  
20          section is subject to not more than one such en-  
21          hancement.

1       **TITLE XV—DRUG CONTROL**  
2       **Subtitle A—Drug Emergency Areas**

3       **SEC. 1501. DRUG EMERGENCY AREAS.**

4       Section 1005 of the National Narcotics Leadership  
5 Act of 1988 (21 U.S.C. 1504) is amended by adding at  
6 the end the following:

7       “(e) DECLARATION OF DRUG EMERGENCY AREAS.—

8               “(1) PRESIDENTIAL DECLARATION.—(A) In the  
9 event that a major drug-related emergency exists  
10 throughout a State or a part of a State or where the  
11 threat of a drug-related emergency exists to part of  
12 a State bordering part of a foreign country where a  
13 drug-related emergency is known to exist, the Presi-  
14 dent may, in consultation with the Director and  
15 other appropriate officials, declare such State or  
16 part of a State to be a drug emergency area and  
17 may take any and all necessary actions authorized  
18 by this subsection or otherwise authorized by law.

19               “(B) For the purposes of this subsection, the  
20 term ‘major drug-related emergency’ means any oc-  
21 casion or instance in which drug smuggling, drug  
22 trafficking, drug abuse, or drug-related violence  
23 reaches such levels, as determined by the President,  
24 that Federal assistance is needed to supplement

1 State and local efforts and capabilities to save lives,  
2 and to protect property and public health and safety.

3 “(2) PROCEDURE FOR DECLARATION.—(A) All  
4 requests for a declaration by the President designat-  
5 ing an area to be a drug emergency area shall be  
6 made, in writing, by the Governor or chief executive  
7 officer of any affected State or local government, re-  
8 spectively, and shall be forwarded to the President  
9 through the Director in such form as the Director  
10 may by regulation require. One or more cities, coun-  
11 ties, or States may submit a joint request for des-  
12 ignation as a drug emergency area under this sub-  
13 section.

14 “(B) Any request made under subparagraph  
15 (A) of this paragraph shall be based on a written  
16 finding that the major drug-related emergency is of  
17 such severity and magnitude, that Federal assistance  
18 is necessary to assure an effective response to save  
19 lives, and to protect property and public health and  
20 safety.

21 “(C) The President shall not limit declarations  
22 made under this subsection to highly-populated cen-  
23 ters of drug trafficking, drug smuggling, drug use or  
24 drug-related violence, but shall also consider applica-  
25 tions from governments of less populated areas

1 where the magnitude and severity of such activities  
2 is beyond the capability of the State or local govern-  
3 ment to respond.

4 “(D) As part of a request for a declaration by  
5 the President under this subsection, and as a pre-  
6 requisite to Federal drug emergency assistance  
7 under this subsection, the Governor(s) or chief execu-  
8 tive officer(s) shall—

9 “(i) take appropriate action under State or  
10 local law and furnish such information on the  
11 nature and amount of State and local resources  
12 which have been or will be committed to alle-  
13 viating the major drug-related emergency;

14 “(ii) certify that State and local govern-  
15 ment obligations and expenditures will comply  
16 with all applicable cost-sharing requirements of  
17 this subsection; and

18 “(iii) submit a detailed plan outlining that  
19 government’s short- and long-term plans to re-  
20 spond to the major drug-related emergency,  
21 specifying the types and levels of Federal assist-  
22 ance requested, and including explicit goals  
23 (where possible quantitative goals) and time-  
24 tables and shall specify how Federal assistance

1 provided under this subsection is intended to  
2 achieve such goals.

3 “(E) The Director shall review any request sub-  
4 mitted pursuant to this subsection and forward the  
5 application, along with a recommendation to the  
6 President on whether to approve or disapprove the  
7 application, within 30 days after receiving such ap-  
8 plication. Based on the application and the rec-  
9 ommendation of the Director, the President may de-  
10 clare an area to be a drug emergency area under  
11 this subsection.

12 “(3) FEDERAL MONETARY ASSISTANCE.—(A)  
13 The President is authorized to make grants to State  
14 or local governments of up to, in the aggregate for  
15 any single major drug-related emergency,  
16 \$25,000,000.

17 “(B) The Federal share of assistance under this  
18 section shall not be greater than 75 percent of the  
19 costs necessary to implement the short- and long-  
20 term plan outlined in paragraph (2)(D)(iii).

21 “(C) Federal assistance under this subsection  
22 shall not be provided to a drug disaster area for  
23 more than 1 year. In any case where Federal assist-  
24 ance is provided under this Act, the Governor(s) or  
25 chief executive officer(s) may apply to the President,

1 through the Director, for an extension of assistance  
2 beyond 1 year. The President, based on the rec-  
3 ommendation of the Director, may extend the provi-  
4 sion of Federal assistance for not more than an ad-  
5 ditional 180 days.

6 “(D) Any State or local government receiving  
7 Federal assistance under this subsection shall bal-  
8 ance the allocation of such assistance evenly between  
9 drug supply reduction and drug demand reduction  
10 efforts, unless State or local conditions dictate other-  
11 wise.

12 “(4) NONMONETARY ASSISTANCE.—In addition  
13 to the assistance provided under paragraph (3), the  
14 President may—

15 “(A) direct any Federal agency, with or  
16 without reimbursement, to utilize its authorities  
17 and the resources granted to it under Federal  
18 law (including personnel, equipment, supplies,  
19 facilities, and managerial, technical, and advi-  
20 sory services) in support of State and local as-  
21 sistance efforts; and

22 “(B) provide technical and advisory assist-  
23 ance, including communications support and  
24 law enforcement-related intelligence informa-  
25 tion.

1           “(5) ISSUANCE OF IMPLEMENTING REGULA-  
2           TIONS.—Not later than 90 days after the date of the  
3           enactment of this subsection, the Director shall issue  
4           regulations to implement this subsection, including  
5           such regulations as may be necessary relating to ap-  
6           plications for Federal assistance and the provision of  
7           Federal monetary and nonmonetary assistance.

8           “(6) AUDIT BY COMPTROLLER GENERAL.—As-  
9           sistance under this subsection shall be subject to an-  
10          nual audit by the Comptroller General.

11          “(7) AUTHORIZATION OF APPROPRIATIONS.—  
12          There are authorized to be appropriated for each of  
13          fiscal years 1994, 1995, and 1996, \$100,000,000 to  
14          carry out this subsection.”.

## 15       **Subtitle B—Precursor Chemicals**

### 16       **SEC. 1502. DEFINITION AMENDMENTS.**

17          (a) DEFINITIONS.—Section 102 of the Controlled  
18       Substances Act (21 U.S.C. 802) is amended—

19               (1) in paragraph (33) by striking “any listed  
20               precursor chemical or listed essential chemical” and  
21               inserting “any list I chemical or any list II chemi-  
22               cal”;

23               (2) in paragraph (34)—

24                       (A) by striking “listed precursor chemical”  
25                       and inserting “list I chemical”; and

1 (B) by striking “critical to the creation”  
2 and inserting “important to the manufacturer”;

3 (3) in paragraph (34) (A), (F), and (H), by in-  
4 serting “, its esters” before “and”;

5 (4) in paragraph (35)—

6 (A) by striking “listed essential chemical”  
7 and inserting “list II chemical”;

8 (B) by inserting “(other than a list I  
9 chemical)” before “specified”;

10 (C) by striking “as a solvent, reagent, or  
11 catalyst”; and

12 (5) in paragraph (38) by inserting “or who acts  
13 as a broker or trader for an international trans-  
14 action involving a listed chemical, a tableting ma-  
15 chine, or an encapsulating machine” before the pe-  
16 riod;

17 (6) in paragraph (39)(A)—

18 (A) by striking “importation or exportation  
19 of” and inserting “importation, or exportation  
20 of, or an international transaction involving  
21 shipment of,”;

22 (B) in clause (iii) by inserting “or any cat-  
23 egory of transaction for a specific listed chemi-  
24 cal or chemicals” after “transaction”;

1 (C) by amending clause (iv) to read as fol-  
2 lows:

3 “(iv) any transaction in a listed chemical  
4 that is contained in a drug that may be mar-  
5 keted or distributed lawfully in the United  
6 States under the Federal Food, Drug, and Cos-  
7 metic Act (21 U.S.C. 301 et seq.) unless—

8 “(I)(aa) the drug contains ephedrine  
9 or its salts, optical isomers, or salts of op-  
10 tical isomers as the only active medicinal  
11 ingredient or contains ephedrine and thera-  
12apeutically insignificant quantities of an-  
13 other active medicinal ingredient; or

14 “(bb) the Attorney General has deter-  
15 mined under section 204 that the drug or  
16 group of drugs is being diverted to obtain  
17 the listed chemical for use in the illicit pro-  
18 duction of a controlled substance; and

19 “(II) the quantity of ephedrine or  
20 other listed chemical contained in the drug  
21 included in the transaction or multiple  
22 transactions equals or exceeds the thresh-  
23 old established for that chemical by the At-  
24 torney General.”; and

1 (D) in clause (v) by striking the semicolon  
2 and inserting “which the Attorney General has  
3 by regulation designated as exempt from the  
4 application of this title and title II based on a  
5 finding that the mixture is formulated in such  
6 a way that it cannot be easily used in the illicit  
7 production of a controlled substance and that  
8 the listed chemical or chemicals contained in  
9 the mixture cannot be readily recovered;”;

10 (7) in paragraph (40) by striking “listed pre-  
11 cursor chemical or a listed essential chemical” each  
12 place it appears and inserting “list I chemical or a  
13 list II chemical”; and

14 (8) by adding at the end the following new  
15 paragraphs:

16 “(43) The term ‘international transaction’ means a  
17 transaction involving the shipment of a listed chemical  
18 across an international border (other than a United States  
19 border) in which a broker or trader located in the United  
20 States participates.

21 “(44) The terms ‘broker’ and ‘trader’ mean a person  
22 that assists in arranging an international transaction in  
23 a listed chemical by—

24 (A) negotiating contracts;

25 (B) serving as an agent or intermediary; or

1           “(C) bringing together a buyer and seller,  
2           buyer, and transporter, or a seller and transporter.”.

3           (b) REMOVAL OF EXEMPTION OF CERTAIN DRUGS.—

4           (1) PROCEDURE.—Part B of the Controlled  
5           Substances Act (21 U.S.C. 811 et seq.) is amended  
6           by adding at the end the following new section:

7           “REMOVAL OF EXEMPTION OF CERTAIN DRUGS

8           “SEC. 204. (a) REMOVAL OF EXEMPTION.—The At-  
9           torney General shall by regulation remove from exemption  
10          under section 102(39)(A)(iv)(II) a drug or group of drugs  
11          that the Attorney General finds is being diverted to obtain  
12          a listed chemical for use in the illicit production of a con-  
13          trolled substance.

14          “(b) FACTORS TO BE CONSIDERED.—In removing a  
15          drug or group of drugs from exemption under subsection  
16          (a), the Attorney General shall consider, with respect to  
17          a drug or group of drugs that is proposed to be removed  
18          from exemption—

19                  “(1) the scope, duration, and significance of the  
20          diversion;

21                  “(2) whether the drug or group of drugs is for-  
22          mulated in such a way that it cannot be easily used  
23          in the illicit production of a controlled substance;  
24          and

25                  “(3) whether the listed chemical can be readily  
26          recovered from the drug or group of drugs.

1       “(c) SPECIFICITY OF DESIGNATION.—The Attorney  
2 General shall limit the designation of a drug or a group  
3 of drugs removed from exemption under subsection (a) to  
4 the most particularly identifiable type of drug or group  
5 of drugs for which evidence of diversion exists unless there  
6 is evidence, based on the pattern of diversion and other  
7 relevant factors, that the diversion will not be limited to  
8 that particular drug or group of drugs.

9       “(d) REINSTATEMENT OF EXEMPTION WITH RE-  
10 SPECT TO PARTICULAR DRUG PRODUCTS.—

11           “(1) REINSTATEMENT.—On application by a  
12 manufacturer of a particular drug product that has  
13 been removed from exemption under subsection (a),  
14 the Attorney General shall by regulation reinstate  
15 the exemption with respect to that particular drug  
16 product if the Attorney General determines that the  
17 particular drug product is manufactured and distrib-  
18 uted in a manner that prevents diversion.

19           “(2) FACTORS TO BE CONSIDERED.—In decid-  
20 ing whether to reinstate the exemption with respect  
21 to a particular drug product under paragraph (1),  
22 the Attorney General shall consider—

23                   “(A) the package sizes and manner of  
24 packaging of the drug product;

1           “(B) the manner of distribution and adver-  
2           tising of the drug product;

3           “(C) evidence of diversion of the drug  
4           product;

5           “(D) any actions taken by the manufac-  
6           turer to prevent diversion of the drug product;  
7           and

8           “(E) such other factors as are relevant to  
9           and consistent with the public health and safe-  
10          ty, including the factors described in subsection  
11          (b) as applied to the drug product.

12          “(3) STATUS PENDING APPLICATION FOR REIN-  
13          STATEMENT.—A transaction involving a particular  
14          drug product that is the subject of a bona fide pend-  
15          ing application for reinstatement of exemption filed  
16          with the Attorney General not later than 60 days  
17          after a regulation removing the exemption is issued  
18          pursuant to subsection (a) shall not be considered to  
19          be a regulated transaction if the transaction occurs  
20          during the pendency of the application and, if the  
21          Attorney General denies the application, during the  
22          period of 60 days following the date on which the  
23          Attorney General denies the application, unless—

24                 “(A) the Attorney General has evidence  
25                 that, applying the factors described in sub-

1 section (b) to the drug product, the drug prod-  
2 uct is being diverted; and

3 “(B) the Attorney General so notifies the  
4 applicant.

5 “(4) AMENDMENT AND MODIFICATION.—A reg-  
6 ulation reinstating an exemption under paragraph  
7 (1) may be modified or revoked with respect to a  
8 particular drug product upon a finding that—

9 “(A) applying the factors described in sub-  
10 section (b) to the drug product, the drug prod-  
11 uct is being diverted; or

12 “(B) there is a significant change in the  
13 data that led to the issuance of the regula-  
14 tion.”.

15 (2) TECHNICAL AMENDMENT.—The table of  
16 contents of the Comprehensive Drug Abuse Preven-  
17 tion and Control Act of 1970 (84 Stat. 1236) is  
18 amended by adding at the end of the section relating  
19 to part B of title II the following new item:

“Sec. 204. Removal of exemption of certain drugs.”.

20 (c) REGULATION OF LISTED CHEMICALS.—Section  
21 310 of the Controlled Substances Act (21 U.S.C. 830) is  
22 amended—

23 (1) in subsection (a)(1)—

24 (A) by striking “precursor chemical” and  
25 inserting “list I chemical”; and

1 (B) in subparagraph (B) by striking “an  
2 essential chemical” and inserting “a list II  
3 chemical”; and

4 (2) in subsection (c)(2)(D) by striking “precur-  
5 sor chemical” and inserting “chemical control”.

6 **SEC. 1503. REGISTRATION REQUIREMENTS.**

7 (a) RULES AND REGULATIONS.—Section 301 of the  
8 Controlled Substances Act (21 U.S.C. 821) is amended  
9 by striking the period and inserting “and to the registra-  
10 tion and control of regulated persons and of regulated  
11 transactions.”.

12 (b) PERSONS REQUIRED TO REGISTER UNDER SEC-  
13 TION 302.—Section 302 of the Controlled Substances Act  
14 (21 U.S.C. 822) is amended—

15 (1) in subsection (a)(1) by inserting “or list I  
16 chemical” after “controlled substance” each place it  
17 appears;

18 (2) in subsection (b)—

19 (A) by inserting “or list I chemicals” after  
20 “controlled substances”; and

21 (B) by inserting “or chemicals” after  
22 “such substances”;

23 (3) in subsection (c) by inserting “or list I  
24 chemical” after “controlled substance” each place it  
25 appears; and

1           (4) in subsection (e) by inserting “or list I  
2 chemicals” after “controlled substances”.

3           (c) REGISTRATION REQUIREMENTS UNDER SECTION  
4 303.—Section 303 of the Controlled Substances Act (21  
5 U.S.C. 823) is amended by adding at the end the following  
6 new subsection:

7           “(h) The Attorney General shall register an applicant  
8 to distribute a list I chemical unless the Attorney General  
9 determines that registration of the applicant is inconsis-  
10 tent with the public interest. Registration under this sub-  
11 section shall not be required for the distribution of a drug  
12 product that is exempted under section 102(39)(A)(iv). In  
13 determining the public interest for the purposes of this  
14 subsection, the Attorney General shall consider—

15           “(1) maintenance by the applicant of effective  
16 controls against diversion of listed chemicals into  
17 other than legitimate channels;

18           “(2) compliance by the applicant with applica-  
19 ble Federal, State and local law;

20           “(3) any prior conviction record of the appli-  
21 cant under Federal or State laws relating to con-  
22 trolled substances or to chemicals controlled under  
23 Federal or State law;

24           “(4) any past experience of the applicant in the  
25 manufacture and distribution of chemicals; and

1           “(5) such other factors as are relevant to and  
2 consistent with the public health and safety.”.

3           (d) DENIAL, REVOCATION, OR SUSPENSION OF REG-  
4 ISTRATION.—Section 304 of the Controlled Substances  
5 Act (21 U.S.C. 824) is amended—

6           (1) in subsection (a)—

7                 (A) by inserting “or a list I chemical”  
8 after “controlled substance” each place it ap-  
9 pears; and

10                (B) by inserting “or list I chemicals” after  
11 “controlled substances”;

12           (2) in subsection (b) by inserting “or list I  
13 chemical” after “controlled substance”;

14           (3) in subsection (f) by inserting “or list I  
15 chemicals” after “controlled substances” each place  
16 it appears; and

17           (4) in subsection (g)—

18                 (A) by inserting “or list I chemicals” after  
19 “controlled substances” each place it appears;  
20 and

21                 (B) by inserting “or list I chemical” after  
22 “controlled substance” each place it appears.

23           (e) PERSONS REQUIRED TO REGISTER UNDER SEC-  
24 TION 1007.—Section 1007 of the Controlled Substances  
25 Import and Export Act (21 U.S.C. 957) is amended—

1 (1) in subsection (a)—

2 (A) in paragraph (1) by inserting “or list  
3 I chemical” after “controlled substance”; and

4 (B) in paragraph (2) by striking “in sched-  
5 ule I, II, III, IV, or V,” and inserting “or list  
6 I chemical,”; and

7 (2) in subsection (b)—

8 (A) in paragraph (1) by inserting “or list  
9 I chemical” after “controlled substance” each  
10 place it appears; and

11 (B) in paragraph (2) by inserting “or list  
12 I chemicals” after “controlled substances”.

13 (f) REGISTRATION REQUIREMENTS UNDER SECTION  
14 1008.—Section 1008 of the Controlled Substances Import  
15 and Export Act (21 U.S.C. 958) is amended—

16 (1) in subsection (c)—

17 (A) by inserting “(1)” after “(c)”; and

18 (B) by adding at the end the following new  
19 paragraph:

20 “(2)(A) The Attorney General shall register an appli-  
21 cant to import or export a list I chemical unless the Attor-  
22 ney General determines that registration of the applicant  
23 is inconsistent with the public interest. Registration under  
24 this subsection shall not be required for the import or ex-

1 port of a drug product that is exempted under section  
2 102(39)(A)(iv).

3 “(B) In determining the public interest for the pur-  
4 poses of subparagraph (A), the Attorney General shall  
5 consider the factors specified in section 303(h).”;

6 (2) in subsection (d)—

7 (A) in paragraph (3) by inserting “or list  
8 I chemical or chemicals,” after “substances,”;  
9 and

10 (B) in paragraph (6) by inserting “or list  
11 I chemicals” after “controlled substances” each  
12 place it appears;

13 (3) in subsection (e) by striking “and 307” and  
14 inserting “307, and 310”; and

15 (4) in subsections (f), (g), and (h) by inserting  
16 “or list I chemicals” after “controlled substances”  
17 each place it appears.

18 (g) PROHIBITED ACTS C.—Section 403(a) of the  
19 Controlled Substances Act (21 U.S.C. 843(a)) is amend-  
20 ed—

21 (1) by striking “or” at the end of paragraph  
22 (7);

23 (2) by striking the period at the end of para-  
24 graph (8) and inserting “; or”; and

1           (3) by adding at the end the following new  
2 paragraph:

3           “(9) if the person is a regulated person, to dis-  
4 tribute, import, or export a list I chemical without  
5 the registration required by this Act.”.

6 **SEC. 1504. REPORTING OF LISTED CHEMICAL MANUFAC-**  
7 **TURING.**

8           Section 310(b) of the Controlled Substances Act (21  
9 U.S.C. 830(b)) is amended—

10           (1) by inserting “(1)” after “(b)”;

11           (2) by redesignating paragraphs (1), (2), (3),  
12 and (4) as subparagraphs (A), (B), (C), and (D), re-  
13 spectively;

14           (3) by striking “paragraph (1)” each place it  
15 appears and inserting “subparagraph (A)”;

16           (4) by striking “paragraph (2)” and inserting  
17 “subparagraph (B)”;

18           (5) by striking “paragraph (3)” and inserting  
19 “subparagraph (C)”;

20           (6) by adding at the end the following new  
21 paragraph:

22           “(2) A regulated person that manufactures a  
23 listed chemical shall report annually to the Attorney  
24 General, in such form and manner and containing  
25 such specific data as the Attorney General shall pre-

1 scribe by regulation, information concerning listed  
2 chemicals manufactured by the person. The require-  
3 ment of the preceding sentence shall not apply to the  
4 manufacture of a drug product that is exempted  
5 under section 102(39)(A)(iv).”.

6 **SEC. 1505. REPORTS BY BROKERS AND TRADERS; CRIMINAL**  
7 **PENALTIES.**

8 (a) NOTIFICATION, SUSPENSION OF SHIPMENT, AND  
9 PENALTIES WITH RESPECT TO IMPORTATION AND EX-  
10 PORTATION OF LISTED CHEMICALS.—Section 1018 of the  
11 Controlled Substances Import and Export Act (21 U.S.C.  
12 971) is amended by adding at the end the following new  
13 subsection:

14 “(d) A person located in the United States who is  
15 a broker or trader for an international transaction in a  
16 listed chemical that is a regulated transaction solely be-  
17 cause of that person’s involvement as a broker or trader  
18 shall, with respect to that transaction, be subject to all  
19 of the notification, reporting, recordkeeping, and other re-  
20 quirements placed upon exporters of listed chemicals by  
21 this title and title II.”.

22 (b) PROHIBITED ACTS A.—Section 1010(d) of the  
23 Controlled Substances Import and Export Act (21 U.S.C.  
24 960(d)) is amended to read as follows:

25 “(d) A person who knowingly or intentionally—

1           “(1) imports or exports a listed chemical with  
2           intent to manufacture a controlled substance in vio-  
3           lation of this title or title II;

4           “(2) exports a listed chemical in violation of the  
5           laws of the country to which the chemical is ex-  
6           ported or serves as a broker or trader for an inter-  
7           national transaction involving a listed chemical, if  
8           the transaction is in violation of the laws of the  
9           country to which the chemical is exported;

10          “(3) imports or exports a listed chemical know-  
11          ing, or having reasonable cause to believe, that the  
12          chemical will be used to manufacture a controlled  
13          substance in violation of this title or title II; or

14          “(4) exports a listed chemical, or serves as a  
15          broker or trader for an international transaction in-  
16          volving a listed chemical, knowing, or having reason-  
17          able cause to believe, that the chemical will be used  
18          to manufacture a controlled substance in violation of  
19          the laws of the country to which the chemical is ex-  
20          ported,

21 shall be fined in accordance with title 18, imprisoned not  
22 more than 10 years, or both.”.

1 **SEC. 1506. EXEMPTION AUTHORITY; ADDITIONAL PEN-**  
2 **ALTIES.**

3 (a) NOTIFICATION REQUIREMENT.—Section 1018 of  
4 the Controlled Substances Import and Export Act (21  
5 U.S.C. 971), as amended by section 5(a), is amended by  
6 adding at the end the following new subsection:

7 “(e)(1) The Attorney General may by regulation re-  
8 quire that the 15-day notification requirement of sub-  
9 section (a) apply to all exports of a listed chemical to a  
10 specified country, regardless of the status of certain cus-  
11 tomers in such country as regular customers, if the Attor-  
12 ney General finds that such notification is necessary to  
13 support effective chemical diversion control programs or  
14 is required by treaty or other international agreement to  
15 which the United States is a party.

16 “(2) The Attorney General may by regulation waive  
17 the 15-day notification requirement for exports of a listed  
18 chemical to a specified country if the Attorney General  
19 determines that such notification is not required for effec-  
20 tive chemical diversion control. If the notification require-  
21 ment is waived, exporters of the listed chemical shall be  
22 required to submit to the Attorney General reports of indi-  
23 vidual exportations or periodic reports of such exportation  
24 of the listed chemical, at such time or times and contain-  
25 ing such information as the Attorney General shall estab-  
26 lish by regulation.

1       “(3) The Attorney General may by regulation waive  
2 the 15-day notification requirement for the importation of  
3 a listed chemical if the Attorney General determines that  
4 such notification is not necessary for effective chemical di-  
5 version control. If the notification requirement is waived,  
6 importers of the listed chemical shall be required to submit  
7 to the Attorney General reports of individual importations  
8 or periodic reports of the importation of the listed chemi-  
9 cal, at such time or times and containing such information  
10 as the Attorney General shall establish by regulation.”.

11       (b) PROHIBITED ACTS A.—Section 1010(d) of the  
12 Controlled Substances Import and Export Act (21 U.S.C.  
13 960(d)), as amended by section 5(b), is amended—

14             (1) by striking “or” at the end of paragraph

15             (3);

16             (2) by striking the comma at the end of para-  
17 graph (4) and inserting a semicolon; and

18             (3) by adding at the end the following new  
19 paragraphs:

20             “(5) imports or exports a listed chemical, with  
21 the intent to evade the reporting or recordkeeping  
22 requirements of section 1018 applicable to such im-  
23 portation or exportation by falsely representing to  
24 the Attorney General that the importation or expor-  
25 tation qualifies for a waiver of the 15-day notifica-

1       tion requirement granted pursuant to section  
2       1018(e) (2) or (3) by misrepresenting the actual  
3       country of final destination of the listed chemical or  
4       the actual listed chemical being imported or ex-  
5       ported; or

6               “(6) imports or exports a listed chemical in vio-  
7       lation of section 1007 or 1018,”.

8       **SEC. 1507. AMENDMENTS TO LIST I.**

9       Section 102(34) of the Controlled Substances Act (21  
10      U.S.C. 802(34)) is amended—

11           (1) by striking subparagraphs (O), (U), and  
12           (W);

13           (2) by redesignating subparagraphs (P) through  
14           (T) as (O) through (S), subparagraph (V) as (T),  
15           and subparagraphs (X) and (Y) as (U) and (X), re-  
16           spectively;

17           (3) in subparagraph (X), as redesignated by  
18           paragraph (2), by striking “(X)” and inserting  
19           “(U)”; and

20           (4) by inserting after subparagraph (U), as re-  
21           designated by paragraph (2), the following new sub-  
22           paragraphs:

23               “(V) benzaldehyde.

24               “(W) nitroethane.”.

1 **SEC. 1508. ELIMINATION OF REGULAR SUPPLIER STATUS**  
2 **AND CREATION OF REGULAR IMPORTER STA-**  
3 **TUS.**

4 (a) DEFINITION.—Section 102(37) of the Controlled  
5 Substances Act (21 U.S.C. 802(37)) is amended to read  
6 as follows:

7 “(37) The term ‘regular importer’ means, with re-  
8 spect to a listed chemical, a person that has an established  
9 record as an importer of that listed chemical that is re-  
10 ported to the Attorney General.”.

11 (b) NOTIFICATION.—Section 1018 of the Controlled  
12 Substances Act (21 U.S.C. 971) is amended—

13 (1) in subsection (b)—

14 (A) in paragraph (1) by striking “regular  
15 supplier of the regulated person” and inserting  
16 “to an importation by a regular importer”; and

17 (B) in paragraph (2)—

18 (i) by striking “a customer or supplier  
19 of a regulated person” and inserting “a  
20 customer of a regulated person or to an  
21 importer”; and

22 (ii) by striking “regular supplier” and  
23 inserting “the importer as a regular im-  
24 porter”; and

25 (2) in subsection (c)(1) by striking “regular  
26 supplier” and inserting “regular importer”.

1 **SEC. 1509. ADMINISTRATIVE INSPECTIONS AND AUTHOR-**  
2 **ITY.**

3 Section 510 of the Controlled Substances Act (21  
4 U.S.C. 880) is amended—

5 (1) by amending subsection (a)(2) to read as  
6 follows:

7 “(2) places, including factories, warehouses,  
8 and other establishments, and conveyances, where  
9 persons registered under section 303 (or exempt  
10 from registration under section 302(d) or by regula-  
11 tion of the Attorney General) or regulated persons  
12 may lawfully hold, manufacture, distribute, dispense,  
13 administer, or otherwise dispose of controlled sub-  
14 stances or listed chemicals or where records relating  
15 to those activities are maintained.”; and

16 (2) in subsection (b)(3)—

17 (A) in subparagraph (B) by inserting “,  
18 listed chemicals,” after “unfinished drugs”; and

19 (B) in subparagraph (C) by inserting “or  
20 listed chemical” after “controlled substance”  
21 and inserting “or chemical” after “such sub-  
22 stance”.

23 **SEC. 1510. THRESHOLD AMOUNTS.**

24 Section 102(39)(A) of the Controlled Substances Act  
25 (21 U.S.C. 802(39)(A)), as amended by section 2, is  
26 amended by inserting “of a listed chemical, or if the Attor-

1 ney General establishes a threshold amount for a specific  
2 listed chemical,” before “a threshold amount, including a  
3 cumulative threshold amount for multiple transactions”.

4 **SEC. 1511. MANAGEMENT OF LISTED CHEMICALS.**

5 (a) IN GENERAL.—Part C of the Controlled Sub-  
6 stances Act (21 U.S.C. 821 et seq.) is amended by adding  
7 at the end the following new section:

8 “MANAGEMENT OF LISTED CHEMICALS

9 “SEC. 311. (a) OFFENSE.—It is unlawful for a per-  
10 son who possesses a listed chemical with the intent that  
11 it be used in the illegal manufacture of a controlled sub-  
12 stance to manage the listed chemical or waste from the  
13 manufacture of a controlled substance otherwise than as  
14 required by regulations issued under sections 3001, 3002,  
15 3003, 3004, and 3005 of the Solid Waste Disposal Act  
16 (42 U.S.C. 6921, 6922, 6923, 6924, and 6925).

17 “(b) ENHANCED PENALTY.—(1) In addition to a  
18 penalty that may be imposed for the illegal manufacture,  
19 possession, or distribution of a listed chemical or toxic res-  
20 idue of a clandestine laboratory, a person who violates sub-  
21 section (a) shall be assessed the costs described in para-  
22 graph (2) and shall be imprisoned as described in para-  
23 graph (3).

24 “(2) Pursuant to paragraph (1) a defendant shall be  
25 assessed the following costs to the United States, a State,  
26 or another authority or person that undertakes to correct

1 the results of the improper management of a listed chemi-  
2 cal:

3           “(A) The cost of initial cleanup and disposal of  
4 the listed chemical and contaminated property.

5           “(B) The cost of restoring property that is  
6 damaged by exposure to a listed chemical for reha-  
7 bilitation under Federal, State, and local standards.

8           “(3)(A) A violation of subsection (a) shall be pun-  
9 ished as a class D felony, or in the case of a willful viola-  
10 tion, as a class C felony.

11           “(B) The United States Sentencing Commission is  
12 directed to amend the Sentencing Guidelines to provide  
13 an appropriate enhancement of punishment for a willful  
14 violation of subsection (a).

15           “(4) A court may order that all or a portion of the  
16 earnings from work performed by a defendant in prison  
17 be withheld for payment of costs assessed under para-  
18 graph (2).

19           “(c) USE OF FORFEITED ASSETS.—The Attorney  
20 General may direct that assets forfeited in connection with  
21 a prosecution under this section be shared with State  
22 agencies that participated in the seizure or cleaning up  
23 of a contaminated site.”.

1 (b) EXCEPTION TO DISCHARGE IN BANKRUPTCY.—  
2 Section 523(a) of title 11, United States Code, is amend-  
3 ed—

4 (1) by striking “or” at the end of paragraph  
5 (11);

6 (2) by striking the period at the end of para-  
7 graph (12) and inserting “; or”; and

8 (3) by adding at the end the following new  
9 paragraph:

10 “(13) for costs assessed under section 311(b) of  
11 the Controlled Substances Act.”.

12 **SEC. 1512. REGULATIONS AND EFFECTIVE DATE.**

13 (a) REGULATIONS.—The Attorney General shall, not  
14 later than 90 days after the date of enactment of this Act,  
15 issue regulations necessary to carry out this subtitle.

16 (b) EFFECTIVE DATE.—This subtitle and the amend-  
17 ments made by this subtitle shall take effect on the date  
18 that is 120 days after the date of enactment of this Act.

19 **Subtitle C—General Provisions**

20 **SEC. 1513. CLARIFICATION OF NARCOTIC OR OTHER DAN-**  
21 **GEROUS DRUGS UNDER THE RICO STATUTE.**

22 Section 1961(1) of title 18, United States Code, is  
23 amended by striking “narcotic or other dangerous drugs”  
24 each place it appears and inserting in lieu thereof “a con-

1 trolled substance or listed chemical, as defined in section  
2 102 of the Controlled Substances Act”.

3 **SEC. 1514. CONFORMING AMENDMENTS TO RECIDIVIST**  
4 **PENALTY PROVISIONS OF THE CONTROLLED**  
5 **SUBSTANCES ACT AND THE CONTROLLED**  
6 **SUBSTANCES IMPORT AND EXPORT ACT.**

7 (1) Sections 401(b)(1) (B), (C), and (D) of the Con-  
8 trolled Substances Act (21 U.S.C. 841(b)(1) (B), (C), and  
9 (D)) and sections 1010(b) (1), (2), and (3) of the Con-  
10 trolled Substances Import and Export Act (21 U.S.C.  
11 960(b) (1), (2), and (3)) are each amended in the sentence  
12 or sentences beginning “If any person commits” by strik-  
13 ing “one or more prior convictions” through “have become  
14 final” and inserting in lieu thereof “a prior conviction for  
15 a felony drug offense has become final”;

16 (2) Section 1012(b) of the Controlled Substances Im-  
17 port and Export Act (21 U.S.C. 962(b)) is amended by  
18 striking “one or more prior convictions of him for a felony  
19 under any provision of this title or title II or other law  
20 of a State, the United States, or a foreign country relating  
21 to narcotic drugs, marihuana, or depressant or stimulant  
22 drugs, have become final” and inserting in lieu thereof  
23 “one or more prior convictions of such person for a felony  
24 drug offense have become final”.

1       (3) Section 401(b)(1)(A) of the Controlled Sub-  
2 stances Act (21 U.S.C. 841(b)(1)(A)) is amended by strik-  
3 ing the sentence beginning “For purposes of this subpara-  
4 graph, the term ‘felony drug offense’ means”;

5       (4) Section 102 of the Controlled Substances Act (21  
6 U.S.C. 802) is amended by adding at the end the following  
7 new paragraph:

8       “(43) The term ‘felony drug offense’ means an of-  
9 fense that is punishable by imprisonment for more than  
10 one year under any law of the United States or of a State  
11 or foreign country that prohibits or restricts conduct relat-  
12 ing to narcotic drugs, marihuana, or depressant or stimu-  
13 lant substances.”.

14 **SEC. 1515. PENALTIES FOR DRUG DEALING IN PUBLIC**  
15 **HOUSING AUTHORITY FACILITIES.**

16       Section 419 of the Controlled Substances Act (21  
17 U.S.C. 860) is amended—

18           (1) in subsection (a) by striking “playground,  
19 or within” and inserting “playground, or housing fa-  
20 cility owned by a public housing authority, or with-  
21 in”; and

22           (2) in subsection (b) by striking “playground,  
23 or within” and inserting “playground, or housing fa-  
24 cility owned by a public housing authority, or with-  
25 in”.

1 **SEC. 1516. ANABOLIC STEROIDS PENALTIES.**

2 Section 404 of the Controlled Substances Act (21  
3 U.S.C. 844) is amended by inserting after subsection (a)  
4 the following:

5 “(b)(1) Whoever, being a physical trainer or adviser  
6 to an individual, endeavors to persuade or induce that in-  
7 dividual to possess or use anabolic steroids in violation of  
8 subsection (a), shall be fined under title 18, United States  
9 Code, or imprisoned not more than 2 years, or both. If  
10 such individual has not attained the age of 18 years, the  
11 maximum imprisonment shall be 5 years.

12 “(2) As used in this subsection, the term ‘physical  
13 trainer or adviser’ means any professional or amateur  
14 coach, manager, trainer, instructor, or other such person,  
15 who provides any athletic or physical instruction, training,  
16 advice, assistance, or other such service to any person.”.

17 **SEC. 1517. ADVERTISING.**

18 Section 403 of the Controlled Substances Act (21  
19 U.S.C. 843) is amended—

20 (1) by inserting after subsection (b) the follow-  
21 ing:

22 “(c) It shall be unlawful for any person to print, pub-  
23 lish, place, or otherwise cause to appear in any newspaper,  
24 magazine, handbill, or other publications, any written ad-  
25 vertisement knowing that it has the purpose of seeking  
26 or offering illegally to receive, buy, or distribute a Sched-

1    ule I controlled substance. As used in this section the term  
2    ‘advertisement’ includes, in addition to its ordinary mean-  
3    ing, such advertisements as those for a catalog of Schedule  
4    I controlled substances and any similar written advertise-  
5    ment that has the purpose of seeking or offering illegally  
6    to receive, buy, or distribute a Schedule I controlled sub-  
7    stance. The term ‘advertisement’ does not include material  
8    which merely advocates the use of a similar material,  
9    which advocates a position or practice, and does not at-  
10   tempt to propose or facilitate an actual transaction in a  
11   Schedule I controlled substance.”; and

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

14    **SEC. 1518. ENHANCED PENALTIES FOR DRUG-DEALING IN**  
15                   **DRUG-FREE ZONES.**

16           Pursuant to its authority under 994 of title 28, Unit-  
17    ed States Code, the United States Sentencing Commission  
18    shall amend the Sentencing Guidelines to provide an ap-  
19    propriate enhancement of punishment for a defendant  
20    convicted of violating section 419 of the Controlled Sub-  
21    stances Act (21 U.S.C. 860).

22    **SEC. 1519. NATIONAL DRUG CONTROL STRATEGY.**

23           (a) IN GENERAL.—Section 1005(a) of the National  
24    Narcotics Leadership Act of 1988 (21 U.S.C. 1504(a)) is  
25    amended by adding at the end the following:



1 term of imprisonment of not more than 1 year, or if seri-  
2 ous bodily injury of a minor is caused, 5 years, or if death  
3 of a minor is caused, 10 years, and an additional fine of  
4 not more than \$1,000, or both, if—

5           “(i) a minor (other than the offender) was  
6 present in the motor vehicle when the offense was  
7 committed; and

8           “(ii) the law of the State, territory, possession,  
9 or district in which the offense occurred does not  
10 provide an additional term of imprisonment under  
11 the circumstances described in clause (i).

12           “(B) For the purposes of subparagraph (A), the term  
13 ‘minor’ means a person less than 18 years of age.”.

14 **SEC. 1602. SENSE OF CONGRESS CONCERNING CHILD CUS-**  
15 **TODY AND VISITATION RIGHTS.**

16           It is the sense of the Congress that in determining  
17 child custody and visitation rights, the courts should take  
18 into consideration the history of drunk driving that any  
19 person involved in the determination may have.

1           **TITLE XVII—COMMISSIONS**  
2           **Subtitle A—Commission on Crime**  
3           **and Violence**

4           **SEC. 1701. ESTABLISHMENT OF COMMISSION ON CRIME**  
5           **AND VIOLENCE.**

6           There is established a commission to be known as the  
7 “National Commission on Crime and Violence in Amer-  
8 ica”. The Commission shall be composed of 22 members,  
9 appointed as follows:

10           (1) 6 persons by the President;

11           (2) 8 persons by the Speaker of the House of  
12 Representatives, two of whom shall be appointed on  
13 the recommendation of the minority leader; and

14           (3) 8 persons by the President pro tempore of  
15 the Senate, six of whom shall be appointed on the  
16 recommendation of the majority leader of the Senate  
17 and two of whom shall be appointed on the rec-  
18 ommendation of the minority leader of the Senate.

19           **SEC. 1702. PURPOSE.**

20           The purposes of the Commission are as follows:

21           (1) To develop a comprehensive and effective  
22 crime control plan which will serve as a “blueprint”  
23 for action in the 1990’s. The report shall include an  
24 estimated cost for implementing any recommenda-  
25 tions made by the Commission.

1           (2) To bring attention to successful models and  
2 programs in crime prevention and crime control.

3           (3) To reach out beyond the traditional criminal  
4 justice community for ideas when developing the  
5 comprehensive crime control plan.

6           (4) To recommend improvements in the coordi-  
7 nation of local, State, Federal, and international  
8 border crime control efforts.

9           (5) To make a comprehensive study of the eco-  
10 nomic and social factors lending to or contributing  
11 to crime and specific proposals for legislative and  
12 administrative actions to reduce crime and the ele-  
13 ments that contribute to it.

14           (6) To recommend means of targeting finite  
15 correctional facility space and resources to the most  
16 serious and violent offenders, with the goal of  
17 achieving the most cost-effective possible crime con-  
18 trol and protection of the community and public  
19 safety, with particular emphasis on examining the  
20 issue of possible disproportionate incarceration rates  
21 among black males and any other minority group  
22 disproportionately represented in State and Federal  
23 correctional populations, and to consider increased  
24 use of alternatives to incarceration which offer a

1 reasonable prospect of equal or better crime control  
2 at equal or less cost.

3 **SEC. 1703. RESPONSIBILITIES OF THE COMMISSION.**

4 The commission shall be responsible for the following:

5 (1) Reviewing the effectiveness of traditional  
6 criminal justice approaches in preventing and con-  
7 trolling crime and violence.

8 (2) Examining the impact that changes to state  
9 and Federal law have had in controlling crime and  
10 violence.

11 (3) Examining the impact of changes in Fed-  
12 eral immigration laws and policies and increased de-  
13 velopment and growth along United States inter-  
14 national borders on crime and violence in the United  
15 States, particularly among our Nation's youth.

16 (4) Examining the problem of youth gangs and  
17 provide recommendations as to how to reduce youth  
18 involvement in violent crime.

19 (5) Examining the extent to which assault  
20 weapons and high power firearms have contributed  
21 to violence and murder in America.

22 (6) Convening field hearings in various regions  
23 of the country to receive testimony from a cross sec-  
24 tion of criminal justice professionals, business lead-

1       ers, elected officials, medical doctors, and other citi-  
2       zens that wish to participate.

3           (7) Review all segments of our criminal justice  
4       system, including the law enforcement, prosecution,  
5       defense, judicial, corrections components in develop-  
6       ing the crime control plan.

7       **Subtitle B—National Commission**  
8       **to Study the Causes of the De-**  
9       **mand for Drugs in the United**  
10      **States**

11      **SEC. 1704. ESTABLISHMENT.**

12       There is established a National Commission to Study  
13      the Causes of the Demand for Drugs in the United States  
14      (hereinafter in this Act referred to as the “Commission”).

15      **SEC. 1705. DUTIES.**

16       (a) IN GENERAL.—The Commission shall—

17           (1) examine the root causes of illicit drug use  
18       and abuse in the United States, including by compil-  
19       ing existing research regarding those root causes;

20           (2) evaluate the efforts being made to prevent  
21       drug abuse;

22           (3) identify the existing gaps in drug abuse pol-  
23       icy that result from the lack of attention to the root  
24       causes of drug abuse;

1           (4) assess the needs of Government at all levels  
2           for resources and policies for reducing the overall de-  
3           sire of individuals to experiment with and abuse il-  
4           licit drugs; and

5           (5) make recommendations regarding necessary  
6           improvements in policies for reducing the use of il-  
7           licit drugs in the United States.

8           (b) EXAMINATION.—Matters examined by the Com-  
9           mission under this section shall include the following:

10           (1) CHARACTERISTICS.—The characteristics of  
11           potential illicit drug users and abusers or drug traf-  
12           fickers, including age and social, economic, and edu-  
13           cational backgrounds.

14           (2) ENVIRONMENT.—Environmental factors  
15           that contribute to illicit drug use and abuse, includ-  
16           ing the correlation between unemployment, poverty,  
17           and homelessness on drug experimentation and  
18           abuse.

19           (3) ASSOCIATIONS AND SOCIAL RELATION-  
20           SHIPS.—The effects of substance use and abuse by  
21           a relative or friend in contributing to the likelihood  
22           and desire of an individual to experiment with illicit  
23           drugs.

24           (4) CULTURE.—Aspects of, and changes in,  
25           philosophical or religious beliefs, cultural values, at-

1       titudes toward authority, status of basic social units  
2       (such as families), and traditions that contribute to  
3       illicit drug use and abuse.

4               (5) PHYSIOLOGICAL AND PSYCHOLOGICAL FAC-  
5       TORS.—The physiological and psychological factors  
6       that contribute to the desire for illicit drugs.

7               (6) EFFORTS OF GOVERNMENTS.—The current  
8       status of Federal, State, and local efforts regarding  
9       the causes of illicit drug use and abuse, including a  
10      review of drug strategies being promoted by Federal,  
11      State, and local authorities to address the causes of  
12      illicit drug use and abuse.

13 **SEC. 1706. MEMBERSHIP.**

14       (a) NUMBER AND APPOINTMENT.—

15               (1) IN GENERAL.—The Commission shall con-  
16      sist of 13 members, as follows:

17                   (A) PRESIDENT.—Three individuals ap-  
18                   pointed by the President.

19                   (B) SENATE.—Five individuals appointed  
20                   jointly by the majority and minority leaders of  
21                   the Senate. Not more than 3 members ap-  
22                   pointed under this paragraph may be of the  
23                   same political party. At least 1 member ap-  
24                   pointed under this paragraph shall be a recover-  
25                   ing drug user.

1 (C) HOUSE OF REPRESENTATIVES.—Five  
2 individuals appointed jointly by the Speaker,  
3 majority leader, and minority leader of the  
4 House of Representatives. Not more than 3  
5 members appointed under this paragraph may  
6 be of the same political party. At least 1 mem-  
7 ber appointed under this paragraph shall be a  
8 recovering drug abuser.

9 (2) GOALS IN MAKING APPOINTMENTS.—In ap-  
10 pointing individuals as members of the Commission,  
11 the President and the majority and minority leaders  
12 of the House of Representatives and the Senate shall  
13 seek to ensure that—

14 (A) the membership of the Commission re-  
15 flects the racial, ethnic, and gender diversity of  
16 the United States; and

17 (B) members are specially qualified to  
18 serve on the Commission by reason of their edu-  
19 cation, training, expertise, or experience in—

- 20 (i) sociology,  
21 (ii) psychology,  
22 (iii) law,  
23 (iv) bio-medicine,  
24 (v) addiction, and

1                   (vi) ethnography and urban poverty,  
2                   including health care, housing, education,  
3                   and employment.

4           (b) PROHIBITION AGAINST OFFICER OR EM-  
5 PLOYEE.—Each individual appointed under subsection (a)  
6 shall not be an officer or employee of any government and  
7 shall be qualified to serve the Commission by virtue of  
8 education, training, or experience.

9           (c) DEADLINE FOR APPOINTMENT.—Members of the  
10 Commission shall be appointed within 60 days after the  
11 date of the enactment of this Act for the life of the Com-  
12 mission.

13          (d) MEETINGS.—The Commission shall have its  
14 headquarters in the District of Columbia, and shall meet  
15 at least once each month for a business session that shall  
16 be conducted by the Chairperson.

17          (e) QUORUM.—Seven members of the Commission  
18 shall constitute a quorum, but a lesser number may hold  
19 hearings.

20          (f) CHAIRPERSON AND VICE CHAIRPERSON.—No  
21 later than 15 days after the members of the Commission  
22 are appointed, such members shall designate a Chair-  
23 person and Vice Chairperson of the Commission.

24          (g) CONTINUATION OF MEMBERSHIP.—If a member  
25 of the Commission later becomes an officer or employee

1 of any government, the individual may continue as a mem-  
2 ber until a successor is appointed.

3 (h) VACANCIES.—A vacancy in the Commission shall  
4 be filled not later than 30 days after the Commission is  
5 informed of the vacancy in the manner in which the origi-  
6 nal appointment was made.

7 (i) COMPENSATION.—

8 (1) NO PAY, ALLOWANCE, OR BENEFIT.—Mem-  
9 bers of the Commission shall receive no additional  
10 pay, allowances, or benefits by reason of their serv-  
11 ice on the Commission.

12 (2) TRAVEL EXPENSES.—Each member of the  
13 Commission shall receive travel expenses, including  
14 per diem in lieu of subsistence, in accordance with  
15 sections 5702 and 5703 of title 5, United States  
16 Code.

17 **SEC. 1707. STAFF AND SUPPORT SERVICES.**

18 (a) DIRECTOR.—The Chairperson shall appoint a di-  
19 rector after consultation with the members of the Commis-  
20 sion, who shall be paid the rate of basic pay for level V  
21 of the Executive Schedule.

22 (b) STAFF.—With the approval of the Commission,  
23 the director may appoint personnel as the director consid-  
24 ers appropriate.

1 (c) APPLICABILITY OF CIVIL SERVICE LAWS.—The  
2 staff of the Commission shall be appointed without regard  
3 to the provisions of title 5, United States Code, governing  
4 appointments in the competitive service, and shall be paid  
5 without regard to the provisions of chapter 51 and sub-  
6 chapter III of chapter 53 of that title relating to classifica-  
7 tion and General Schedule pay rates.

8 (d) EXPERTS AND CONSULTANTS.—With the ap-  
9 proval of the Commission, the director may procure tem-  
10 porary and intermittent services under section 3109(b) of  
11 title 5, United States Code.

12 (e) STAFF OF FEDERAL AGENCIES.—Upon the re-  
13 quest of the Commission, the head of any Federal agency  
14 may detail, on a reimbursable basis, any of the personnel  
15 of that agency to the Commission to assist in carrying out  
16 its duties under this Act.

17 (f) OTHER RESOURCES.—The Commission shall have  
18 reasonable access to materials, resources, statistical data,  
19 and other information from the Library of Congress, as  
20 well as agencies and elected representatives of the execu-  
21 tive and legislative branches of government. The Chair-  
22 person of the Commission shall make requests in writing  
23 where necessary.

24 (g) PHYSICAL FACILITIES.—The General Services  
25 Administration shall find suitable office space for the op-

1 eration of the Commission. The facilities shall serve as the  
2 headquarters of the Commission and shall include all nec-  
3 essary equipment and incidentals required for proper func-  
4 tioning.

5 **SEC. 1708. POWERS OF COMMISSION.**

6 (a) HEARINGS.—The Commission may conduct pub-  
7 lic hearings or forums at its discretion, at any time and  
8 place it is able to secure facilities and witnesses, for the  
9 purpose of carrying out its duties.

10 (b) DELEGATION OF AUTHORITY.—Any member or  
11 agent of the Commission may, if authorized by the Com-  
12 mission, take any action the Commission is authorized to  
13 take by this section.

14 (c) INFORMATION.—The Commission may secure di-  
15 rectly from any Federal agency information necessary to  
16 enable it to carry out this Act. Upon request of the Chair-  
17 person or Vice Chairperson of the Commission, the head  
18 of a Federal agency shall furnish the information to the  
19 Commission to the extent permitted by law.

20 (d) GIFTS, BEQUESTS, AND DEVISES.—The Commis-  
21 sion may accept, use, and dispose of gifts, bequests, or  
22 devices of services or property, both real and personal, for  
23 the purpose of aiding or facilitating the work of the Com-  
24 mission. Gifts, bequests, or devises of money and proceeds  
25 from sales of other property received as gifts, bequests,

1 or devices shall be deposited in the Treasury and shall be  
2 available for disbursement upon order of the Commission.

3 (e) **MAILS.**—The Commission may use the United  
4 States mails in the same manner and under the same con-  
5 ditions as other Federal agencies.

6 **SEC. 1709. REPORTS.**

7 (a) **MONTHLY REPORTS.**—The Commission shall  
8 submit monthly activity reports to the President and the  
9 Committees on the Judiciary of the Senate and the House  
10 of Representatives.

11 (b) **REPORTS.**—

12 (1) **INTERIM REPORT.**—The Commission shall  
13 submit an interim report to the President and the  
14 Committees on the Judiciary of the Senate and the  
15 House of Representatives not later than 1 year be-  
16 fore the termination of the Commission. The interim  
17 report shall contain a detailed statement of the find-  
18 ings and conclusions of the Commission, together  
19 with its recommendations for legislative and admin-  
20 istrative action based on the Commission's activities  
21 to date. A strategy for disseminating the report to  
22 Federal, State, and local authorities shall be formu-  
23 lated and submitted with the formal presentation of  
24 the report to the President and the Congress.

1           (2) FINAL REPORT.—Not later than the date of  
2           the termination of the Commission, the Commission  
3           shall submit to the President and the Committees on  
4           the Judiciary of the Senate and the House of Rep-  
5           resentatives a final report with a detailed statement  
6           of final findings, conclusions, and recommendations,  
7           including an assessment of the extent to which rec-  
8           ommendations of the Commission included in the in-  
9           terim report under paragraph (1) have been imple-  
10          mented.

11          (c) PRINTING AND PUBLIC DISTRIBUTION.—Upon  
12          receipt of each report of the Commission under this sec-  
13          tion, the President shall—

14                 (1) order the report to be printed; and

15                 (2) make the report available to the public upon  
16          request.

17          **SEC. 1710. TERMINATION.**

18          The Commission shall terminate on the date which  
19          is 2 years after the Members of the Commission have met  
20          and designated a Chairperson and Vice Chairperson.

21          **Subtitle C—National Commission**  
22                 **to Support Law Enforcement**

23          **SEC. 1711. ESTABLISHMENT.**

24          There is established a national commission to be  
25          known as the “National Commission to Support Law En-

1 enforcement” (referred to in this subtitle as the “Commis-  
2 sion”).

3 **SEC. 1712. DUTIES.**

4 (a) IN GENERAL. —The Commission shall study and  
5 recommend changes regarding law enforcement agencies  
6 and law enforcement issues on the Federal, State, and  
7 local levels, including the following:

8 (1) FUNDING.—The sufficiency of funding, in-  
9 cluding a review of grant programs at the Federal  
10 level.

11 (2) EMPLOYMENT.—The conditions of law en-  
12 forcement employment.

13 (3) INFORMATION.—The effectiveness of infor-  
14 mation-sharing systems, intelligence, infrastructure,  
15 and procedures among law enforcement agencies of  
16 Federal, State, and local governments.

17 (4) RESEARCH AND TRAINING.—The status of  
18 law enforcement research and education and train-  
19 ing.

20 (5) EQUIPMENT AND RESOURCES.—The ade-  
21 quacy of equipment, physical resources, and human  
22 resources.

23 (6) COOPERATION.—The cooperation among  
24 Federal, State, and local law enforcement agencies.

1           (7) RESPONSIBILITY.—The responsibility of  
2 governments and law enforcement agencies in solv-  
3 ing the crime problem.

4           (8) IMPACT.—The impact of the criminal jus-  
5 tice system, including court schedules and prison  
6 overcrowding, on law enforcement.

7           (b) CONSULTATION.—The Commission shall conduct  
8 surveys and consult with focus groups of law enforcement  
9 officers, local officials, and community leaders across the  
10 Nation to obtain information and seek advice on important  
11 law enforcement issues.

12 **SEC. 1713. MEMBERSHIP.**

13           (a) NUMBER AND APPOINTMENT.—The Commission  
14 shall be composed of 25 members as follows:

15           (1) Seven individuals from national law enforce-  
16 ment organizations representing law enforcement of-  
17 ficers, of whom—

18                   (A) two shall be appointed by the Speaker  
19 of the House of Representatives;

20                   (B) two shall be appointed by the majority  
21 leader of the Senate;

22                   (C) one shall be appointed by the minority  
23 leader of the House of Representatives;

24                   (D) one shall be appointed by the minority  
25 leader of the Senate; and

1           (E) one shall be appointed by the Presi-  
2           dent.

3           (2) Seven individuals from national law enforce-  
4           ment organizations representing law enforcement  
5           management, of whom—

6           (A) two shall be appointed by the Speaker  
7           of the House of Representatives;

8           (B) two shall be appointed by the majority  
9           leader of the Senate;

10          (C) one shall be appointed by the minority  
11          leader of the House of Representatives;

12          (D) one shall be appointed by the minority  
13          leader of the Senate; and

14          (E) one shall be appointed by the Presi-  
15          dent.

16          (3) Two individuals with academic expertise re-  
17          garding law enforcement issues, of whom—

18          (A) one shall be appointed by the Speaker  
19          of the House of Representatives and the major-  
20          ity leader of the Senate; and

21          (B) one shall be appointed by the minority  
22          leader of the Senate and the minority leader of  
23          the House of Representatives;

1           (4) Two Members of the House of Representa-  
2           tives, appointed by the Speaker and the minority  
3           leader of the House of Representatives.

4           (5) Two Members of the Senate, appointed by  
5           the majority leader and the minority leader of the  
6           Senate.

7           (6) One individual involved in Federal law en-  
8           forcement from the Department of the Treasury, ap-  
9           pointed by the President.

10          (7) One individual from the Department of Jus-  
11          tice, appointed by the President.

12          (8) One individual representing a State or local  
13          governmental entity, such as a Governor, mayor, or  
14          State Attorney General, to be appointed by the Ma-  
15          jority Leader of the Senate.

16          (9) One individual representing a State or local  
17          governmental entity, such as a Governor, mayor, or  
18          State Attorney General, to be appointed by the  
19          Speaker of the House of Representatives.

20          (10) One individual representing a State or  
21          local governmental entity, such as a governor,  
22          mayor, or State attorney general, to be appointed by  
23          the President.

24          (b) COMPTROLLER GENERAL.—The Comptroller  
25          General shall serve in an advisory capacity and shall over-

1 see the methodology and approach of the Commission's  
2 study.

3 (c) CHAIRPERSON.—Upon their appointment the  
4 members of the Commission shall select one of their num-  
5 ber to act as chairperson.

6 (d) COMPENSATION.—

7 (1) IN GENERAL.—Members of the Commission  
8 shall receive no additional pay, allowance, or benefit  
9 by reason of service on the Commission.

10 (2) TRAVEL EXPENSES.—Each member of the  
11 Commission shall receive travel expenses, including  
12 per diem in lieu of subsistence, in accordance with  
13 sections 5702 and 5703 of title 5, United States  
14 Code.

15 (e) APPOINTMENT DATES.—Members of the Com-  
16 mission shall be appointed no later than 90 days after the  
17 enactment of this title.

18 **SEC. 1714. EXPERTS AND CONSULTANTS.**

19 (a) EXPERTS AND CONSULTANTS.—The Commission  
20 may procure temporary and intermittent services under  
21 section 3109(b) of title 5, United States Code.

22 (b) STAFF OF FEDERAL AGENCIES.—Upon request  
23 of the Commission, the head of any Federal agency is au-  
24 thorized to detail, on a reimbursable basis, any of the per-

1 sonnel of that agency to the Commission to assist the  
2 Commission in carrying out its duties under this title.

3 (c) ADMINISTRATIVE SUPPORT.—The Administrator  
4 of General Services shall provide to the Commission, on  
5 a reimbursable basis, administrative support services as  
6 the Commission may request.

7 **SEC. 1715. POWERS OF COMMISSION.**

8 (a) HEARINGS.—The Commission may, for purposes  
9 of this title, hold hearings, sit and act at the times and  
10 places, take testimony, and receive evidence, as the Com-  
11 mission considers appropriate.

12 (b) DELEGATION OF AUTHORITY.—Any member or  
13 agent of the Commission may, if authorized by the Com-  
14 mission, take any action the Commission is authorized to  
15 take by this section.

16 (c) INFORMATION.—The Commission may secure di-  
17 rectly from any Federal agency information necessary to  
18 enable it to carry out this title. Upon request of the chair-  
19 person of the Commission, the head of an agency shall  
20 furnish the information to the Commission to the extent  
21 permitted by law.

22 (d) GIFTS AND DONATIONS.—The Commission may  
23 accept, use, and dispose of gifts or donations of services  
24 or property.

1 (e) **MAILS.**—The Commission may use the United  
2 States mails in the same manner and under the same con-  
3 ditions as other Federal agencies.

4 **SEC. 1716. REPORT.**

5 Not later than the expiration of the eighteen-month  
6 period beginning on the date of the appointment of the  
7 members of the Commission, a report containing the find-  
8 ings of the Commission and specific proposals for legisla-  
9 tion and administrative actions that the Commission has  
10 determined to be appropriate shall be submitted to the  
11 Committees on the Judiciary of the Senate and the House  
12 of Representatives.

13 **SEC. 1717. TERMINATION.**

14 The Commission shall cease to exist upon the expira-  
15 tion of the sixty-day period beginning on the date on which  
16 the Commission submits its report under section 1616.

17 **SEC. 1718. REPEALS.**

18 Title XXXIV of the Crime Control Act of 1990 (Pub-  
19 lic Law 101–647; 104 Stat. 4918) and title II, section 211  
20 B of the Departments of Commerce, Justice, and State,  
21 the Judiciary, and Related Agencies Appropriations Act,  
22 1991 (Public Law 101–515; 104 Stat. 2122) are repealed.

1     **TITLE XVIII—MOTOR VEHICLE**  
2             **THEFT PREVENTION**

3     **SEC. 1801. MOTOR VEHICLE THEFT PREVENTION PRO-**  
4             **GRAM.**

5             (a) IN GENERAL.—Not later than 180 days after the  
6 date of enactment of this section, the Attorney General  
7 shall develop, in cooperation with the States, a national  
8 voluntary motor vehicle theft prevention program (in this  
9 section referred to as the “program”) under which—

10                 (1) the owner of a motor vehicle may volun-  
11 tarily sign a consent form with a participating State  
12 or locality in which the motor vehicle owner—

13                         (A) states that the vehicle is not normally  
14 operated under certain specified conditions; and

15                         (B) agrees to—

16                                 (i) display program decals or devices  
17 on the owner’s vehicle; and

18                                 (ii) permit law enforcement officials in  
19 any State to stop the motor vehicle and  
20 take reasonable steps to determine whether  
21 the vehicle is being operated by or with the  
22 permission of the owner, if the vehicle is  
23 being operated under the specified condi-  
24 tions; and

1           (2) participating States and localities authorize  
2 law enforcement officials in the State or locality to  
3 stop motor vehicles displaying program decals or de-  
4 vices under specified conditions and take reasonable  
5 steps to determine whether the vehicle is being oper-  
6 ated by or with the permission of the owner.

7           (b) UNIFORM DECAL OR DEVICE DESIGNS.—

8           (1) IN GENERAL.—The motor vehicle theft pre-  
9 vention program developed pursuant to this section  
10 shall include a uniform design or designs for decals  
11 or other devices to be displayed by motor vehicles  
12 participating in the program.

13           (2) TYPE OF DESIGN.—The uniform design  
14 shall—

15                   (A) be highly visible; and

16                   (B) explicitly state that the motor vehicle  
17 to which it is affixed may be stopped under the  
18 specified conditions without additional grounds  
19 for establishing a reasonable suspicion that the  
20 vehicle is being operated unlawfully.

21           (c) VOLUNTARY CONSENT FORM.—The voluntary  
22 consent form used to enroll in the program shall—

23           (1) clearly state that participation in the pro-  
24 gram is voluntary;

1           (2) clearly explain that participation in the pro-  
2           gram means that, if the participating vehicle is being  
3           operated under the specified conditions, law enforce-  
4           ment officials may stop the vehicle and take reason-  
5           able steps to determine whether it is being operated  
6           by or with the consent of the owner, even if the law  
7           enforcement officials have no other basis for believ-  
8           ing that the vehicle is being operated unlawfully;

9           (3) include an express statement that the vehi-  
10          cle is not normally operated under the specified con-  
11          ditions and that the operation of the vehicle under  
12          those conditions would provide sufficient grounds for  
13          a prudent law enforcement officer to reasonably be-  
14          lieve that the vehicle was not being operated by or  
15          with the consent of the owner; and

16          (4) include any additional information that the  
17          Attorney General may reasonably require.

18          (d) SPECIFIED CONDITIONS UNDER WHICH STOPS  
19          MAY BE AUTHORIZED.—

20                (1) IN GENERAL.—The Attorney General shall  
21                promulgate rules establishing the conditions under  
22                which participating motor vehicles may be author-  
23                ized to be stopped under this section. These condi-  
24                tions may not be based on race, creed, color, na-

1 tional origin, gender, or age. These conditions may  
2 include—

3 (A) the operation of the vehicle during cer-  
4 tain hours of the day; or

5 (B) the operation of the vehicle under  
6 other circumstances that would provide a suffi-  
7 cient basis for establishing a reasonable sus-  
8 picion that the vehicle was not being operated  
9 by the owner, or with the consent of the owner.

10 (2) MORE THAN ONE SET OF CONDITIONS.—

11 The Attorney General may establish more than one  
12 set of conditions under which participating motor ve-  
13 hicles may be stopped. If more than one set of condi-  
14 tions is established, a separate consent form and a  
15 separate design for program decals or devices shall  
16 be established for each set of conditions. The Attor-  
17 ney General may choose to satisfy the requirement  
18 of a separate design for program decals or devices  
19 under this paragraph by the use of a design color  
20 that is clearly distinguishable from other design col-  
21 ors.

22 (3) NO NEW CONDITIONS WITHOUT CON-  
23 SENT.—After the program has begun, the conditions  
24 under which a vehicle may be stopped if affixed with

1 a certain decal or device design may not be ex-  
2 panded without the consent of the owner.

3 (4) LIMITED PARTICIPATION BY STATES AND  
4 LOCALITIES.—A State or locality need not authorize  
5 the stopping of motor vehicles under all sets of con-  
6 ditions specified under the program in order to par-  
7 ticipate in the program.

8 (e) MOTOR VEHICLES FOR HIRE.—

9 (1) NOTIFICATION TO LESSEES.—Any person  
10 who is in the business of renting or leasing motor  
11 vehicles and who rents or leases a motor vehicle on  
12 which a program decal or device is affixed shall,  
13 prior to transferring possession of the vehicle, notify  
14 the person to whom the motor vehicle is rented or  
15 leased about the program.

16 (2) TYPE OF NOTICE.—The notice required by  
17 this subsection shall—

18 (A) be in writing;

19 (B) be in a prominent format to be deter-  
20 mined by the Attorney General; and

21 (C) explain the possibility that if the motor  
22 vehicle is operated under the specified condi-  
23 tions, the vehicle may be stopped by law en-  
24 forcement officials even if the officials have no

1           other basis for believing that the vehicle is  
2           being operated unlawfully.

3           (3) FINE FOR FAILURE TO PROVIDE NOTICE.—  
4           Failure to provide proper notice under this sub-  
5           section shall be punishable by a fine not to exceed  
6           \$5,000.

7           (f) NOTIFICATION OF POLICE.—As a condition of  
8           participating in the program, a State or locality must  
9           agree to take reasonable steps to ensure that law enforce-  
10          ment officials throughout the State or locality are familiar  
11          with the program, and with the conditions under which  
12          motor vehicles may be stopped under the program.

13          (g) REGULATIONS.—The Attorney General shall pro-  
14          mulgate regulations to implement this section.

15          (h) AUTHORIZATION OF APPROPRIATIONS.—There  
16          are authorized such sums as are necessary to carry out  
17          this section.

18       **SEC. 1802. ALTERING OR REMOVING MOTOR VEHICLE**  
19                               **IDENTIFICATION NUMBERS.**

20          (a) BASIC OFFENSE.—Subsection (a) of section 511  
21          of title 18, United States Code, is amended to read as  
22          follows:

23               “(a) Whoever, with intent to further the theft of a  
24          vehicle, knowingly removes, obliterates, tampers with, or  
25          alters an identification number for a motor vehicle, or

1 motor vehicle part, or a decal or device affixed to a motor  
2 vehicle pursuant to the Motor Vehicle Theft Prevention  
3 Act, shall be fined under this title or imprisoned not more  
4 than five years, or both.”.

5 (b) EXCEPTED PERSONS.—Paragraph (2) of section  
6 511(b) of title 18, United States Code, is amended by—

7 (1) striking “and” after the semicolon in sub-  
8 paragraph (B);

9 (2) striking the period at the end of subpara-  
10 graph (C) and inserting “; and”; and

11 (3) adding at the end thereof the following:

12 “(D) a person who removes, obliterates,  
13 tampers with, or alters a decal or device affixed  
14 to a motor vehicle pursuant to the Motor Vehi-  
15 cle Theft Prevention Act, if that person is the  
16 owner of the motor vehicle, or is authorized to  
17 remove, obliterate, tamper with or alter the  
18 decal or device by—

19 “(i) the owner or his or her author-  
20 ized agent;

21 “(ii) applicable State or local law; or

22 “(iii) regulations promulgated by the  
23 Attorney General to implement the Motor  
24 Vehicle Theft Prevention Act.”.

1 (c) DEFINITION.—Section 511 of title 18, United  
2 States Code, is amended by adding at the end thereof the  
3 following:

4 “(d) For purposes of subsection (a) of this section,  
5 the term ‘tampers with’ includes covering a program decal  
6 or device affixed to a motor vehicle pursuant to the Motor  
7 Vehicle Theft Prevention Act for the purpose of obstruct-  
8 ing its visibility.”.

9 (d) UNAUTHORIZED APPLICATION OF A DECAL OR  
10 DEVICE.—

11 (1) IN GENERAL.—Chapter 25 of title 18,  
12 United States Code, is amended by adding after sec-  
13 tion 511 the following new section:

14 **“§511A. Unauthorized application of theft prevention**  
15 **decal or device**

16 “(a) Whoever affixes to a motor vehicle a theft pre-  
17 vention decal or other device, or a replica thereof, unless  
18 authorized to do so pursuant to the Motor Vehicle Theft  
19 Prevention Act, shall be punished by a fine not to exceed  
20 \$1,000.

21 “(b) For purposes of this section, the term ‘theft pre-  
22 vention decal or device’ means a decal or other device de-  
23 signed in accordance with a uniform design for such de-  
24 vices developed pursuant to the Motor Vehicle Theft Pre-  
25 vention Act.”.

1           (2) CLERICAL AMENDMENT.—The table of sec-  
2           tions at the beginning of chapter 25 of title 18,  
3           United States Code, is amended by adding imme-  
4           diately after the item for section 511 the following:

“511A. Unauthorized application of theft prevention decal or device.”.

5           **TITLE XIX—PROTECTIONS FOR**  
6                                   **THE ELDERLY**

7           **SEC. 1901. MISSING ALZHEIMER’S DISEASE PATIENT ALERT**  
8                                   **PROGRAM.**

9           (a) GRANT.—The Attorney General shall award a  
10          grant to an eligible organization to assist the organization  
11          in paying for the costs of planning, designing, establishing,  
12          and operating a Missing Alzheimer’s Disease Patient Alert  
13          Program, which shall be a locally based, proactive program  
14          to protect and locate missing patients with Alzheimer’s  
15          disease and related dementias.

16          (b) APPLICATION.—To be eligible to receive a grant  
17          under subsection (a), an organization shall submit an ap-  
18          plication to the Attorney General at such time, in such  
19          manner, and containing such information as the Attorney  
20          General may require, including, at a minimum, an assur-  
21          ance that the organization will obtain and use assistance  
22          from private nonprofit organizations to support the pro-  
23          gram.

24          (c) ELIGIBLE ORGANIZATION.—The Attorney Gen-  
25          eral shall award the grant described in subsection (a) to

1 a national voluntary organization that has a direct link  
2 to patients, and families of patients, with Alzheimer's dis-  
3 ease and related dementias.

4 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
5 are authorized to be appropriated to carry out this section  
6 \$1,000,000 for each of fiscal years 1994, 1995, and 1996.

7 **SEC. 1902. CRIMES AGAINST THE ELDERLY.**

8 (a) IN GENERAL.—Pursuant to its authority under  
9 the Sentencing Reform Act of 1984 and section 21 of the  
10 Sentencing Act of 1987 (including its authority to amend  
11 the sentencing guidelines and policy statements) and its  
12 authority to make such amendments on an emergency  
13 basis, the United States Sentencing Commission shall en-  
14 sure that the applicable guideline range for a defendant  
15 convicted of a crime of violence against an elderly victim  
16 is sufficiently stringent to deter such a crime, to protect  
17 the public from additional crimes of such a defendant, and  
18 to adequately reflect the heinous nature of such an of-  
19 fense.

20 (b) CRITERIA.—In carrying out subsection (a), the  
21 United States Sentencing Commission shall ensure that—

22 (1) the guidelines provide for increasingly se-  
23 vere punishment for a defendant commensurate with  
24 the degree of physical harm caused to the elderly  
25 victim;

1 (2) the guidelines take appropriate account of  
2 the vulnerability of the victim; and

3 (3) the guidelines provide enhanced punishment  
4 for a defendant convicted of a crime of violence  
5 against an elderly victim who has previously been  
6 convicted of a crime of violence against an elderly  
7 victim, regardless of whether the conviction occurred  
8 in Federal or State court.

9 (c) DEFINITIONS.—As used in this section—

10 (1) the term “crime of violence” means an of-  
11 fense under section 113, 114, 1111, 1112, 1113,  
12 1117, 2241, 2242, or 2244 of title 18, United States  
13 Code; and

14 (2) the term “elderly victim” means a victim  
15 who is 65 years of age or older at the time of an  
16 offense.

## 17 **TITLE XX—CONSUMER** 18 **PROTECTION**

19 **SEC. 2001. CRIMES BY OR AFFECTING PERSONS ENGAGED**  
20 **IN THE BUSINESS OF INSURANCE WHOSE AC-**  
21 **TIVITIES AFFECT INTERSTATE COMMERCE.**

22 (a) IN GENERAL.—Chapter 47 of title 18, United  
23 States Code, is amended by adding at the end thereof the  
24 following new sections:

1 **“§ 1033. Crimes by or affecting persons engaged in**  
2 **the business of insurance whose activi-**  
3 **ties affect interstate commerce**

4 “(a)(1) Whoever is engaged in the business of insur-  
5 ance whose activities affect interstate commerce and, with  
6 the intent to deceive, knowingly makes any false material  
7 statement or report or willfully and materially overvalues  
8 any land, property or security—

9 “(A) in connection with any financial reports or  
10 documents presented to any insurance regulatory of-  
11 ficial or agency or an agent or examiner appointed  
12 by such official or agency to examine the affairs of  
13 such person, and

14 “(B) for the purpose of influencing the actions  
15 of such official or agency or such an appointed agent  
16 or examiner,  
17 shall be punished as provided in paragraph (2).

18 “(2) The punishment for an offense under paragraph  
19 (1) is a fine as established under this title or imprison-  
20 ment for not more than 10 years, or both, except that  
21 the term of imprisonment shall be not more than 15 years  
22 if the statement or report or overvaluing of land, property,  
23 or security jeopardizes the safety and soundness of an in-  
24 surer.

25 “(b)(1) Whoever—

1           “(A) acting as, or being an officer, director,  
2           agent, or employee of, any person engaged in the  
3           business of insurance whose activities affect inter-  
4           state commerce, or

5           “(B) is engaged in the business of insurance  
6           whose activities affect interstate commerce or is in-  
7           volved (other than as an insured or beneficiary  
8           under a policy of insurance) in a transaction relating  
9           to the conduct of affairs of such a business,

10          willfully embezzles, abstracts, purloins, or misappropriates  
11          any of the moneys, funds, premiums, credits, or other  
12          property of such person so engaged shall be punished as  
13          provided in paragraph (2).

14          “(2) The punishment for an offense under paragraph  
15          (1) is a fine as provided under this title or imprisonment  
16          for not more than 10 years, or both, except that if such  
17          embezzlement, abstraction, purloining, or misappropria-  
18          tion described in paragraph (1) jeopardizes the safety and  
19          soundness of an insurer, such imprisonment shall be not  
20          more than 15 years. If the amount or value so embezzled,  
21          abstracted, purloined, or misappropriated does not exceed  
22          \$5,000, whoever violates paragraph (1) shall be fined as  
23          provided in this title or imprisoned not more than one  
24          year, or both.

1       “(c)(1) Whoever is engaged in the business of insur-  
2       ance and whose activities affect interstate commerce or is  
3       involved (other than as an insured or beneficiary under  
4       a policy of insurance) in a transaction relating to the con-  
5       duct of affairs of such a business, knowingly makes any  
6       false entry of material fact in any book, report, or state-  
7       ment of such person engaged in the business of insurance  
8       with intent to—

9               “(A) deceive any person about the financial  
10              condition or solvency of such business, or

11             “(B) deceive any officer, employee, or agent of  
12             such person engaged in the business of insurance,  
13             any insurance regulatory official or agency, or any  
14             agent or examiner appointed by such official or  
15             agency to examine the affairs of such person about  
16             the financial condition or solvency of such business,  
17       shall be punished as provided in paragraph (2).

18       “(2) The punishment for an offense under paragraph  
19       (1) is a fine as provided under this title or imprisonment  
20       for not more than 10 years, or both, except that if the  
21       false entry in any book, report, or statement of such per-  
22       son jeopardizes the safety and soundness of an insurer,  
23       such imprisonment shall be not more than 15 years.

24       “(d) Whoever, by threats or force or by any threaten-  
25       ing letter or communication, corruptly influences, ob-

1 struct, or impedes or endeavors corruptly to influence, ob-  
2 struct, or impede the due and proper administration of  
3 the law under which any proceeding involving the business  
4 of insurance whose activities affect interstate commerce  
5 is pending before any insurance regulatory official or  
6 agency or any agent or examiner appointed by such official  
7 or agency to examine the affairs of a person engaged in  
8 the business of insurance whose activities affect interstate  
9 commerce, shall be fined as provided in this title or impris-  
10 oned not more than 10 years, or both.

11       “(e)(1)(A) Any individual who has been convicted of  
12 any criminal felony involving dishonesty or a breach of  
13 trust, or who has been convicted of an offense under this  
14 section, and who willfully engages in the business of insur-  
15 ance whose activities affect interstate commerce or partici-  
16 pates in such business, shall be fined as provided in this  
17 title or imprisoned not more than 5 years, or both.

18       “(B) Any individual who is engaged in the business  
19 of insurance whose activities affect interstate commerce  
20 and who willfully permits the participation described in  
21 subparagraph (A) shall be fined as provided in this title  
22 or imprisoned not more than 5 years, or both.

23       “(2) A person described in paragraph (1)(A) may en-  
24 gage in the business of insurance or participate in such  
25 business if such person has the written consent of any in-

1 surance regulatory official authorized to regulate the in-  
2 surer, which consent specifically refers to this subsection.

3 “(f) As used in this section—

4 “(1) the term ‘business of insurance’ means—

5 “(A) the writing of insurance, or

6 “(B) the reinsuring of risks,

7 by an insurer, including all acts necessary or inci-  
8 dental to such writing or reinsuring and the activi-  
9 ties of persons who act as, or are, officers, directors,  
10 agents, or employees of insurers or who are other  
11 persons authorized to act on behalf of such persons;

12 “(2) the term ‘insurer’ means any entity the  
13 business activity of which is the writing of insurance  
14 or the reinsuring of risks or any receiver or similar  
15 official or any liquidating agent for such an entity,  
16 in his or her capacity as such, and includes any per-  
17 son who acts as, or is, an officer, director, agent, or  
18 employee of that business;

19 “(3) the term ‘interstate commerce’ means—

20 “(A) commerce within the District of Co-  
21 lumbia, or any territory or possession of the  
22 United States;

23 “(B) all commerce between any point in  
24 the State, territory, possession, or the District  
25 of Columbia and any point outside thereof;

1           “(C) all commerce between points within  
2           the same State through any place outside such  
3           State; or

4           “(D) all other commerce over which the  
5           United States has jurisdiction; and

6           “(4) the term ‘State’ includes any State, the  
7           District of Columbia, the Commonwealth of Puerto  
8           Rico, the Northern Mariana Islands, the Virgin Is-  
9           lands, American Samoa, and the Trust Territory of  
10          the Pacific Islands.

11       **“§ 1034. Civil penalties and injunctions for violations**  
12                               **of section 1033**

13          “(a) The Attorney General may bring a civil action  
14          in the appropriate United States district court against any  
15          person who engages in conduct constituting an offense  
16          under section 1033 and, upon proof of such conduct by  
17          a preponderance of the evidence, such person shall be sub-  
18          ject to a civil penalty of not more than \$50,000 for each  
19          violation or the amount of compensation which the person  
20          received or offered for the prohibited conduct, whichever  
21          amount is greater. If the offense has contributed to the  
22          decision of a court of appropriate jurisdiction to issue an  
23          order directing the conservation, rehabilitation, or liquida-  
24          tion of an insurer, such penalty shall be remitted to the  
25          regulatory official for the benefit of the policyholders,

1 claimants, and creditors of such insurer. The imposition  
2 of a civil penalty under this subsection does not preclude  
3 any other criminal or civil statutory, common law, or ad-  
4 ministrative remedy, which is available by law to the Unit-  
5 ed States or any other person.

6 “(b) If the Attorney General has reason to believe  
7 that a person is engaged in conduct constituting an of-  
8 fense under section 1033, the Attorney General may peti-  
9 tion an appropriate United States district court for an  
10 order prohibiting that person from engaging in such con-  
11 duct. The court may issue an order prohibiting that person  
12 from engaging in such conduct if the court finds that the  
13 conduct constitutes such an offense. The filing of a peti-  
14 tion under this section does not preclude any other remedy  
15 which is available by law to the United States or any other  
16 person.”.

17 (b) CLERICAL AMENDMENT.—The table of sections  
18 at the beginning of chapter 47 of such title is amended  
19 by adding at the end the following new item:

“1033. Crimes by or affecting persons engaged in the business of insurance  
whose activities affect interstate commerce.

“1034. Civil penalties and injunctions for violations of section 1033.”.

20 (c) MISCELLANEOUS AMENDMENTS TO TITLE 18,  
21 UNITED STATES CODE.—(1) TAMPERING WITH INSUR-  
22 ANCE REGULATORY PROCEEDINGS.—Section 1515(a)(1)  
23 of title 18, United States Code, is amended—

1 (A) by striking “or” at the end of subpara-  
2 graph (B);

3 (B) by inserting “or” at the end of subpara-  
4 graph (C); and

5 (C) by adding at the end the following new sub-  
6 paragraph:

7 “(D) a proceeding involving the business of  
8 insurance whose activities affect interstate com-  
9 merce before any insurance regulatory official  
10 or agency or any agent or examiner appointed  
11 by such official or agency to examine the affairs  
12 of any person engaged in the business of insur-  
13 ance whose activities affect interstate com-  
14 merce;”.

15 (2) LIMITATIONS.—Section 3293 of such title is  
16 amended by inserting “1033,” after “1014,”.

17 (3) OBSTRUCTION OF CRIMINAL INVESTIGATIONS.—  
18 Section 1510 of title 18, United States Code, is amended  
19 by adding at the end the following new subsection:

20 “(d)(1) Whoever—

21 “(A) acting as, or being, an officer, director,  
22 agent or employee of a person engaged in the busi-  
23 ness of insurance whose activities affect interstate  
24 commerce, or



1 issued to another person or persons, to receive pay-  
2 ment or any other thing of value during any one-  
3 year period the aggregate value of which is equal to  
4 or greater than \$1,000;

5 “(6) without the authorization of the issuer of  
6 the access device, knowingly and with intent to de-  
7 fraud solicits a person for the purpose of—

8 “(A) offering an access device; or

9 “(B) selling information regarding or an  
10 application to obtain an access device; or

11 “(7) without the authorization of the credit  
12 card system member or its agent, knowingly and  
13 with intent to defraud causes or arranges for an-  
14 other person to present to the member or its agent,  
15 for payment, one or more evidences or records of  
16 transactions made by an access device;”.

17 (b) TECHNICAL AMENDMENTS.—Section 1029 of  
18 title 18, United States Code, as amended by subsection  
19 (b), is amended—

20 (1) in subsection (a) by striking “or” at the end  
21 of paragraph (3);

22 (2) in subsection (c)(1) by striking “(a)(2) or  
23 (a)(3)” and inserting “(a) (2), (3), (5), (6), or (7)”;  
24 and

25 (3) in subsection (e) by—

1 (A) striking “and” at the end of paragraph

2 (5);

3 (B) adding “and” at the end of paragraph

4 (6); and

5 (C) adding at the end thereof the following

6 new paragraph:

7 “(7) the term ‘credit card system member’  
8 means a financial institution or other entity that is  
9 a member of a credit card system, including an en-  
10 tity, whether it is affiliated with or identical to the  
11 credit card issuer, that is the sole member of a cred-  
12 it card system.”.

13 **SEC. 2003. MAIL FRAUD.**

14 Section 1341 of title 18, United States Code, is  
15 amended—

16 (1) by inserting “or deposits or causes to be de-  
17 posited any matter or thing whatever to be sent or  
18 delivered by any private or commercial interstate  
19 carrier,” after “Postal Service,”; and

20 (2) by inserting “or such carrier” after “causes  
21 to be delivered by mail”.

1           **TITLE XXI—SENTENCING**  
2                           **PROVISIONS**

3   **SEC. 2101. IMPOSITION OF SENTENCE.**

4           Section 3553(a)(4) of title 18, United States Code,  
5 is amended to read as follows:

6                   “(4) the kinds of sentence and the sentencing  
7 range established for—

8                           “(A) the applicable category of offense  
9 committed by the applicable category of defend-  
10 ant as set forth in the guidelines issued by the  
11 Sentencing Commission pursuant to section  
12 994(a)(1) of title 28, United States Code, and  
13 that are in effect on the date the defendant is  
14 sentenced; or

15                           “(B) in the case of a violation of probation  
16 or supervised release, the applicable guidelines  
17 or policy statements issued by the Sentencing  
18 Commission pursuant to section 994(a)(3) of  
19 title 28, United States Code.”.

20   **SEC. 2102. TECHNICAL AMENDMENT TO MANDATORY CON-**  
21                           **DITIONS OF PROBATION.**

22           Section 3563(a)(3) of title 18, United States Code,  
23 is amended by striking “possess illegal controlled sub-  
24 stances” and inserting “unlawfully possess a controlled  
25 substance”.

1 **SEC. 2103. REVOCATION OF PROBATION.**

2 (a) IN GENERAL.—Section 3565(a) of title 18, Unit-  
3 ed States Code, is amended—

4 (1) in paragraph (2) by striking “impose any  
5 other sentence that was available under subchapter  
6 A at the time of the initial sentencing” and inserting  
7 “resentence the defendant under subchapter A”; and  
8 (2) by striking the last sentence.

9 (b) MANDATORY REVOCATION.—Section 3565(b) of  
10 title 18, United States Code, is amended to read as fol-  
11 lows:

12 “(b) MANDATORY REVOCATION FOR POSSESSION OF  
13 CONTROLLED SUBSTANCE OR FIREARM OR REFUSAL TO  
14 COMPLY WITH DRUG TESTING.—If the defendant—

15 “(1) possesses a controlled substance in viola-  
16 tion of the condition set forth in section 3563(a)(3);

17 “(2) possesses a firearm, as such term is de-  
18 fined in section 921 of this title, in violation of Fed-  
19 eral law, or otherwise violates a condition of proba-  
20 tion prohibiting the defendant from possessing a  
21 firearm; or

22 “(3) refuses to comply with drug testing, there-  
23 by violating the condition imposed by section  
24 3563(a)(4),

1 the court shall revoke the sentence of probation and  
2 resentence the defendant under subchapter A to a sen-  
3 tence that includes a term of imprisonment.”.

4 **SEC. 2104. REVOCATION OF SUPERVISED RELEASE AFTER**  
5 **IMPRISONMENT.**

6 Section 3583 of title 18, United States Code, is  
7 amended—

8 (1) in subsection (d), by striking “possess ille-  
9 gal controlled substances” and inserting “unlawfully  
10 possess a controlled substance”;

11 (2) in subsection (e)—

12 (A) by striking “person” each place such  
13 term appears in such subsection and inserting  
14 “defendant”; and

15 (B) by amending paragraph (3) to read as  
16 follows:

17 “(3) revoke a term of supervised release, and  
18 require the defendant to serve in prison all or part  
19 of the term of supervised release authorized by stat-  
20 ute for the offense that resulted in such term of su-  
21 pervised release without credit for time previously  
22 served on postrelease supervision, if the court, pur-  
23 suant to the Federal Rules of Criminal Procedure  
24 applicable to revocation of probation or supervised  
25 release, finds by a preponderance of the evidence

1 that the defendant violated a condition of supervised  
2 release, except that a defendant whose term is re-  
3 voked under this paragraph may not be required to  
4 serve more than 5 years in prison if the offense that  
5 resulted in the term of supervised release is a class  
6 A felony, more than 3 years in prison if such offense  
7 is a class B felony, more than 2 years in prison if  
8 such offense is a class C or D felony, or more than  
9 one year in any other case; or”;

10 (3) by striking subsection (g) and inserting the  
11 following:

12 “(g) MANDATORY REVOCATION FOR POSSESSION OF  
13 CONTROLLED SUBSTANCE OR FIREARM OR FOR REFUSAL  
14 TO COMPLY WITH DRUG TESTING.—If the defendant—

15 “(1) possesses a controlled substance in viola-  
16 tion of the condition set forth in subsection (d);

17 “(2) possesses a firearm, as such term is de-  
18 fined in section 921 of this title, in violation of Fed-  
19 eral law, or otherwise violates a condition of super-  
20 vided release prohibiting the defendant from possess-  
21 ing a firearm; or

22 “(3) refuses to comply with drug testing im-  
23 posed as a condition of supervised release;

24 the court shall revoke the term of supervised release and  
25 require the defendant to serve a term of imprisonment not

1 to exceed the maximum term of imprisonment authorized  
2 under subsection (e)(3).

3       “(h) SUPERVISED RELEASE FOLLOWING REVOCA-  
4 TION.—When a term of supervised release is revoked and  
5 the defendant is required to serve a term of imprisonment  
6 that is less than the maximum term of imprisonment au-  
7 thorized under subsection (e)(3), the court may include  
8 a requirement that the defendant be placed on a term of  
9 supervised release after imprisonment. The length of such  
10 a term of supervised release shall not exceed the term of  
11 supervised release authorized by statute for the offense  
12 that resulted in the original term of supervised release,  
13 less any term of imprisonment that was imposed upon rev-  
14 ocation of supervised release.

15       “(i) DELAYED REVOCATION.—The power of the court  
16 to revoke a term of supervised release for violation of a  
17 condition of supervised release, and to order the defendant  
18 to serve a term of imprisonment and, subject to the limita-  
19 tions in subsection (h), a further term of supervised re-  
20 lease, extends beyond the expiration of the term of super-  
21 vised release for any period reasonably necessary for the  
22 adjudication of matters arising before its expiration if, be-  
23 fore its expiration, a warrant or summons has been issued  
24 on the basis of an allegation of such a violation.”.

1 **SEC. 2105. AUTHORIZATION OF PROBATION FOR PETTY OF-**  
2 **FENSES IN CERTAIN CASES.**

3 Section 3561(a)(3) of title 18, United States Code,  
4 is amended by adding at the end: “However, this para-  
5 graph does not preclude the imposition of a sentence to  
6 a term of probation for a petty offense if the defendant  
7 has been sentenced to a term of imprisonment at the same  
8 time for another such offense.”.

9 **TITLE XXII—COMPUTER CRIME**

10 **SEC. 2201. COMPUTER ABUSE AMENDMENTS.**

11 (a) PROHIBITION.—Section 1030(a)(5) of title 18,  
12 United States Code, is amended to read as follows:

13 “(5)(A) through means of a computer used in  
14 interstate commerce or communications, knowingly  
15 causes the transmission of a program, information,  
16 code, or command to a computer or computer sys-  
17 tem if—

18 “(i) the person causing the transmission  
19 intends that such transmission will—

20 “(I) damage, or cause damage to, a  
21 computer, computer system, network, in-  
22 formation, data, or program; or

23 “(II) withhold or deny, or cause the  
24 withholding or denial, of the use of a com-  
25 puter, computer services, system or net-  
26 work, information, data or program; and

1           “(ii) the transmission of the harmful com-  
2           ponent of the program, information, code, or  
3           command—

4                   “(I) occurred without the knowledge  
5                   and authorization of the persons or entities  
6                   who own or are responsible for the com-  
7                   puter system receiving the program, infor-  
8                   mation, code, or command; and

9                   “(II)(aa) causes loss or damage to one  
10                  or more other persons of value aggregating  
11                  \$1,000 or more during any 1-year period;  
12                  or

13                  “(bb) modifies or impairs, or poten-  
14                  tially modifies or impairs, the medical ex-  
15                  amination, medical diagnosis, medical  
16                  treatment, or medical care of one or more  
17                  individuals; or

18           “(B) through means of a computer used in  
19           interstate commerce or communication, knowingly  
20           causes the transmission of a program, information,  
21           code, or command to a computer or computer sys-  
22           tem—

23                   “(i) with reckless disregard of a substan-  
24                   tial and unjustifiable risk that the transmission  
25                   will—

1           “(I) damage, or cause damage to, a  
2           computer, computer system, network, in-  
3           formation, data or program; or

4           “(II) withhold or deny or cause the  
5           withholding or denial of the use of a com-  
6           puter, computer services, system, network,  
7           information, data or program; and

8           “(ii) if the transmission of the harmful  
9           component of the program, information, code,  
10          or command—

11           “(I) occurred without the knowledge  
12           and authorization of the persons or entities  
13           who own or are responsible for the com-  
14           puter system receiving the program, infor-  
15           mation, code, or command; and

16           “(II)(aa) causes loss or damage to one  
17           or more other persons of a value aggregat-  
18           ing \$1,000 or more during any 1-year pe-  
19           riod; or

20           “(bb) modifies or impairs, or poten-  
21           tially modifies or impairs, the medical ex-  
22           amination, medical diagnosis, medical  
23           treatment, or medical care of one or more  
24           individuals.”.

1 (b) PENALTY.—Section 1030(c) of title 18, United  
2 States Code is amended—

3 (1) in paragraph (2)(B) by striking “and” after  
4 the semicolon;

5 (2) in paragraph (3)(A) by inserting “(A)”  
6 after “(a)(5)”;

7 (3) in paragraph (3)(B) by striking the period  
8 at the end thereof and inserting “; and”; and

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

10 “(4) a fine under this title or imprisonment for  
11 not more than 1 year, or both, in the case of an of-  
12 fense under subsection (a)(5)(B).”.

13 (c) CIVIL ACTION.—Section 1030 of title 18, United  
14 States Code, is amended by adding at the end thereof the  
15 following new subsection:

16 “(g) Any person who suffers damage or loss by rea-  
17 son of a violation of the section, other than a violation  
18 of subsection (a)(5)(B), may maintain a civil action  
19 against the violator to obtain compensatory damages and  
20 injunctive relief or other equitable relief. Damages for vio-  
21 lations of any subsection other than subsection  
22 (a)(5)(A)(ii)(II)(bb) or (a)(5)(B)(ii)(II)(bb) are limited to  
23 economic damages. No action may be brought under this  
24 subsection unless such action is begun within 2 years of

1 the date of the act complained of or the date of the discov-  
2 ery of the damage.”.

3 (d) REPORTING REQUIREMENTS.—Section 1030 of  
4 title 18 United States Code, is amended by adding at the  
5 end thereof the following new subsection:

6 “(h) The Attorney General and the Secretary of the  
7 Treasury shall report to the Committees on the Judiciary  
8 of the Senate and the House of Representatives annually,  
9 during the first 3 years following the date of the enact-  
10 ment of this subsection, concerning investigations and  
11 prosecutions under section 1030(a)(5) of title 18, United  
12 States Code.”.

13 (e) PROHIBITION.—Section 1030(a)(3) of title 18  
14 United States Code, is amended by inserting “adversely”  
15 before “affects the use of the Government’s operation of  
16 such computer”.

## 17 **TITLE XXIII—INTERNATIONAL** 18 **PARENTAL KIDNAPPING**

### 19 **SEC. 2301. TITLE 18 AMENDMENT.**

20 (a) IN GENERAL.—Chapter 55 (relating to kidnap-  
21 ping) of title 18, United States Code, is amended by add-  
22 ing at the end the following:

#### 23 **“§ 1204. International parental kidnapping**

24 “(a) Whoever removes a child from the United States  
25 or retains a child (who has been in the United States)

1 outside the United States with intent to obstruct the law-  
2 ful exercise of parental rights shall be fined under this  
3 title or imprisoned not more than 3 years, or both.

4 “(b) As used in this section—

5 “(1) the term ‘child’ means a person who has  
6 not attained the age of 16 years; and

7 “(2) the term ‘parental rights’, with respect to  
8 a child, means the right to physical custody of the  
9 child—

10 “(A) whether joint or sole (and includes  
11 visiting rights); and

12 “(B) whether arising by operation of law,  
13 court order, or legally binding agreement of the  
14 parties.

15 “(c) It shall be an affirmative defense under this sec-  
16 tion that—

17 “(1) the defendant acted within the provisions  
18 of a valid court order granting the defendant legal  
19 custody or visitation rights and that order was ob-  
20 tained pursuant to the Uniform Child Custody Ju-  
21 risdiction Act and was in effect at the time of the  
22 offense;

23 “(2) the defendant was fleeing an incidence or  
24 pattern of domestic violence; or

1           “(3) the defendant had physical custody of the  
2 child pursuant to a court order granting legal cus-  
3 tody or visitation rights and failed to return the  
4 child as a result of circumstances beyond the defend-  
5 ant’s control, and the defendant notified or made  
6 reasonable attempts to notify the other parent or  
7 lawful custodian of the child of such circumstances  
8 within 24 hours after the visitation period had ex-  
9 pired and returned the child as soon as possible.

10          “(d) This section does not detract from The Hague  
11 Convention on the Civil Aspects of International Parental  
12 Child Abduction, done at The Hague on October 25,  
13 1980.”.

14          (b) SENSE OF THE CONGRESS.—It is the sense of  
15 the Congress that, inasmuch as use of the procedures  
16 under the Hague Convention on the Civil Aspects of Inter-  
17 national Parental Child Abduction has resulted in the re-  
18 turn of many children, those procedures, in circumstances  
19 in which they are applicable, should be the option of first  
20 choice for a parent who seeks the return of a child who  
21 has been removed from the parent.

22          (c) CLERICAL AMENDMENT.—The table of sections  
23 at the beginning of chapter 55 of title 18, United States  
24 Code, is amended by adding at the end the following:

“1204. International parental kidnapping.”.

1 **SEC. 2302. STATE COURT PROGRAMS REGARDING INTER-**  
2 **STATE AND INTERNATIONAL PARENTAL**  
3 **CHILD ABDUCTION.**

4 There is authorized to be appropriated \$250,000 to  
5 carry out under the State Justice Institute Act of 1984  
6 (42 U.S.C. 10701–10713) national, regional, and in-State  
7 training and educational programs dealing with criminal  
8 and civil aspects of interstate and international parental  
9 child abduction.

10 **TITLE XXIV—SAFE SCHOOLS**

11 **SEC. 2401. SAFE SCHOOLS.**

12 (a) IN GENERAL.—Title I of the Omnibus Crime  
13 Control and Safe Streets Act of 1968 (42 U.S.C. 3711  
14 et seq.), is amended—

15 (1) by redesignating part X as part Y;

16 (2) by redesignating section 2401 as section  
17 2501; and

18 (3) by inserting after part W the following:

19 **“PART X—SAFE SCHOOLS ASSISTANCE**

20 **“SEC. 2401. GRANT AUTHORIZATION.**

21 “(a) IN GENERAL.—The Director of the Bureau of  
22 Justice Assistance, in consultation with the Secretary of  
23 Education, may make grants to local educational agencies  
24 for the purpose of providing assistance to such agencies  
25 most directly affected by crime and violence.

1       “(b) MODEL PROJECT.—The Director, in consulta-  
2 tion with the Secretary of Education, shall develop a writ-  
3 ten safe schools model in English and in Spanish in a  
4 timely fashion and make such model available to any local  
5 educational agency that requests such information.

6       **“SEC. 2402. USE OF FUNDS.**

7       “Grants made by the Director under this part shall  
8 be used—

9               “(1) to fund anticrime and safety measures and  
10       to develop education and training programs for the  
11       prevention of crime, violence, and illegal drugs and  
12       alcohol;

13               “(2) for counseling programs for victims of  
14       crime within schools;

15               “(3) for crime prevention equipment, including  
16       metal detectors and video-surveillance devices; and

17               “(4) for the prevention and reduction of the  
18       participation of young individuals in organized crime  
19       and drug and gang-related activities in schools.

20       **“SEC. 2403. APPLICATIONS.**

21       “(a) IN GENERAL.—In order to be eligible to receive  
22 a grant under this part for any fiscal year, a local edu-  
23 cational agency shall submit an application to the Director  
24 in such form and containing such information as the Di-  
25 rector may reasonably require.

1       “(b) REQUIREMENTS.—Each application under sub-  
2 section (a) shall include—

3           “(1) a request for funds for the purposes de-  
4 scribed in section 2402 of the Violent Crime Control  
5 and Law Enforcement Act of 1993;

6           “(2) a description of the schools and commu-  
7 nities to be served by the grant, including the nature  
8 of the crime and violence problems within such  
9 schools;

10          “(3) assurances that Federal funds received  
11 under this part shall be used to supplement, not  
12 supplant, non-Federal funds that would otherwise be  
13 available for activities funded under this part; and

14          “(4) statistical information in such form and  
15 containing such information that the Director may  
16 require regarding crime within schools served by  
17 such local educational agency.

18       “(c) COMPREHENSIVE PLAN.—Each application shall  
19 include a comprehensive plan that shall contain—

20           “(1) a description of the crime problems within  
21 the schools targeted for assistance;

22           “(2) a description of the projects to be devel-  
23 oped;

24           “(3) a description of the resources available in  
25 the community to implement the plan together with

1 a description of the gaps in the plan that cannot be  
2 filed with existing resources;

3 “(4) an explanation of how the requested grant  
4 will be used to fill gaps;

5 “(5) a description of the system the applicant  
6 will establish to prevent and reduce crime problems;  
7 and

8 “(6) a description of educational materials to be  
9 developed in Spanish.

10 **“SEC. 2404. ALLOCATION OF FUNDS; LIMITATIONS ON**  
11 **GRANTS.**

12 “(a) ADMINISTRATIVE COST LIMITATION.—The Di-  
13 rector shall use not more than 5 percent of the funds avail-  
14 able under this part for the purposes of administration  
15 and technical assistance.

16 “(b) RENEWAL OF GRANTS.—A grant under this  
17 part may be renewed for up to 2 additional years after  
18 the first fiscal year during which the recipient receives its  
19 initial grant under this part, subject to the availability of  
20 funds, if—

21 “(1) the Director determines that the funds  
22 made available to the recipient during the previous  
23 year were used in a manner required under the ap-  
24 proved application; and

1           “(2) the Director determines that an additional  
2           grant is necessary to implement the crime prevention  
3           program described in the comprehensive plan as re-  
4           quired by section 2403(c) of the Violent Crime Con-  
5           trol and Law Enforcement Act of 1993.

6   **“SEC. 2405. AWARD OF GRANTS.**

7           “(a) SELECTION OF RECIPIENTS.—The Director, in  
8           consultation with the Secretary of Education, shall con-  
9           sider the following factors in awarding grants to local edu-  
10          cational agencies:

11           “(1) CRIME PROBLEM.—The nature and scope  
12          of the crime problem in the targeted schools.

13           “(2) NEED AND ABILITY.—Demonstrated need  
14          and evidence of the ability to provide the services de-  
15          scribed in the plan required under section 2403(c) of  
16          the Violent Crime Control and Law Enforcement  
17          Act of 1993.

18           “(3) POPULATION.—The number of students to  
19          be served by the plan required under section  
20          2403(c).

21           “(b) GEOGRAPHIC DISTRIBUTION.—The Director  
22          shall attempt, to the extent practicable, to achieve an equi-  
23          table geographic distribution of grant awards.

1 **“SEC. 2406. REPORTS.**

2 “(a) REPORT TO DIRECTOR.—Local educational  
3 agencies that receive funds under this part shall submit  
4 to the Director a report not later than March 1 of each  
5 year that describes progress achieved in carrying out the  
6 plan required under section 2403(c) of the Violent Crime  
7 Control and Law Enforcement Act of 1993.

8 “(b) REPORT TO CONGRESS.—The Director shall  
9 submit to the House Committee on Education and Labor,  
10 the Senate Committee on Labor and Human Resources,  
11 and the Committees on the Judiciary of the Senate and  
12 the House of Representatives a report by October 1 of  
13 each year in which grants are made available under this  
14 part which shall contain a detailed statement regarding  
15 grant awards, activities of grant recipients, a compilation  
16 of statistical information submitted by applicants under  
17 2403(b)(4) of the Violent Crime Control and Law En-  
18 forcement Act of 1993, and an evaluation of programs es-  
19 tablished under this part.

20 **“SEC. 2407. DEFINITIONS.**

21 “For the purpose of this part:

22 “(1) The term ‘Director’ means the Director of  
23 the Bureau of Justice Assistance.

24 “(2) The term ‘local educational agency’ means  
25 a public board of education or other public authority  
26 legally constituted within a State for either adminis-

1 trative control or direction of, or to perform a serv-  
2 ice function for, public elementary and secondary  
3 schools in a city, county, township, school district, or  
4 other political subdivision of a State, or such com-  
5 bination of school districts of counties as are recog-  
6 nized in a State as an administrative agency for its  
7 public elementary and secondary schools. Such term  
8 includes any other public institution or agency hav-  
9 ing administrative control and direction of a public  
10 elementary or secondary school.”.

11 (b) CONFORMING AMENDMENT.—The table of con-  
12 tents of title I of the Omnibus Crime Control and Safe  
13 Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended  
14 by striking the matter relating to part X and inserting  
15 the following:

“PART X—SAFE SCHOOLS ASSISTANCE

“Sec. 2401. Grant authorization.

“Sec. 2402. Use of funds.

“Sec. 2403. Applications.

“Sec. 2404. Allocation of funds; limitations on grants.

“Sec. 2405. Award of grants.

“Sec. 2406. Reports.

“Sec. 2407. Definitions.

“PART Y—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 2501. Continuation of rules, authorities, and proceedings.”.

16 **SEC. 2402. AUTHORIZATION OF APPROPRIATIONS.**

17 Section 1001(a) of the Omnibus Crime Control and  
18 Safe Streets Act of 1968 (42 U.S.C. 3793), is amended  
19 by adding after paragraph (17) the following:



1           “(i) become, or continue as, an insti-  
2           tution-affiliated party with respect to any  
3           insured credit union; or

4           “(ii) otherwise participate, directly or  
5           indirectly, in the conduct of the affairs of  
6           any insured credit union; and

7           “(B) any insured credit union may not  
8           permit any person referred to in subparagraph  
9           (A) to engage in any conduct or continue any  
10          relationship prohibited under such subpara-  
11          graph.

12          “(2) MINIMUM 10-YEAR PROHIBITION PERIOD  
13          FOR CERTAIN OFFENSES.—

14                 “(A) IN GENERAL.—If the offense referred  
15                 to in paragraph (1)(A) in connection with any  
16                 person referred to in such paragraph is—

17                         “(i) an offense under—

18                                 “(I) section 215, 656, 657, 1005,  
19                                 1006, 1007, 1008, 1014, 1032, 1344,  
20                                 1517, 1956, or 1957 of title 18,  
21                                 United States Code; or

22                                 “(II) section 1341 or 1343 of  
23                                 such title which affects any financial  
24                                 institution (as defined in section 20 of  
25                                 such title); or

1           “(ii) the offense of conspiring to com-  
2           mit any such offense,  
3           the Board may not consent to any exception to  
4           the application of paragraph (1) to such person  
5           during the 10-year period beginning on the date  
6           the conviction or the agreement of the person  
7           becomes final.

8           “(B) EXCEPTION BY ORDER OF SENTENC-  
9           ING COURT.—

10           “(i) IN GENERAL.—On motion of the  
11           Board, the court in which the conviction or  
12           the agreement of a person referred to in  
13           subparagraph (A) has been entered may  
14           grant an exception to the application of  
15           paragraph (1) to such person if granting  
16           the exception is in the interest of justice.

17           “(ii) PERIOD FOR FILING.—A motion  
18           may be filed under clause (i) at any time  
19           during the 10-year period described in sub-  
20           paragraph (A) with regard to the person  
21           on whose behalf such motion is made.

22           “(3) PENALTY.—Whoever knowingly violates  
23           paragraph (1) or (2) shall be fined not more than  
24           \$1,000,000 for each day such prohibition is violated  
25           or imprisoned for not more than 5 years, or both.”.

1       **TITLE XXVI—WHITE COLLAR**  
2                   **CRIME AMENDMENTS**

3   **SEC. 2601. RECEIVING THE PROCEEDS OF EXTORTION OR**  
4                   **KIDNAPPING.**

5       (a) PROCEEDS OF EXTORTION.—Chapter 41 of title  
6 18, United States Code, is amended—

7               (1) by adding at the end the following new sec-  
8       tion:

9   **“§ 880. Receiving the proceeds of extortion**

10       “Whoever receives, possesses, conceals, or disposes of  
11 any money or other property which was obtained from the  
12 commission of any offense under this chapter that is pun-  
13 ishable by imprisonment for more than one year, knowing  
14 the same to have been unlawfully obtained, shall be im-  
15 prisoned not more than three years, fined under this title,  
16 or both.”; and

17               (2) in the table of sections, by adding at the  
18       end the following new item:

“880. Receiving the proceeds of extortion.”.

19       (b) RANSOM MONEY.—Section 1202 of title 18, Unit-  
20 ed States Code, is amended—

21               (1) by designating the existing matter as sub-  
22       section “(a)”; and

23               (2) by adding the following new subsections:

1       “(b) Whoever transports, transmits, or transfers in  
2 interstate or foreign commerce any proceeds of a kidnap-  
3 ping punishable under State law by imprisonment for  
4 more than one year, or receives, possesses, conceals, or  
5 disposes of any such proceeds after they have crossed a  
6 State or United States boundary, knowing the proceeds  
7 to have been unlawfully obtained, shall be imprisoned not  
8 more than ten years, fined under this title, or both.

9       “(c) For purposes of this section, the term ‘State’ has  
10 the meaning set forth in section 245(d) of this title.”.

11 **SEC. 2602. RECEIVING THE PROCEEDS OF A POSTAL ROB-**  
12 **BERY.**

13       Section 2114 of title 18, United States Code, is  
14 amended—

15           (1) by designating the existing matter as sub-  
16 section (a); and

17           (2) by adding at the end the following new sub-  
18 section:

19       “(b) Whoever receives, possesses, conceals, or dis-  
20 poses of any money or other property which has been ob-  
21 tained in violation of this section, knowing the same to  
22 have been unlawfully obtained, shall be imprisoned not  
23 more than ten years, fined under this title, or both.”.

1 **SEC. 2603. CONFORMING ADDITION TO OBSTRUCTION OF**  
2 **CIVIL INVESTIGATIVE DEMAND STATUTE.**

3 Section 1505 of title 18, United States Code, is  
4 amended by inserting “section 1968 of this title, section  
5 3733 of title 31, United States Code or” before “the Anti-  
6 trust Civil Process Act”.

7 **SEC. 2604. CONFORMING ADDITION OF PREDICATE OF-**  
8 **FENSES TO FINANCIAL INSTITUTIONS RE-**  
9 **WARDS STATUTE.**

10 Section 3059A of title 18, United States Code, is  
11 amended—

- 12 (1) by inserting “225,” after “215”;  
13 (2) by striking “or” before “1344”; and  
14 (3) by inserting “, or 1517” after “1344”.

15 **SEC. 2605. DEFINITION OF SAVINGS AND LOAN ASSOCIA-**  
16 **TION IN BANK ROBBERY STATUTE.**

17 Section 2113 of title 18, United States Code, is  
18 amended by adding at the end the following:

19 “(h) As used in this section, the term ‘savings and  
20 loan association’ means (1) any Federal saving association  
21 or State savings association (as defined in section 3(b) of  
22 the Federal Deposit Insurance Act, 12 U.S.C. 1813(b))  
23 having accounts insured by the Federal Deposit Insurance  
24 Corporation, and (2) any corporation described in section  
25 3(b)(1)(C) of the Federal Deposit Insurance Act (12

1 U.S.C. 1813(b)(1)(C)) which is operating under the laws  
2 of the United States.”.

3 **SEC. 2606. CONFORMING DEFINITION OF “1 YEAR PERIOD”**

4 **IN 18 U.S.C. 1516.**

5 Section 1516(b) of title 18, United States Code, is  
6 amended—

7 (1) by inserting “(i)” before “the term”; and

8 (2) by inserting before the period the following:

9 “, and (ii) the term ‘in any 1 year period’ has the  
10 meaning given to the term ‘in any one-year period’  
11 in section 666 of this title.”.

12 **TITLE XXVII—GAMBLING**

13 **SEC. 2701. CLARIFYING AMENDMENTS REGARDING SCOPE**

14 **OF PROHIBITION AGAINST GAMBLING ON**

15 **SHIPS IN INTERNATIONAL WATERS.**

16 (a) DEFINITION OF GAMBLING SHIP IN TITLE 18.—

17 The first paragraph of section 1081 of title 18, United  
18 States Code, is amended by adding at the end the follow-  
19 ing: “Such term does not include a vessel with respect to  
20 gambling aboard such vessel beyond the territorial waters  
21 of the United States during a covered voyage (as defined  
22 in section 4472 of the Internal Revenue Code of 1986 as  
23 in effect on September 21, 1993).”.

24 (b) CLARIFICATIONS OF, AND LIMITATIONS ON, GAM-  
25 BLING DEVICES PROHIBITIONS.—

1           (1) TRANSPORT TO A PLACE IN A STATE,  
2           ETC.—Section 2 of the Act of January 2, 1951 (15  
3           U.S.C. 1172; commonly referred to as the “Johnson  
4           Act”), is amended—

5                   (A) by inserting before the first paragraph  
6                   the following: “(a) GENERAL RULE.—”;

7                   (B) in subsection (a) (as so designated) by  
8                   striking “, District of Columbia,”;

9                   (C) by inserting before the second para-  
10                  graph the following: “(b) AUTHORITY OF FED-  
11                  ERAL TRADE COMMISSION.—”; and

12                  (D) by adding at the end the following:

13           “(c) EXCEPTION.—This section does not prohibit the  
14           transport of a gambling device to a place in a State or  
15           a possession of the United States on a vessel on a voyage,  
16           if—

17                   “(1) use of the gambling device on a portion of  
18                   that voyage is, by reason of subsection (b) of section  
19                   5, not a violation of that section; and

20                   “(2) the gambling device remains on board that  
21                   vessel while in that State.”.

22           (2) REPAIR, OTHER TRANSPORT, ETC.—Section  
23           5 of that Act (15 U.S.C. 1175) is amended—

24                   (A) by inserting before “It shall be unlaw-  
25                   ful” the following: “(a) GENERAL RULE.—”;

1 (B) by inserting before the period at the  
2 end the following: “, including on a vessel docu-  
3 mented under chapter 121 of title 46, United  
4 States Code, or documented under the laws of  
5 a foreign country”; and

6 (C) by adding at the end the following:

7 “(b) EXCEPTION.—

8 “(1) IN GENERAL.—Except as provided in para-  
9 graph (2), this section does not prohibit—

10 “(A) the repair, transport, possession, or  
11 use of a gambling device on a vessel that is on  
12 waters that are not within the boundaries of  
13 any State or possession of the United States; or

14 “(B) the transport or possession, on a voy-  
15 age, of a gambling device on a vessel in waters  
16 that are within the boundaries of any State or  
17 possession of the United States, if—

18 “(i) use of the gambling device on a  
19 portion of that voyage is, by reason of sub-  
20 paragraph (A), not a violation of this sec-  
21 tion; and

22 “(ii) the gambling device remains on  
23 board that vessel while within the bound-  
24 aries of that State or possession.

25 “(2) APPLICATION TO CERTAIN VOYAGES.—

1           “(A) GENERAL RULE.—Paragraph (1)(A)  
2 does not apply to the repair or use of a gam-  
3 bling device on a vessel that is on a voyage or  
4 segment of a voyage described in subparagraph  
5 (B) of this paragraph if the State or possession  
6 of the United States in which the voyage or  
7 segment begins and ends has enacted a statute  
8 the terms of which prohibit that repair or use  
9 on that voyage or segment.

10           “(B) VOYAGE AND SEGMENT DE-  
11 SCRIBED.—A voyage or segment of a voyage re-  
12 ferred to in subparagraph (A) is a voyage or  
13 segment, respectively—

14                   “(i) that begins and ends in the same  
15 State or possession of the United States,  
16 and

17                   “(ii) during which the vessel does not  
18 make an intervening stop in another State  
19 or possession of the United States or a for-  
20 eign country.”.

21           (3) BOUNDARIES DEFINED.—The first section  
22 of that Act (15 U.S.C. 1171) is amended by adding  
23 at the end the following:

1           “(f) The term ‘boundaries’ has the same mean-  
2           ing given that term in section 2 of the Submerged  
3           Lands Act (43 U.S.C. 1301).”.

4   **SEC. 2702. CRIMINAL HISTORY RECORD INFORMATION FOR**  
5                   **THE ENFORCEMENT OF LAWS RELATING TO**  
6                   **GAMING.**

7           A State gaming enforcement office located within a  
8   State Attorney General’s office may obtain from the Inter-  
9   state Identification Index of the FBI criminal history  
10   record information for licensing purposes through an au-  
11   thorized criminal justice agency.

12           **TITLE XXVIII—BAIL POSTING**  
13                   **REPORTING**

14   **SEC. 2801. SHORT TITLE.**

15           This title may be cited as the “Illegal Drug Profits  
16   Act of 1991”.

17   **SEC. 2802. REQUIRED REPORTING BY CRIMINAL COURT**  
18                   **CLERKS.**

19           (a) **IN GENERAL.**—Each clerk of a Federal or State  
20   criminal court shall report to the Internal Revenue Serv-  
21   ice, in a form and manner as prescribed by the Secretary  
22   of the Treasury, the name and taxpayer identification  
23   number of—

1           (1) any individual charged with any criminal of-  
2           fense who posts cash bail, or on whose behalf cash  
3           bail is posted, in an amount exceeding \$10,000, and

4           (2) any individual or entity (other than a li-  
5           censed bail bonding individual or entity) posting  
6           such cash bail for or on behalf of such individual.

7           (b) CRIMINAL OFFENSES.—For purposes of sub-  
8           section (a), the term “criminal offense” means—

9           (1) any Federal criminal offense involving a  
10          controlled substance,

11          (2) racketeering (as defined in section 1951,  
12          1952, or 1955 of title 18, United States Code),

13          (3) money laundering (as defined in section  
14          1956 or 1957 of title 18, United States Code), or

15          (4) any violation of State criminal law involving  
16          offenses substantially similar to the offenses de-  
17          scribed in the preceding paragraphs.

18          (c) COPY TO PROSECUTORS.—Each clerk shall sub-  
19          mit a copy of each report of cash bail described in sub-  
20          section (a) to—

21          (1) the office of the United States Attorney,  
22          and

23          (2) the office of the local prosecuting attorney,  
24          for the jurisdiction in which the defendant resides

1 (and the jurisdiction in which the criminal offense  
2 occurred, if different).

3 (d) REGULATIONS.—The Secretary of the Treasury  
4 shall promulgate such regulations as are necessary within  
5 90 days of the enactment of this title.

6 (e) EFFECTIVE DATE.—This section shall become ef-  
7 fective 60 days after the date of the promulgation of regu-  
8 lations under subsection (c).

9 **TITLE XXIX—GENERAL IN-**  
10 **CREASED PENALTY PROVI-**  
11 **SIONS**

12 **SEC. 2901. INCREASE IN MAXIMUM PENALTY FOR ASSAULT.**

13 (a) CERTAIN OFFICERS AND EMPLOYEES.—Section  
14 111 of title 18, United States Code, is amended—

15 (1) in subsection (a) by inserting “, where the  
16 acts in violation of this section constitute only simple  
17 assault, be fined under this title or imprisoned not  
18 more than one year, or both, and in all other cases,”  
19 after “shall”; and

20 (2) in subsection (b) by inserting “or inflicts  
21 bodily injury” after “weapon”.

22 (b) FOREIGN OFFICIALS, OFFICIAL GUESTS, AND  
23 INTERNATIONALLY PROTECTED PERSONS.—Section  
24 112(a) of title 18, United States Code, is amended—

1 (1) by striking “not more than \$5,000” and in-  
2 sserting “under this title”;

3 (2) by inserting “, or inflicts bodily injury,”  
4 after “weapon”; and

5 (3) by striking “not more than \$10,000” and  
6 inserting “under this title”.

7 (c) MARITIME AND TERRITORIAL JURISDICTION.—  
8 Section 113 of title 18, United States Code, is amended—

9 (1) in subsection (c)—

10 (A) by striking “of not more than \$1,000”  
11 and inserting “under this title”; and

12 (B) by striking “five” and inserting “ten”;  
13 and

14 (2) in subsection (e)—

15 (A) by striking “of not more than \$300”  
16 and inserting “under this title”; and

17 (B) by striking “three” and inserting  
18 “six”.

19 (d) CONGRESS, CABINET, OR SUPREME COURT.—  
20 Section 351(e) of title 18, United States Code, is amend-  
21 ed—

22 (1) by striking “not more than \$5,000,” and in-  
23 sserting “under this title,”;

24 (2) by inserting “the assault involved in the use  
25 of a dangerous weapon, or” after “if”;

1           (3) by striking “not more than \$10,000” and  
2           inserting “under this title”; and

3           (4) by striking “for”.

4           (e) PRESIDENT AND PRESIDENT’S STAFF.—Section  
5           1751(e) of title 18, United States Code, is amended—

6           (1) by striking “not more than \$10,000,” both  
7           places it appears and inserting “under this title,”;

8           (2) by striking “not more than \$5,000,” and in-  
9           serting “under this title,”; and

10          (3) by inserting “the assault involved the use of  
11          a dangerous weapon, or” after “if”.

12       **SEC. 2902. INCREASED MAXIMUM PENALTY FOR MAN-**  
13                               **SLAUGHTER.**

14          Section 1112 of title 18, United States Code, is  
15          amended—

16          (1) in subsection (b)—

17               (A) in the first undesignated paragraph,

18                       (i) by inserting “fined under this title  
19                       or” after “shall be”; and

20                       (ii) by inserting “, or both” after  
21                       “years”; and

22               (B) in the second undesignated paragraph,

23                       (i) by striking “not more than  
24                       \$1,000” and inserting “under this title”;

25                       and

1 (ii) by striking “three” and inserting  
2 “six”.

3 **SEC. 2903. INCREASED PENALTY FOR CONSPIRACY TO COM-**  
4 **MIT MURDER FOR HIRE.**

5 Section 1958(a) of title 18, United States Code, is  
6 amended by inserting “or who conspires to do so” before  
7 “shall be fined” the first place it appears.

8 **SEC. 2904. INCREASED PENALTIES FOR COUNTERFEITING—**  
9 **OBLIGATIONS OR SECURITIES.**

10 The sixth undesignated paragraph of Section 474 of  
11 title 18, United States Code, is amended by striking “is  
12 guilty of a class C felony” and inserting “shall be fined  
13 under this title or imprisoned not more than 20 years, or  
14 both.”.

15 **SEC. 2905. INCREASED PENALTIES FOR TRAFFICKING IN**  
16 **COUNTERFEIT GOODS AND SERVICES.**

17 (a) IN GENERAL.—Section 2320(a) of title 18, Unit-  
18 ed States Code, is amended—

19 (1) in the first sentence by striking “imprisoned  
20 not more than five years” and inserting “imprisoned  
21 not more than 10 years”; and

22 (2) in the second sentence by striking “impris-  
23 oned not more than fifteen years” and inserting  
24 “imprisoned not more than 20 years”.

1 (b) LAUNDERING MONETARY INSTRUMENTS.—Sec-  
2 tion 1956(c)(7)(D) of title 18, United States Code, is  
3 amended by striking “or section 2319 (relating to copy-  
4 right infringement),” and inserting “section 2319 (relat-  
5 ing to copyright infringement), or section 2320 (relating  
6 to trafficking in counterfeit goods and services),”.

7 **SEC. 2906. INCREASED MAXIMUM PENALTIES FOR CIVIL**  
8 **RIGHTS VIOLATIONS.**

9 (a) CONSPIRACY AGAINST RIGHTS.—Section 241 of  
10 title 18, United States Code, is amended—

11 (1) by striking “not more than \$10,000” and  
12 inserting “under this title”;

13 (2) by inserting “from the acts committed in  
14 violation of this section or if such acts include kid-  
15 napping or an attempt to kidnap, aggravated sexual  
16 abuse or an attempt to commit aggravated sexual  
17 abuse, or an attempt to kill” after “results”;

18 (3) by striking “subject to imprisonment” and  
19 inserting “fined under this title or imprisoned”; and

20 (4) by inserting “, or both” after “life”.

21 (b) DEPRIVATION OF RIGHTS.—Section 242 of title  
22 18, United States Code, is amended—

23 (1) by striking “not more than \$1,000” and in-  
24 serting “under this title”;

1           (2) by inserting “from the acts committed in  
2 violation of this section or if such acts include the  
3 use, attempted use, or threatened use of a dangerous  
4 weapon, explosives, or fire,” after “bodily injury re-  
5 sults”;

6           (3) by inserting “from the acts committed in  
7 violation of this section or if such acts include kid-  
8 napping or an attempt to kidnap, aggravated sexual  
9 abuse, or an attempt to commit aggravated sexual  
10 abuse, or an attempt to kill, shall be fined under this  
11 title, or” after “death results”;

12           (4) by striking “shall be subject to imprison-  
13 ment” and inserting “imprisoned”; and

14           (5) by inserting “, or both” after “life”.

15           (c) **FEDERALLY PROTECTED ACTIVITIES.**—Section  
16 245(b) of title 18, United States Code, is amended in the  
17 matter following paragraph (5)—

18           (1) by striking “not more than \$1,000” and in-  
19 serting “under this title”;

20           (2) by inserting “from the acts committed in  
21 violation of this section or if such acts include the  
22 use, attempted use, or threatened use of a dangerous  
23 weapon, explosives, or fire” after “bodily injury re-  
24 sults”;

1           (3) by striking “not more than \$10,000” and  
2           inserting “under this title”;

3           (4) by inserting “from the acts committed in  
4           violation of this section or if such acts include kid-  
5           napping or an attempt to kidnap, aggravated sexual  
6           abuse or an attempt to commit aggravated sexual  
7           abuse, or an attempt to kill,” after “death results”;

8           (5) by striking “subject to imprisonment” and  
9           inserting “fined under this title or imprisoned”; and

10          (6) by inserting “, or both” after “life”.

11          (d) DAMAGE TO RELIGIOUS PROPERTY.—Section  
12 247 of title 18, United States Code, is amended—

13           (1) in subsection (c)(1) by inserting “from acts  
14           committed in violation of this section or if such acts  
15           include kidnapping or an attempt to kidnap, aggra-  
16           vated sexual abuse or an attempt to commit aggra-  
17           vated sexual abuse, or an attempt to kill” after  
18           “death results”;

19           (2) in subsection (c)(2)—

20                   (A) by striking “serious”; and

21                   (B) by inserting “from the acts committed  
22           in violation of this section or if such acts in-  
23           clude the use, attempted use, or threatened use  
24           of a dangerous weapon, explosives, or fire”  
25           after “bodily injury results”; and

1           (3) by amending subsection (e) to read as fol-  
2           lows:

3           “(e) As used in this section, the term ‘religious prop-  
4           erty’ means any church, synagogue, mosque, religious  
5           cemetery, or other religious property.”.

6           (e) FAIR HOUSING ACT.—Section 901 of the Fair  
7           Housing Act (42 U.S.C. 3631) is amended—

8           (1) in the caption by striking “bodily injury;  
9           death;”;

10          (2) by striking “not more than \$1,000,” and in-  
11          serting “under this title”;

12          (3) by inserting “from the acts committed in  
13          violation of this section or if such acts include the  
14          use, attempted use, or threatened use of a dangerous  
15          weapon, explosives, or fire” after “bodily injury re-  
16          sults”;

17          (4) by striking “not more than \$10,000,” and  
18          inserting “under this title”;

19          (5) by inserting “from the acts committed in  
20          violation of this section or if such acts include kid-  
21          napping or an attempt to kidnap, aggravated sexual  
22          abuse or an attempt to commit aggravated sexual  
23          abuse, or an attempt to kill,” after “death results”;

24          (6) by striking “subject to imprisonment” and  
25          inserting “fined under this title or imprisoned”; and

1 (7) by inserting “, or both” after “life”.

2 **SEC. 2907. INCREASED PENALTY FOR TRAVEL ACT VIOLA-**  
3 **TIONS.**

4 Section 1952(a) of title 18, United States Code, is  
5 amended by striking “and thereafter performs or attempts  
6 to perform any of the acts specified in subparagraphs (1),  
7 (2), and (3), shall be fined not more than \$10,000 or im-  
8 prisoned for not more than 5 years, or both” and inserting  
9 “and thereafter performs or attempts to perform (A) any  
10 of the acts specified in subparagraphs (1) and (3) shall  
11 be fined under this title or imprisoned for not more than  
12 5 years, or both or (B) any of the acts specified in sub-  
13 paragraph (2) shall be fined under this title or imprisoned  
14 for not more than 20 years, or both, and if death results  
15 shall be imprisoned for any term of years or for life.”.

16 **TITLE XXX—MISCELLANEOUS**

17 **SEC. 3001. ADDITIONAL AUTHORIZATION FOR DRUG EN-**  
18 **FORCEMENT ADMINISTRATION.**

19 There is authorized to be appropriated for the Drug  
20 Enforcement Administration for fiscal year 1994, (which  
21 shall be in addition to any other appropriations)  
22 \$100,000,000 to be allocated as follows:

23 (1) not to exceed \$45,000,000 to hire, equip  
24 and train not less than 350 agents and necessary  
25 support personnel to expand DEA investigations and

1 operations against drug trafficking organizations in  
2 rural areas;

3 (2) not to exceed \$25,000,000 to expand DEA  
4 State and Local Task Forces, including payment of  
5 state and local overtime, equipment and personnel  
6 costs; and

7 (3) not to exceed \$5,000,000 to hire, equip and  
8 train not less than 50 special agents and necessary  
9 support personnel to investigate violations of the  
10 Controlled Substances Act relating to anabolic  
11 steroids.

12 **SEC. 3002. EXTENSION OF PROTECTION OF CIVIL RIGHTS**  
13 **STATUTES.**

14 (a) CONSPIRACY AGAINST RIGHTS.—Section 241 of  
15 title 18, United States Code, is amended by striking “in-  
16 habitant of” and inserting “person in”.

17 (b) DEPRIVATION OF RIGHTS UNDER COLOR OF  
18 LAW.—Section 242 of title 18, United States Code, is  
19 amended—

20 (1) by striking “inhabitant of” and inserting  
21 “person in”; and

22 (2) by striking “such inhabitant” and inserting  
23 “such person”.

1 **SEC. 3003. AUDIT REQUIREMENT FOR STATE AND LOCAL**  
2 **LAW ENFORCEMENT AGENCIES RECEIVING**  
3 **FEDERAL ASSET FORFEITURE FUNDS.**

4 (a) STATE REQUIREMENT.—Section 524(c)(7) of  
5 title 28, United States Code, is amended to read as fol-  
6 lows:

7 “(7)(A) The Fund shall be audited on an an-  
8 nual basis by the Comptroller General.

9 “(B) The Attorney General shall require that  
10 any State or local law enforcement agency receiving  
11 funds conduct an annual audit detailing the uses  
12 and expenses to which the funds were dedicated and  
13 the amount used for each use or expense and report  
14 the results of the audit to the Attorney General.”.

15 (b) INCLUSION IN ATTORNEY GENERAL’S REPORT.—  
16 Section 524(c)(6)(C) of title 28, United States Code, is  
17 amended by adding at the end the following flush sen-  
18 tence: “The report should also contain all annual audit  
19 reports from State and local law enforcement agencies re-  
20 quired to be reported to the Attorney General under sub-  
21 paragraph (B) of paragraph (7).”.

22 **SEC. 3004. REPORT TO CONGRESS ON ADMINISTRATIVE**  
23 **AND CONTRACTING EXPENSES.**

24 Section 524(c)(6) of title 28, United States Code, is  
25 amended—

1 (1) by striking “and” at the end of subpara-  
2 graph (B);

3 (2) by striking the period at the end of sub-  
4 paragraph (C) and inserting “; and”; and

5 (3) by adding at the end the following new sub-  
6 paragraph:

7 “(D) a report for such fiscal year containing a  
8 description of the administrative and contracting ex-  
9 penses paid from the Fund under paragraph  
10 (1)(A).”.

11 **SEC. 3005. OPTIONAL VENUE FOR ESPIONAGE AND RELAT-**  
12 **ED OFFENSES.**

13 (a) IN GENERAL.—Chapter 211 of title 18, United  
14 States Code, is amended by inserting after section 3238  
15 the following new section:

16 **“§ 3239. Optional venue for espionage and related of-**  
17 **fenses**

18 “The trial for any offense involving a violation, begun  
19 or committed upon the high seas or elsewhere out of the  
20 jurisdiction of any particular State or district, of—

21 “(1) section 793, 794, 798, or section  
22 1030(a)(1) of this title;

23 “(2) section 601 of the National Security Act of  
24 1947 (50 U.S.C. 421); or

1           “(3) section 4(b) or (4)(c) of the Subversive Ac-  
2           tivities Control Act of 1950 (50 U.S.C. 783 (b) or  
3           (c));  
4           may be in the District of Columbia or in any other district  
5           authorized by law.”.

6           (b) TECHNICAL AMENDMENT.—The item relating to  
7           section 3239 in the table of sections of chapter 211 of  
8           title 18, United States Code, is amended to read as fol-  
9           lows:

          “3239. Optional venue for espionage and related offense.”.

10       **SEC. 3006. UNDERCOVER OPERATIONS.**

11           (a) IN GENERAL.—Chapter 1 of title 18, United  
12           States Code, is amended by adding at the end the follow-  
13           ing new section:

14       **“§21. Stolen or counterfeit nature of property for**  
15                               **certain crimes defined**

16           “(a) Wherever in this title it is an element of an of-  
17           fense that—

18                       “(1) any property was embezzled, robbed, sto-  
19                       len, converted, taken, altered, counterfeited, falsely  
20                       made, forged, or obliterated; and

21                       “(2) the defendant knew that the property was  
22                       of such character;

23           such element may be established by proof that the defend-  
24           ant, after or as a result of an official representation as  
25           to the nature of the property, believed the property to be

1 embezzled, robbed, stolen, converted, taken, altered, coun-  
2 terfeited, falsely made, forged, or obliterated.

3 “(b) For purposes of this section, the term ‘official  
4 representation’ means any representation made by a Fed-  
5 eral law enforcement officer (as defined in section 115)  
6 or by another person at the direction or with the approval  
7 of such an officer.”.

8 (b) TECHNICAL AMENDMENT.—The table of sections  
9 of chapter 1 of title 18, United States Code, is amended  
10 by adding at the end the following new item:

“21. Stolen or counterfeit nature of property for certain crimes defined.”.

11 **SEC. 3007. WIRETAPS.**

12 Section 2511(1) of title 18, United States Code, is  
13 amended—

14 (1) by striking “or” at the end of paragraph

15 (c);

16 (2) by inserting “or” at the end of paragraph

17 (d); and

18 (3) by adding after paragraph (d) the following  
19 new paragraph:

20 “(e)(i) intentionally discloses, or endeavors to  
21 disclose, to any other person the contents of any  
22 wire, oral, or electronic communication, intercepted  
23 by means authorized by sections 2511(2)(A)(ii),  
24 2511(b)–(c), 2511(e), 2516, and 2518 of this sub-  
25 chapter, (ii) knowing or having reason to know that

1 the information was obtained through the intercep-  
2 tion of such a communication in connection with a  
3 criminal investigation, (iii) having obtained or re-  
4 ceived the information in connection with a criminal  
5 investigation, (iv) with intent to improperly obstruct,  
6 impede, or interfere with a duly authorized criminal  
7 investigation;”.

8 **SEC. 3008. THEFTS OF MAJOR ART WORKS.**

9 (a) OFFENSE.—Chapter 31 of title 18, United States  
10 Code, is amended by adding at the end thereof the follow-  
11 ing:

12 **“§ 668. Theft of a major art work**

13 “(a) Whoever steals or obtains by fraud any object  
14 of cultural heritage held in a museum, or knowing the  
15 same to have been stolen, converted, or taken by fraud  
16 receives, conceals, stores, sells, exhibits, or disposes of  
17 such goods, shall be fined under this title, imprisoned for  
18 not more than 12 years, or both.

19 “(b) Notwithstanding section 3282 of this title, the  
20 statute of limitations for an offense under this section  
21 shall be 20 years.

22 “(c) The property of a person convicted of an offense  
23 under this section shall be subject to criminal forfeiture  
24 under section 982 of this title.

25 “(d) For purposes of this section—

1           “(1) The term ‘museum’ means an organized  
2 and permanent institution, situated in the United  
3 States, essentially educational or aesthetic in pur-  
4 pose with professional staff, which owns and utilizes  
5 tangible objects, cares for them, and exhibits them  
6 to the public on some regularly scheduled period.

7           “(2) The term ‘stolen object of cultural herit-  
8 age’ means an object stolen from a museum after  
9 the effective date of this title reported to law en-  
10 forcement authorities as stolen and registered with  
11 the International Foundation for Art Research, or  
12 any equivalent registry.”.

13       (b) CHAPTER ANALYSIS.—The chapter analysis for  
14 chapter 31 of title 18, United States Code, is amended  
15 by adding at the end thereof the following:

“668. Theft of a major art work.”.

16 **SEC. 3009. MISUSE OF INITIALS “DEA”.**

17       (a) AMENDMENT.—Section 709 of title 18, United  
18 States Code, is amended—

19           (1) in the thirteenth unnumbered paragraph by  
20 striking “words—” and inserting “words; or”; and

21           (2) by inserting after the thirteenth unnum-  
22 bered paragraph the following new paragraph:

23       “Whoever, except with the written permission of the  
24 Administrator of the Drug Enforcement Administration,  
25 knowingly uses the words ‘Drug Enforcement Administra-

1 tion' or the initials 'DEA' or any colorable imitation of  
2 such words or initials, in connection with any advertise-  
3 ment, circular, book, pamphlet, software or other publica-  
4 tion, play, motion picture, broadcast, telecast, or other  
5 production, in a manner reasonably calculated to convey  
6 the impression that such advertisement, circular, book,  
7 pamphlet, software or other publication, play, motion pic-  
8 ture, broadcast, telecast, or other production is approved,  
9 endorsed, or authorized by the Drug Enforcement Admin-  
10 istration;”.

11 (b) EFFECTIVE DATE.—The amendment made by  
12 subsection (a) shall become effective on the date that is  
13 90 days after the date of enactment of this Act.

14 **SEC. 3010. TRIAL BY A MAGISTRATE IN PETTY OFFENSE**  
15 **CASES.**

16 Section 3401 of title 18, United States Code, is  
17 amended—

18 (1) in subsection (b) by adding “other than a  
19 petty offense” after “misdemeanor”: and

20 (2) in subsection (g) by amending the first sen-  
21 tence to read as follows: “The magistrate judge may,  
22 in a petty offense involving a juvenile, exercise all  
23 powers granted to the district court under chapter  
24 403 of this title.”.

1 **SEC. 3011. ADDITION OF ATTEMPTED ROBBERY, KIDNAP-**  
2 **PING, SMUGGLING, AND PROPERTY DAMAGE**  
3 **OFFENSES TO ELIMINATE INCONSISTENCIES**  
4 **AND GAPS IN COVERAGE.**

5 (a) ROBBERY AND BURGLARY.—(1) Section 2111 of  
6 title 18, United States Code, is amended by inserting “or  
7 attempts to take” after “takes”.

8 (2) Section 2112 of title 18, United States Code, is  
9 amended by inserting “or attempts to rob” after “robs”.

10 (3) Section 2114 of title 18, United States Code, is  
11 amended by inserting “or attempts to rob” after “robs”.

12 (b) KIDNAPPING.—Section 1201(d) of title 18, Unit-  
13 ed States Code, is amended by striking “Whoever at-  
14 tempts to violate subsection (a)(4) or (a)(5)” and insert-  
15 ing “Whoever attempts to violate subsection (a)”.

16 (c) SMUGGLING.—Section 545 of title 18, United  
17 States Code, is amended by inserting “or attempts to  
18 smuggle or clandestinely introduce” after “smuggles, or  
19 clandestinely introduces”.

20 (d) MALICIOUS MISCHIEF.—(1) Section 1361 of title  
21 18, United States Code, is amended—

22 (A) by inserting “or attempts to commit any of  
23 the foregoing offenses” before “shall be punished”,  
24 and

25 (B) by inserting “or attempted damage” after  
26 “damage” each place it appears.

1       (2) Section 1362 of title 18, United States Code, is  
2 amended by inserting “or attempts willfully or maliciously  
3 to injure or destroy” after “willfully or maliciously injures  
4 or destroys”.

5       (3) Section 1366 of title 18, United States Code, is  
6 amended—

7           (A) by inserting “or attempts to damage” after  
8 “damages” each place it appears;

9           (B) by inserting “or attempts to cause” after  
10 “causes”; and

11           (C) by inserting “or would if the attempted of-  
12 fense had been completed have exceeded” after “ex-  
13 ceeds” each place it appears.

14 **SEC. 3012. DEFINITION OF LIVESTOCK.**

15       Section 2311 of title 18, United States Code, is  
16 amended by inserting after the second paragraph relating  
17 to the definition of “cattle” the following:

18       “‘Livestock’ means any domestic animals raised for  
19 home use, consumption, or profit, such as horses, pigs,  
20 goats, fowl, sheep, and cattle, or the carcasses thereof;”.

1                   **TITLE XXXI—TECHNICAL**  
2                   **CORRECTIONS**

3   **SEC. 3101. AMENDMENTS RELATING TO FEDERAL FINAN-**  
4                   **CIAL ASSISTANCE FOR LAW ENFORCEMENT.**

5           (a) CROSS REFERENCE CORRECTIONS.—(1) Section  
6 506 of title I of the Omnibus Crime Control and Safe  
7 Streets Act of 1968 (42 U.S.C. 3756) is amended—

8               (1) in subsection (a) by striking “Of” and in-  
9               serting “Subject to subsection (f), of”,

10              (2) in subsection (c) by striking “subsections  
11 (b) and (c)” and inserting “subsection (b)”,

12              (3) in subsection (e) by striking “or (e)” and  
13              inserting “or (f)”, and

14              (4) in subsection (f)(1)—

15                   (A) in subparagraph (A)—

16                       (i) by striking “, taking into consider-  
17                       ation subsection (e) but”, and

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

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

22           (b) CORRECTIONAL OPTIONS GRANTS.—(1) Section  
23 515(b) of title I of the Omnibus Crime Control and Safe  
24 Streets Act of 1968 is amended—

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

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

6 (2) Section 516 of title I of the Omnibus Crime Con-  
7 trol and Safe Streets Act of 1968 is amended—

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

11 (B) in subsection (b) by striking “section  
12 515(a)(1) or (a)(3)” and inserting “paragraph (1)  
13 or (3) of section 515(a)”.

14 (3) Section 1001(a)(5) of title I of the Omnibus  
15 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
16 3793(a)(5)) is amended by inserting “(other than chapter  
17 B of subpart 2)” after “and E”.

18 (c) DENIAL OR TERMINATION OF GRANT.—Section  
19 802(b) of title I of the Omnibus Crime Control and Safe  
20 Streets Act of 1968 (42 U.S.C. 3783(b)) is amended by  
21 striking “M,,” and inserting “M,”.

22 (d) DEFINITIONS.—Section 901(a)(21) of title I of  
23 the Omnibus Crime Control and Safe Streets Act of 1968  
24 (42 U.S.C. 3791(21)) is amended by adding a semicolon  
25 at the end.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—Section  
2 1001(a) of title I of the Omnibus Crime Control and Safe  
3 Streets Act of 1968 (42 U.S.C. 3793(a)) is amended in  
4 paragraph (3) by striking “and N” and inserting “N, O,  
5 P, Q, R, S, T, U, V, and W”.

6 (f) PUBLIC SAFETY OFFICERS DISABILITY BENE-  
7 FITS.—Title I of the Omnibus Crime Control and Safe  
8 Streets Act of 1968 (42 U.S.C. 3796) is amended—

9 (1) in section 1201—

10 (A) in subsection (a) by striking “sub-  
11 section (g)” and inserting “subsection (h),”,  
12 and

13 (B) in subsection (b)—

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

16 (ii) by striking “personal”, and

17 (iii) in the first proviso by striking  
18 “section” and inserting “subsection”, and

19 (2) in section 1204(3) by striking “who was re-  
20 sponding to a fire, rescue or police emergency”.

21 (g) HEADINGS.—(1) The heading for part M of title  
22 I of the Omnibus Crime Control and Safe Streets Act of  
23 1968 (42 U.S.C. 3797) is amended to read as follows:

1 “PART M—REGIONAL INFORMATION SHARING SYSTEMS”.

2 (2) The heading for part O of title I of the Omnibus  
3 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
4 3797) is amended to read as follows:

5 “PART O—RURAL DRUG ENFORCEMENT”.

6 (h) TABLE OF CONTENTS.—The table of contents of  
7 title I of the Omnibus Crime Control and Safe Streets Act  
8 of 1968 is amended—

9 (1) in the item relating to section 501 by strik-  
10 ing “Drug Control and System Improvement Grant”  
11 and inserting “drug control and system improvement  
12 grant”,

13 (2) in the item relating to section 1403 by  
14 striking “Application” and inserting “Applications”,  
15 and

16 (3) in the items relating to part O by redesign-  
17 ating sections 1401 and 1402 as sections 1501 and  
18 1502, respectively.

19 (i) OTHER TECHNICAL AMENDMENTS.—Title I of the  
20 Omnibus Crime Control and Safe Streets Act of 1968 is  
21 amended—

22 (1) in section 202(c)(2)(E) by striking  
23 “crime,,” and inserting “crime,”,

24 (2) in section 302(c)(19) by striking a period at  
25 the end and inserting a semicolon,

1 (3) in section 602(a)(1) by striking “chapter  
2 315” and inserting “chapter 319”,

3 (4) in section 603(a)(6) by striking “605” and  
4 inserting “606”,

5 (5) in section 605 by striking “this section”  
6 and inserting “this part”,

7 (6) in section 606(b) by striking “and Statis-  
8 tics” and inserting “Statistics”,

9 (7) in section 801(b)—

10 (A) by striking “parts D,” and inserting  
11 “parts”,

12 (B) by striking “part D” each place it ap-  
13 pears and inserting “subpart 1 of part E”,

14 (C) by striking “403(a)” and inserting  
15 “501”, and

16 (D) by striking “403” and inserting  
17 “503”,

18 (8) in the first sentence of section 802(b) by  
19 striking “part D,” and inserting “subpart 1 of part  
20 E or under part”,

21 (9) in the second sentence of section 804(b) by  
22 striking “Prevention or” and inserting “Prevention,  
23 or”,

24 (10) in section 808 by striking “408, 1308,”  
25 and inserting “507”,

1 (11) in section 809(c)(2)(H) by striking “805”  
2 and inserting “804”,

3 (12) in section 811(e) by striking “Law En-  
4 forcement Assistance Administration” and inserting  
5 “Bureau of Justice Assistance”,

6 (13) in section 901(a)(3) by striking “and,”  
7 and inserting “, and”, and

8 (14) in section 1001(c) by striking “parts” and  
9 inserting “part”.

10 (j) CONFORMING AMENDMENT TO OTHER LAW.—  
11 Section 4351(b) of title 18, United States Code, is amend-  
12 ed by striking “Administrator of the Law Enforcement  
13 Assistance Administration” and inserting “Director of the  
14 Bureau of Justice Assistance”.

15 **SEC. 3102. GENERAL TITLE 18 CORRECTIONS.**

16 (a) SECTION 1031.—Section 1031(g)(2) of title 18,  
17 United States Code, is amended by striking “a govern-  
18 ment” and inserting “a Government”.

19 (b) SECTION 208.—Section 208(c)(1) of title 18,  
20 United States Code, is amended by striking “Banks” and  
21 inserting “banks”.

22 (c) SECTION 1007.—The heading for section 1007 of  
23 title 18, United States Code, is amended by striking  
24 “Transactions” and inserting “transactions” in lieu there-  
25 of.

1       (d) SECTION 1014.—Section 1014 of title 18, United  
2 States Code, is amended by striking the comma which fol-  
3 lows a comma.

4       (e) ELIMINATION OF OBSOLETE CROSS REF-  
5 ERENCE.—Section 3293 of title 18, United States Code,  
6 is amended by striking “1008,”.

7       (f) ELIMINATION OF DUPLICATE SUBSECTION DES-  
8 IGNATION.—Section 1031 of title 18, United States Code,  
9 is amended by redesignating the second subsection (g) as  
10 subsection (h).

11       (g) CLERICAL AMENDMENT TO PART I TABLE OF  
12 CHAPTERS.—The item relating to chapter 33 in the table  
13 of chapters for part I of title 18, United States Code, is  
14 amended by striking “701” and inserting “700”.

15       (h) AMENDMENT TO SECTION 924(a)(1)(B).—Sec-  
16 tion 924(a)(1)(B) of title 18, United States Code, is  
17 amended by striking “(q)” and inserting “(r)”.

18       (i) AMENDMENT TO TABLE OF CHAPTERS.—The  
19 table of chapters at the beginning of part I of title 18,  
20 United States Code, is amended by striking the item relat-  
21 ing to the chapter 113A added by section 132 of Public  
22 Law 102–27, but subsequently repealed.

23       (j) PUNCTUATION CORRECTION.—Section  
24 207(c)(2)(A)(ii) of title 18, United States Code, is amend-

1 ed by striking the semicolon at the end and inserting a  
2 comma.

3 (k) TABLE OF CONTENTS CORRECTION.—The table  
4 of contents for chapter 223 of title 18, United States  
5 Code, is amended by adding at the end the following:

“3509. Child Victims’ and child witnesses’ rights.”.

6 (l) ELIMINATION OF SUPERFLUOUS COMMA.—Sec-  
7 tion 3742(b) of title 18, United States Code, is amended  
8 by striking “Government,” and inserting “Government”.

9 **SEC. 3103. CORRECTIONS OF ERRONEOUS CROSS REF-**  
10 **ERENCES AND MISDESIGNATIONS.**

11 (a) SECTION 1791 OF TITLE 18.—Section 1791(b)  
12 of title 18, United States Code, is amended by striking  
13 “(c)” each place it appears and inserting “(d)”.

14 (b) SECTION 2703 OF TITLE 18.—Section 2703(d)  
15 of title 18, United States Code, is amended by striking  
16 “section 3126(2)(A)” and inserting “section 3127(2)(A)”.

17 (c) SECTION 666 OF TITLE 18.—Section 666(d) of  
18 title 18, United States Code, is amended—

19 (1) by redesignating the second paragraph (4)  
20 as paragraph (5);

21 (2) by striking “and” at the end of paragraph  
22 (3); and

23 (3) by striking the period at the end of para-  
24 graph (4) and inserting “; and”.

1 (d) SECTION 4247 OF TITLE 18.—Section 4247(h)  
2 of title 18, United States Code, is amended by striking  
3 “subsection (e) of section 4241, 4243, 4244, 4245, or  
4 4246,” and inserting “subsection (e) of section 4241,  
5 4244, 4245, or 4246, or subsection (f) of section 4243,”.

6 (e) SECTION 408 OF THE CONTROLLED SUB-  
7 STANCE.—Section 408(b)(2)(A) of the Controlled Sub-  
8 stances Act (21 U.S.C. 848(b)(2)(A)) is amended by strik-  
9 ing “subsection (d)(1)” and inserting “subsection (c)(1)”.

10 (f) MARITIME DRUG LAW ENFORCEMENT ACT.—(1)  
11 Section 994(h) of title 28, United States Code, is amended  
12 by striking “section 1 of the Act of September 15, 1980  
13 (21 U.S.C. 955a)” each place it appears and inserting  
14 “the Maritime Drug Law Enforcement Act (46 U.S.C.  
15 App. 1901 et seq.)”.

16 (2) Section 924(e) of title 18, United States Code,  
17 is amended by striking “the first section or section 3 of  
18 Public Law 96–350 (21 U.S.C. 955a et seq.)” and insert-  
19 ing “the Maritime Drug Law Enforcement Act (46 U.S.C.  
20 App. 1901 et seq.)”.

21 (g) SECTION 2596 OF THE CRIME CONTROL ACT OF  
22 1990.—Section 2596(d) of the Crime Control Act of 1990  
23 is amended, effective retroactively to the date of enact-  
24 ment of such Act, by striking “951(c)(1)” and inserting  
25 “951(c)(2)”.

1 **SEC. 3104. REPEAL OF OBSOLETE PROVISIONS IN TITLE 18.**

2 Title 18, United States Code, is amended—

3 (1) in section 212, by striking “or of any Na-  
4 tional Agricultural Credit Corporation,” and by  
5 striking “or National Agricultural Credit Corpora-  
6 tions,”;

7 (2) in section 213, by striking “or examiner of  
8 National Agricultural Credit Corporations”;

9 (3) in section 709, by striking the seventh and  
10 thirteenth paragraphs;

11 (4) in section 711, by striking the second para-  
12 graph;

13 (5) by striking section 754, and amending the  
14 table of sections for chapter 35 by striking the item  
15 relating to section 754;

16 (6) in sections 657 and 1006, by striking “Re-  
17 construction Finance Corporation,” and by striking  
18 “Farmers’ Home Corporation,”;

19 (7) in section 658, by striking “Farmers’ Home  
20 Corporation,”;

21 (8) in section 1013, by striking “, or by any  
22 National Agricultural Credit Corporation”;

23 (9) in section 1160, by striking “white person”  
24 and inserting “non-Indian”;

25 (10) in section 1698, by striking the second  
26 paragraph;

1           (11) by striking sections 1904 and 1908, and  
2           amending the table of sections for chapter 93 by  
3           striking the items relating to such sections;

4           (12) in section 1909, by inserting “or” before  
5           “farm credit examiner” and by striking “or an ex-  
6           aminer of National Agricultural Credit Corpora-  
7           tions,”;

8           (13) by striking sections 2157 and 2391, and  
9           amending the table of sections for chapters 105 and  
10          115, respectively, by striking the items relating to  
11          such sections;

12          (14) in section 2257 by striking the subsections  
13          (f) and (g) that were enacted by Public Law 100-  
14          690;

15          (15) in section 3113, by striking the third para-  
16          graph;

17          (16) in section 3281, by striking “except for of-  
18          fenses barred by the provisions of law existing on  
19          August 4, 1939”;

20          (17) in section 443, by striking “or (3) five  
21          years after 12 o’clock noon of December 31, 1946,”;

22          (18) in sections 542, 544, and 545, by striking  
23          “the Philippine Islands,”; and

24          (19) in section 1073—

1 (A) by striking “or which, in the case of  
2 New Jersey, is a high misdemeanor under the  
3 laws of said State,”; and

4 (B) by striking “or which in the case of  
5 New Jersey, is a high misdemeanor under the  
6 laws of said State,”.

7 **SEC. 3105. CORRECTION OF DRAFTING ERROR IN THE FOR-**  
8 **IGN CORRUPT PRACTICES ACT.**

9 Section 104(a)(3) of the Foreign Corrupt Practices  
10 Act of 1977 (15 U.S.C. 78dd-2) is amended by striking  
11 “issuer” and inserting “domestic concern”.

12 **SEC. 3106. ELIMINATION OF REDUNDANT PENALTY PROVI-**  
13 **SION IN 18 U.S.C. 1116.**

14 Section 1116(a) of title 18, United States Code, is  
15 amended by striking “, and any such person who is found  
16 guilty of attempted murder shall be imprisoned for not  
17 more than twenty years”.

18 **SEC. 3107. ELIMINATION OF REDUNDANT PENALTY.**

19 Section 1864(c) of title 18, United States Code, is  
20 amended by striking “(b) (3), (4), or (5)” and inserting  
21 “(b)(5)”.

22 **SEC. 3108. CORRECTIONS OF MISSPELLINGS AND GRAM-**  
23 **MATICAL ERRORS.**

24 Title 18, United States Code, is amended—

1 (1) in section 513(c)(4), by striking “associa-  
2 tion or persons” and inserting “association of per-  
3 sons”;

4 (2) in section 1956(e), by striking  
5 “Evironmental” and inserting “Environmental”;

6 (3) in section 3125—

7 (A) by striking the quotation marks in  
8 paragraph (a)(2); and

9 (B) by striking “provider for” and insert-  
10 ing “provider of” in subsection (d);

11 (4) in section 3731, by striking “order of a dis-  
12 trict courts” and inserting “order of a district  
13 court” in the second undesignated paragraph;

14 (5) in section 151, by striking “mean” and in-  
15 sserting “means”;

16 (6) in section 208(b), by inserting “if” after  
17 “(4)”;

18 (7) in section 209(d), by striking “under the  
19 terms of the chapter 41” and inserting “under the  
20 terms of chapter 41”;

21 (8) in section 1014, by inserting a comma after  
22 “National Credit Union Administration Board”; and

23 (9) in section 3291, by striking “the afore-men-  
24 tioned” and inserting “such”.

1 **SEC. 3109. OTHER TECHNICAL AMENDMENTS.**

2 (a) SECTION 419 OF CONTROLLED SUBSTANCES  
3 ACT.—Section 419(b) of the Controlled Substances Act  
4 (21 U.S.C. 860(b)) is amended by striking “years Pen-  
5 alties” and inserting “years. Penalties”.

6 (b) SECTION 667.—Section 667 of title 18, United  
7 States Code, is amended by adding at the end the follow-  
8 ing: “The term ‘livestock’ has the meaning set forth in  
9 section 2311 of this title.”.

10 (c) SECTION 1114.—Section 1114 of title 18, United  
11 States Code, is amended by striking “or any other officer,  
12 agency, or employee of the United States” and inserting  
13 “or any other officer or employee of the United States or  
14 any agency thereof”.

15 (d) SECTION 408 OF CONTROLLED SUBSTANCES  
16 ACT.—Section 408(q)(8) of the Controlled Substances Act  
17 (21 U.S.C. 848(q)(8)) is amended by striking “applica-  
18 tions, for writ” and inserting “applications for writ”.

19 **SEC. 3110. CORRECTIONS OF ERRORS FOUND DURING**  
20 **CODIFICATION.**

21 Title 18, United States Code, is amended—

22 (1) in section 212, by striking “218” and in-  
23 serting “213”;

24 (2) in section 1917—

1 (A) by striking “Civil Service Commission”  
2 and inserting “Office of Personnel Manage-  
3 ment”; and

4 (B) by striking “the Commission” in para-  
5 graph (1) and inserting “such Office”;

6 (3) by transferring the table of sections for  
7 each subchapter of each of chapters 227 and 229 to  
8 follow the heading of that subchapter;

9 (4) so that the heading of section 1170 reads  
10 as follows:

11 **“§ 1170. Illegal trafficking in Native American human**  
12 **remains and cultural items”;**

13 (5) so that the item relating to section 1170 in  
14 the table of sections at the beginning of chapter 53  
15 reads as follows:

“1170. Illegal trafficking in Native American human remains and cultural  
items.”;

16 (6) in section 3509(a), by striking paragraph  
17 (11) and redesignating paragraphs (12) and (13) as  
18 paragraphs (11) and (12), respectively;

19 (7) in section 3509—

20 (A) by striking out “subdivision” each  
21 place it appears and inserting “subsection”; and

22 (B) by striking out “government” each place it  
23 appears and inserting “Government”;

1 (8) in section 2252(a)(3)(B), by striking  
2 “materails” and inserting “materials”;

3 (9) in section 14, by striking “45,” and “608,  
4 611, 612,”;

5 (10) in section 3059A—

6 (A) in subsection (b), by striking “this  
7 subsection” and inserting “subsection”; and

8 (B) in subsection (c), by striking “this  
9 subsection” and inserting “subsection”;

10 (11) in section 1761(c)—

11 (A) by striking “and” at the end of para-  
12 graph (1);

13 (B) by inserting “and” at the end of para-  
14 graph (3); and

15 (C) by striking the period at the end of  
16 paragraph (2)(B) and inserting a semicolon;

17 (12) in the table of sections at the beginning of  
18 chapter 11—

19 (A) in the item relating to section 203, by  
20 inserting a comma after “officers” and by strik-  
21 ing the comma after “others”; and

22 (B) in the item relating to section 204, by  
23 inserting “the” before “United States Court of  
24 Appeals for the Federal Circuit”;

1 (13) in the table of sections at the beginning of  
2 chapter 23, in the item relating to section 437, by  
3 striking the period immediately following “Indians”;

4 (14) in the table of sections at the beginning of  
5 chapter 25, in the item relating to section 491, by  
6 striking the period immediately following “paper  
7 used as money”;

8 (15) in section 207(a)(3), by striking “Clari-  
9 fication of Restrictions” and inserting “Clarification  
10 of restrictions”;

11 (16) in section 176, by striking “the govern-  
12 ment” and inserting “the Government”;

13 (17) in section 3059A(e)(2)(iii), by striking  
14 “backpay” and inserting “back pay”; and

15 (18) by adding a period at the end of the item  
16 relating to section 3059A in the table of sections at  
17 the beginning of chapter 203.

18 **SEC. 3111. PROBLEMS RELATED TO EXECUTION OF PRIOR**

19 **AMENDMENTS.**

20 (a) INCORRECT REFERENCE AND PUNCTUATION  
21 CORRECTION.—(1) Section 2587(b) of the Crime Control  
22 Act of 1990 is repealed, effective on the date such section  
23 took effect.

24 (2) Section 2587(b) of Public Law 101-647 is  
25 amended, effective the date such section took effect, by

1 striking “The chapter heading for” and inserting “The  
2 table of sections at the beginning of”.

3 (3) The item relating to section 3059A in the table  
4 of sections at the beginning of chapter 203 of title 18,  
5 United States Code, is amended by adding a period at the  
6 end.

7 (b) LACK OF PUNCTUATION IN STRICKEN LAN-  
8 GUAGE.—Section 46(b) of Public Law 99–646 is amended,  
9 effective on the date such section took effect, so that—

10 (1) in paragraph (1), the matter proposed to be  
11 stricken from the beginning of section 201(b) of title  
12 18, United States Code, reads “(b) Whoever, di-  
13 rectly”; and

14 (2) in paragraph (2), a comma, rather than a  
15 semicolon, appears after “his lawful duty” in the  
16 matter to be stricken from paragraph (3) of section  
17 201(b) of such title.

18 (c) BIOLOGICAL WEAPONS.—(1) Section 3 of the Bi-  
19 ological Weapons Anti-Terrorism Act of 1989 is amended,  
20 effective on the date such section took effect in subsection  
21 (b), by striking “2516(c)” and inserting “2516(1)(c)”.

22 (2) The item in the table of chapters for part I of  
23 title 18, United States Code, that relates to chapter 10  
24 is amended by striking “Weapons” and inserting “weap-  
25 ons”.

1 (d) PLACEMENT OF NEW SECTION.—Section 404(a)  
2 of Public Law 101–630 is amended, effective on the date  
3 such section took effect, by striking “adding at the end  
4 thereof” each place it appears and inserting “inserting  
5 after section 1169”.

6 (e) ELIMINATION OF ERRONEOUS CHARACTERIZA-  
7 TION OF MATTER INSERTED.—Section 225(a) of Public  
8 Law 101–674 is amended, effective on the date such sec-  
9 tion took effect, by striking “new rule”.

10 (f) CLARIFICATION OF PLACEMENT OF AMEND-  
11 MENT.—Section 1205(c) of Public Law 101–647 is  
12 amended, effective the date such section took effect, by  
13 inserting “at the end” after “adding”.

14 (g) ELIMINATION OF DUPLICATE AMENDMENT.—  
15 Section 1606 of Public Law 101–647 (amending section  
16 1114 of title 18, United States Code) is repealed effective  
17 the date of the enactment of such section.

18 (h) ERROR IN AMENDMENT PHRASING.—Section  
19 3502 of Public Law 101–647 is amended, effective the  
20 date such section took effect, by striking “10” and insert-  
21 ing “ten”.

22 (i) CLARIFICATION THAT AMENDMENTS WERE TO  
23 TITLE 18.—Sections 3524, 3525, and 3528 of Public Law  
24 101–647 are each amended, effective the date such sec-

1 tions took effect, by inserting “of title 18, United States  
2 Code” before “is amended”.

3 (j) CORRECTION OF PARAGRAPH REFERENCE.—Sec-  
4 tion 3527 of Public Law 101-647 is amended, effective  
5 the date such section took effect, by striking “4th” and  
6 inserting “5th”.

7 (k) REPEAL OF OBSOLETE TECHNICAL CORRECTION  
8 TO SECTION 1345.—Section 3542 of Public Law 101-647  
9 is repealed, effective the date of enactment of such Public  
10 Law.

11 (l) REPEAL OF OBSOLETE TECHNICAL CORRECTION  
12 TO SECTION 1956.—Section 3557(2)(E) of Public Law  
13 101-647 is repealed, effective the date of enactment of  
14 such Public Law.

15 (m) CLARIFICATION OF PLACEMENT OF AMEND-  
16 MENTS.—Public Law 101-647 is amended, effective the  
17 date of the enactment of such Public Law—

18 (1) in section 3564(1), by inserting “each place  
19 it appears” after the quotation mark following  
20 “2251” the first place it appears; and

21 (2) in section 3565(3)(A), by inserting “each  
22 place it appears” after the quotation mark following  
23 “subchapter”.

24 (n) CORRECTION OF WORD QUOTED IN AMEND-  
25 MENT.—Section 3586(1) of Public Law 101-647 is

1 amended, effective the date such section took effect, by  
2 striking “fines” and inserting “fine”.

3 (o) ELIMINATION OF OBSOLETE TECHNICAL AMEND-  
4 MENT TO SECTION 4013.—Section 3599 of Public Law  
5 101-647 is repealed, effective the date of the enactment  
6 of such Public Law.

7 (p) CORRECTION OF DIRECTORY LANGUAGE.—Sec-  
8 tion 3550 of Public Law 101-647 is amended, effective  
9 the date such section took effect, by striking “not more  
10 than”.

11 (q) REPEAL OF DUPLICATE PROVISIONS.—(1) Sec-  
12 tion 3568 of Public Law 101-647 is repealed, effective the  
13 date such section took effect.

14 (2) Section 1213 of Public Law 101-647 is repealed,  
15 effective the date such section took effect.

16 (r) CORRECTION OF WORDS QUOTED IN AMEND-  
17 MENT.—Section 2531(3) of Public Law 101-647 is  
18 amended, effective the date such section took effect, by  
19 striking “1679(c)(2)” and inserting “1679a(c)(2)”.

20 (s) FORFEITURE.—(1) Section 1401 of Public Law  
21 101-647 is amended, effective the date such section took  
22 effect—

23 (A) by inserting a comma after “, 5316”; and

24 (B) by inserting “the first place it appears”  
25 after the quotation mark following “5313(a)”.

1 (2) Section 2525(a)(2) of Public Law 101-647 is  
2 amended, effective the date such section took effect, by  
3 striking “108(3)” and inserting “2508(3)”.

4 **SEC. 3112. AMENDMENT TO SECTION 1956 OF TITLE 18 TO**  
5 **ELIMINATE DUPLICATE PREDICATE CRIMES.**

6 Section 1956 of title 18, United States Code, is  
7 amended in subsection (c)(7)(E), by striking the period  
8 that follows a period.

9 **SEC. 3113. AMENDMENTS TO PART V OF TITLE 18.**

10 Part V of title 18, United States Code, is amended—

11 (1) by inserting after the heading for such part  
12 the following:

13 **“CHAPTER 601—IMMUNITY**  
14 **OF WITNESSES”;**

15 (2) in section 6001(1)—

16 (A) by striking “Atomic Energy Commis-  
17 sion” and inserting “Nuclear Regulatory Com-  
18 mission”; and

19 (B) by striking “the Subversive Activities  
20 Control Board,”

21 (3) by striking “part” the first place it appears  
22 and inserting “chapter”; and

23 (4) by striking “part” each other place it ap-  
24 pears and inserting “title”.

1 **SEC. 3114. UPDATE OF CROSS REFERENCE.**

2 Section 408(n)(11) of the Controlled Substances Act  
3 is amended by striking “section 405” and inserting “sec-  
4 tion 418”.

5 **SEC. 3115. CORRECTION OF ERROR IN AMENDATORY LAN-**  
6 **GUAGE.**

7 Section 1904 of Public Law 101-647 is amended, ef-  
8 fective the date such section took effect, by striking “by  
9 inserting a new subsection (e) as follows” and inserting  
10 “so that subsection (e) reads as follows”.

11 **SEC. 3116. CORRECTION OF MISLEADING AND OUTMODED**  
12 **FINE AMOUNTS SPECIFIED IN OFFENSES IN**  
13 **TITLE 18.**

14 Title 18, United States Code, is amended—

15 (1)(A) in sections 1693, 1694, 1695, and 1696,  
16 by striking “not more than \$50” and inserting  
17 “under this title”;

18 (B) in sections 333, 489, 754, 1303, 1699,  
19 1701, 1703, 1710, 1723, 1726, 1730, and 2390, by  
20 striking “not more than \$100” and inserting “under  
21 this title”;

22 (C) in sections 1697 and 1698, by striking “not  
23 more than \$150” and inserting “under this title”;

24 (D) in sections 1165 and 2279, by striking “not  
25 more than \$200” and inserting “under this title”;

1 (E) in sections 701, 702, 703, 704, 705, 706,  
2 707, 708, 710, 711, 711a, 713, 715, 1164, and  
3 1858, by striking “not more than \$250” each place  
4 it appears and inserting “under this title”;

5 (F) in sections 916, 1501, 1502, 1719, 1725,  
6 and 1861, by striking “not more than \$300” and in-  
7 serting “under this title”;

8 (G) in sections 4, 41, 42, 46, 47, 112, 154,  
9 244, 288, 290, 336, 475, 501, 502, 755, 872, 875,  
10 876, 877, 917, 1013, 1018, 1024, 1154, 1155,  
11 1156, 1382, 1541, 1700, 1703, 1704, 1707, 1712,  
12 1713, 1720, 1721, 1722, 1729, 1731, 1734, 1752,  
13 1793, 1856, 1857, 1863, 1912, 1913, 1922, 2074,  
14 2195, and 2511, by striking “not more than \$500”  
15 each place it appears and inserting “under this  
16 title”;

17 (H) in sections 81, 210, 211, 215, 217, 242,  
18 245, 291, 292, 439, 442, 480, 483, 484, 490, 491,  
19 494, 495, 503, 507, 510, 594, 595, 596, 597, 598,  
20 599, 604, 605, 641, 643, 645, 646, 647, 648, 649,  
21 650, 651, 652, 653, 654, 655, 656, 657, 658, 659,  
22 661, 662, 665, 712, 751, 752, 756, 795, 796, 797,  
23 836, 844, 871, 875, 876, 877, 879, 911, 912, 913,  
24 924, 957, 959, 961, 1003, 1012, 1021, 1025, 1026,  
25 1071, 1112, 1163, 1262, 1263, 1264, 1301, 1302,

1 1304, 1306, 1341, 1342, 1343, 1361, 1363, 1384,  
2 1504, 1508, 1509, 1657, 1705, 1706, 1707, 1711,  
3 1715, 1716, 1733, 1738, 1761, 1762, 2276, 2277,  
4 2278, 2382, and 2389, by striking “not more than  
5 \$1,000” each place it appears and inserting “under  
6 this title”;

7 (I) in sections 331, 482, 486, 499, 755, 873,  
8 958, 1016, 1154, 1156, 1381, 1542, 1543, 1544,  
9 1545, 1586, 1621, 1622, 1702, 1708, 1709, 1920,  
10 1921, 1923, 2071, 2193, 2233, 2386, and 2424, by  
11 striking “not more than \$2,000” each place it ap-  
12 pears and inserting “under this title”;

13 (J) in sections 431, 432, 479, 960, 1859, 1901,  
14 1911, and 1959, by striking “not more than  
15 \$3,000” and inserting “under this title”;

16 (K) in sections 35, 81, 112, 152, 153, 155,  
17 212, 213, 214, 285, 334, 351, 435, 436, 438, 471,  
18 472, 473, 476, 477, 478, 481, 485, 487, 488, 497,  
19 498, 505, 506, 508, 509, 541, 542, 543, 544, 546,  
20 547, 548, 549, 550, 551, 552, 592, 593, 602, 603,  
21 606, 607, 642, 655, 658, 659, 660, 661, 663, 751,  
22 799, 844, 872, 874, 875, 876, 877, 878, 914, 915,  
23 924, 953, 954, 956, 1004, 1010, 1011, 1015, 1017,  
24 1025, 1028, 1071, 1073, 1074, 1163, 1169, 1231,  
25 1265, 1363, 1421, 1422, 1423, 1424, 1425, 1426,

1 1427, 1428, 1429, 1461, 1462, 1463, 1465, 1503,  
2 1505, 1506, 1507, 1510, 1581, 1582, 1583, 1584,  
3 1585, 1588, 1658, 1659, 1717, 1732, 1735, 1737,  
4 1751, 1906, 1907, 1908, 1909, 1915, 1991, 2072,  
5 2073, 2113, 2217, 2152, 2197, 2231, 2244, 2314,  
6 2316, 2317, 2344, and 2701, by striking “not more  
7 than \$5,000” each place it appears and inserting  
8 “under this title”;

9 (L) in sections 33, 224, 231, 241, 245, 246,  
10 286, 289, 332, 335, 337, 351, 371, 437, 440, 441,  
11 493, 496, 500, 510, 545, 595, 599, 600, 601, 641,  
12 664, 665, 667, 757, 792, 793, 798, 844, 892, 893,  
13 894, 924, 952, 955, 962, 963, 964, 965, 966, 967,  
14 970, 1001, 1002, 1003, 1019, 1020, 1022, 1023,  
15 1027, 1082, 1084, 1115, 1202, 1361, 1362, 1364,  
16 1365, 1385, 1461, 1462, 1464, 1587, 1623, 1654,  
17 1656, 1735, 1737, 1751, 1902, 1903, 1904, 1910,  
18 1951, 1952, 1953, 1954, 1958, 1992, 2101, 2113,  
19 2153, 2154, 2155, 2156, 2231, 2232, 2271, 2274,  
20 2275, 2314, 2315, 2383, 2386, 2387, 2388, and  
21 2512, by striking “not more than \$10,000” each  
22 place it appears and inserting “under this title”;

23 (M) in section 1028, by striking “not more than  
24 \$15,000” and inserting “under this title”;

1 (N) in sections 844, 878, 1728, 1955, 1958,  
2 2321, 2384, and 2385, by striking “not more than  
3 \$20,000” each place it appears and inserting “under  
4 this title”;

5 (O) in sections 32, 114, 753, 1028, 1365, 1512,  
6 1792, and 2118, by striking “not more than  
7 \$25,000” each place it appears and inserting “under  
8 this title”.

9 (P) in section 2118, by striking “not more than  
10 \$35,000” and inserting “under this title”;

11 (Q) in sections 1365, 1958, and 2118, by strik-  
12 ing “not more than \$50,000” and inserting “under  
13 this title”;

14 (R) in section 951, by striking “not more than  
15 \$75,000” and inserting “under this title”;

16 (S) in sections 32, 1167, 1365, 2251, and  
17 2344, by striking “not more than \$100,000” each  
18 place it appears and inserting “under this title”;

19 (T) in section 2251, by striking “not more than  
20 \$200,000” and inserting “under this title”; and

21 (U) in sections 1158, 1167, 1512, 1513, 2251,  
22 2318, 2320, and 2701, by striking “not more than  
23 \$250,000” and inserting “under this title”;

1           (2)(A) in sections 3 and 373, by inserting  
2           “(notwithstanding section 3571 of this title)” before  
3           “fined not more than one-half”;

4           (B) in section 113, by striking “fine of not  
5           more than” through the immediately following dollar  
6           amount each place it appears and inserting “a fine  
7           under this title”;

8           (C) in sections 115, 513, 709, 831, 1366, 1511,  
9           and 1959, by striking “of not more than” through  
10          the immediately following dollar amount each place  
11          it appears and inserting “under this title”;

12          (D) in section 201, by inserting “under this  
13          title or” after “be fined”; and by inserting “which-  
14          ever is greater,” before “or imprisoned”;

15          (E) in section 402, by striking “fine” the first  
16          place it appears and inserting “a fine under this  
17          title”

18          (F) in section 443, by striking “shall, if a cor-  
19          poration, be fined not more than \$50,000, and, if a  
20          natural person, be fined not more than \$10,000”  
21          and inserting “shall be fined under this title”;

22          (G) in sections 643, 644, 645, 647, 648, 649,  
23          650, 651, 652, 653, and 1711, by inserting “under  
24          this title or” after “be fined” the first place it ap-

1        appears; and by inserting “, whichever, is greater,” be-  
2        fore “or imprisoned the first place it appears;

3            (H) in sections 646 and 654, by inserting  
4        “under this title or” after “be fined” the first place  
5        it appears; and by inserting “whichever is greater,”  
6        before “or imprisoned” the first place it appears;

7            (I) in section 1029, by striking “of not more  
8        than” through the immediately following dollar  
9        amount each place it appears and inserting “under  
10       this title”; and by inserting “, whichever is greater,”  
11       before “or imprisonment” each place it appears;

12            (J) in section 2381, by inserting “under this  
13       title but” before “not less than \$10,000”; and

14            (K) in section 3146(b)(1)(A)(iv), by striking  
15       “fine under this chapter” and inserting “find under  
16       this title”.

17    **SEC. 3117. REPEAL OF DUPLICATE AMENDMENT.**

18        (a) IN GENERAL.—Subsection (a) of section 1535 of  
19       the Annunzio-Wylie Anti-Money Laundering Act is  
20       amended to read as follows:

21        “(a) TITLE 31.—Section 5321(a)(5)(A) of title 31,  
22       United States Code, is amended by inserting ‘or any per-  
23       son willfully causing’ after ‘willfully violates’.”.

24        (b) EFFECTIVE DATE.—The amendment made by  
25       subsection (a) shall take effect as if such amendment had



1 (A) by striking “importation, sale, or dis-  
2 tribution of a controlled substance (as such  
3 term is defined for the purposes of the Con-  
4 trolled Substances Act)”; and

5 (B) by inserting “, importation, sale, or  
6 distribution of a controlled substance (as such  
7 term is defined for the purposes of the Con-  
8 trolled Substances Act);” after “manufacture”  
9 in clause (i);

10 (2) in subsection (c)(7)(B)(iii), inserting a close  
11 parenthesis after “1978”;

12 (3) by redesignating the second subsection (g)  
13 as subsection (h); and

14 (4) in subsection (a)(2), by inserting “not more  
15 than” before “\$500,000”.

16 (b) CROSS REFERENCE CORRECTION.—Section  
17 1956(c)(7)(D) of title 18, United States Code is amended  
18 by striking “section 9(c) of the Food Stamp Act of 1977”  
19 and inserting “section 15 of the Food Stamp Act of  
20 1977”; and

21 **SEC. 3120. CLERICAL ERROR.**

22 Section 1957(f)(1) of title 18, United States Code,  
23 is amended by striking the comma which follows a comma.

1 **SEC. 3121. CONFORMING SPELLING OF VARIANTS OF “KID-**  
 2 **NAP”.**

3 Title 18, United States Code, is amended—

4 (1) by striking “kidnaping” each place it ap-  
 5 pears and inserting “kidnapping”; and

6 (2) by striking “kidnaped” each place it ap-  
 7 pears and inserting “kidnapped”.

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