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103D CONGRESS
1ST SESSION

# S. 1488

To control and prevent crime.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 23 (legislative day, SEPTEMBER 7), 1993

Mr. BIDEN introduced the following bill; which was read the first time

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# A BILL

To control and prevent crime.

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Violent Crime Control and Law Enforcement Act of 1993''.

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# TITLE I—PUBLIC SAFETY AND POLICING

**SEC. 101. SHORT TITLE.**

This title may be cited as the ''Public Safety Partnership and Community Policing Act of 1993''.

**SEC. 102. FINDINGS AND PURPOSES.**

(a) FINDINGS.—The Congress finds that—

(1) according to data compiled by the Federal Bureau of Investigation, in 1961, there was approximately 1 reported violent crime per city police officer, but while from 1961 to 1991 there was no substantial increase in United States cities' police employment rate, during the same period the number of reported violent crimes per city police officer rose to approximately 4.6 per officer;

(2) National Crime Survey figures indicate that nearly 5,000,000 households in the United States

had at least 1 member who had been a victim of violent crime during 1991;

(3) these victims of violence experienced more than 6,400,000 crimes of which about one-half were reported to law enforcement authorities;

(4) community-oriented policing (''cops on the beat'') enhances communication and cooperation between law enforcement and members of the community;

(5) such communication and cooperation between law enforcement and members of the community significantly assists in preventing and controlling crime and violence, thus enhancing public safety; and

(6) while increasing and maintaining police resources and presence in the community are the long-term responsibility of State and local governments, State and local law enforcement agencies are in need of immediate assistance to begin the process of rehiring officers who have been laid off for budgetary reasons and hiring new, additional officers to assist in the implementation of community-oriented policing.

(b) PURPOSES.—The purposes of this title are to—

(1) substantially increase the number of law enforcement officers interacting directly with members of the community (''cops on the beat'');

(2) provide additional and more effective training to law enforcement officers to enhance their problem solving, service, and other skills needed in interacting with members of the community;

(3) encourage the development and implementation of innovative programs to permit members of the community to assist State and local law enforcement agencies in the prevention of crime in the community; and

(4) encourage the development of new technologies to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime,

by establishing a program of grants and assistance in furtherance of these objectives, including the authorization for a period of 6 years of grants for the hiring and rehiring of additional career law enforcement officers.

**SEC. 103. COMMUNITY POLICING; "COPS ON THE BEAT".**

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

(1) by redesignating part Q as part R;

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

(3) by inserting after part P the following new part:

**"PART Q—PUBLIC SAFETY AND CITY POLICING; 'COPS ON THE BEAT'**

**"SEC. 1701. AUTHORITY TO MAKE PUBLIC SAFETY AND COMMUNITY POLICING GRANTS.**

''(a) GRANT AUTHORIZATION.—The Attorney General may make grants to units of State and local government, and to other public and private entities, to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

''(b) REHIRING AND HIRING GRANT PROJECTS.—Grants made under subsection (a) may be used for programs, projects, and other activities to—

''(1) rehire law enforcement officers who have been laid off as a result of State and local budget reductions for deployment in community-oriented policing; and

''(2) hire new, additional career law enforcement officers for deployment in community-oriented policing across the Nation.

''(c) ADDITIONAL GRANT PROJECTS.—Grants made under subsection (a) may include programs, projects, and other activities to—

''(1) increase the number of law enforcement officers involved in activities that are focused on interaction with members of the community on proactive crime control and prevention by redeploying officers to such activities;

''(2) provide specialized training to law enforcement officers to enhance their conflict resolution, mediation, problem solving, service, and other skills needed to work in partnership with members of the community;

''(3) increase police participation in multidisciplinary early intervention teams;

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

''(5) develop and implement innovative programs to permit members of the community to assist State and local law enforcement agencies in the prevention of crime in the community;

''(6) establish innovative programs to reduce, and keep to a minimum, the amount of time that

law enforcement officers must be away from the community while awaiting court appearances;

''(7) establish and implement innovative programs to increase and enhance proactive crime control and prevention programs involving law enforcement officers and young persons in the community; and

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

''(d) PREFERENTIAL CONSIDERATION OF APPLICATIONS FOR CERTAIN GRANTS.—In awarding grants under this part, the Attorney General may give preferential consideration to grants for hiring and rehiring additional career law enforcement officers that involve a non-Federal contribution exceeding the 25 percent minimum under subsection (h).

''(e) TECHNICAL ASSISTANCE.—(1) The Attorney General may provide technical assistance to units of State and local government, and to other public and private entities, in furtherance of the purposes of the Public Safety Partnership and Community Policing Act of 1993.

''(2) The technical assistance provided by the Attorney General may include the development of a flexible

model that will define for State and local governments, and other public and private entities, definitions and strategies associated with community or problem-oriented policing and methodologies for its implementation.

''(3) The technical assistance provided by the Attorney General may include the establishment and operation of training centers or facilities, either directly or by contracting or cooperative arrangements. The functions of the centers or facilities established under this paragraph may include instruction and seminars for police executives, managers, trainers and supervisors concerning community or problem-oriented policing and improvements in police-community interaction and cooperation that further the purposes of the Public Safety Partnership and Community Policing Act of 1993.

''(f) UTILIZATION OF COMPONENTS.—The Attorney General may utilize any component or components of the Department of Justice in carrying out this part.

''(g) MINIMUM AMOUNT.—Each qualifying State, together with grantees within the State, shall receive in each fiscal year pursuant to subsection (a) not less than 0.5 percent of the total amount appropriated in the fiscal year for grants pursuant to that subsection. In this subsection, 'qualifying State' means any State which has submitted an application for a grant, or in which an eligible entity

has submitted an application for a grant, which meets the requirements prescribed by the Attorney General and the conditions set out in this part.

''(h) MATCHING FUNDS.—The portion of the costs of a program, project, or activity provided by a grant under subsection (a) may not exceed 75 percent, unless the Attorney General waives, wholly or in part, the requirement under this subsection of a non-Federal contribution to the costs of a program, project, or activity. In relation to a grant for a period exceeding 1 year for hiring or rehiring career law enforcement officers, the Federal share shall decrease from year to year, looking toward the continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support, as provided in an approved plan pursuant to section 1702(c)(8).

''(i) ALLOCATION OF FUNDS.—The funds available under this part shall be allocated as provided in section 1001(a)(11)(B).

''(j) TERMINATION OF GRANTS FOR HIRING OFFICERS.—The authority under subsection (a) of this section to make grants for the hiring and rehiring of additional career law enforcement officers shall lapse at the conclusion of 6 years from the date of enactment of this part. Prior to the expiration of this grant authority, the Attor-

ney General shall submit a report to Congress concerning the experience with and effects of such grants. The report may include any recommendations the Attorney General may have for amendments to this part and related provisions of law in light of the termination of the authority to make grants for the hiring and rehiring of additional career law enforcement officers.

**"SEC. 1702. APPLICATIONS.**

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

''(b) APPLICATION.—An application for a grant under this part shall be submitted in such form, and contain such information, as the Attorney General may prescribe by regulation or guidelines.

''(c) CONTENTS.—In accordance with the regulations or guidelines established by the Attorney General, each application for a grant under this part shall—

''(1) include a long-term strategy and detailed implementation plan that reflects consultation with community groups and appropriate private and public agencies and reflects consideration of the statewide strategy under section 503(a)(1);

''(2) demonstrate a specific public safety need;

''(3) explain the locality's inability to address the need without Federal assistance;

''(4) identify related governmental and community initiatives which complement or will be coordinated with the proposal;

''(5) certify that there has been appropriate coordination with all affected agencies;

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

''(7) specify plans for obtaining necessary support and continuing the proposed program, project, or activity following the conclusion of Federal support; and

''(8) if the application is for a grant for hiring or rehiring additional career law enforcement officers—

''(A) specify plans for the assumption by the grantee of a progressively larger share of the cost in the course of time, looking toward the continuation of the increased hiring level using State or local sources of funding following the conclusion of Federal support;

''(B) assess the impact, if any, of the increase in police resources on other components of the criminal justice system; and

''(C) explain how the grant will be utilized to reorient the affected law enforcement agency's mission toward community-oriented policing or enhance its involvement in or commitment to community-oriented policing.

**"SEC. 1703. REVIEW OF APPLICATIONS BY STATE OFFICE.**

''(a) IN GENERAL.—Except as provided in subsection (c) or (d), an applicant for a grant under this part shall submit an application to the State office designated under section 507 in the State in which the applicant is located for initial review.

''(b) INITIAL REVIEW OF APPLICATION.—(1) The State office referred to in subsection (a) shall review applications for grants under this part submitted to it, based upon criteria specified by the Attorney General by regulation or guidelines.

''(2) Upon completion of the reviews required by paragraph (1), the State office referred to in subsection (a) shall determine which, if any, of the applications for grants under this part are most likely to be successful in achieving the purposes of the Public Safety Partnership and Community Policing Act of 1993.

"(3)(A) The State office referred to in subsection (a) shall list the applications for grants under this part in order of their likelihood of achieving the purposes of the Public Safety Partnership and Community Policing Act of 1993 and shall submit the list along with all grant applications and supporting materials received to the Attorney General.

"(B) In making the submission to the Attorney General required by subparagraph (A), the State office referred to in subsection (a) may recommend that a particular application or applications should receive special priority and provide supporting reasons for the recommendation.

"(c) DIRECT APPLICATION TO THE ATTORNEY GENERAL BY CERTAIN MUNICIPALITIES.—Notwithstanding subsection (a), municipalities the population of which exceeds 150,000 may submit an application for a grant under this part directly to the Attorney General. In this subsection, 'municipalities the population of which exceeds 150,000' means units of local government or law enforcement agencies having jurisdiction over areas with populations exceeding 150,000, and consortia or associations that include one or more such units of local government or law enforcement agencies.

''(d) DIRECT APPLICATION TO THE ATTORNEY GENERAL BY OTHER APPLICANTS.—Notwithstanding subsection (a), if a State chooses not to carry out the functions described in subsection (b), an applicant in the State may submit an application for a grant under this part directly to the Attorney General.

**''SEC. 1704. RENEWAL OF GRANTS.**

''(a) IN GENERAL.—Except for grants made for hiring or rehiring additional career law enforcement officers, a grant under this part may be renewed for up to 2 additional years after the first fiscal year during which a recipient receives its initial grant, if the Attorney General determines that the funds made available to the recipient were used in a manner required under an approved application and if the recipient can demonstrate significant progress in achieving the objectives of the initial application.

''(b) GRANTS FOR HIRING.—Grants made for hiring or rehiring additional career law enforcement officers may be renewed for up to 5 years, subject to the requirements of subsection (a), but notwithstanding the limitation in that subsection concerning the number of years for which grants may be renewed.

''(c) MULTIYEAR GRANTS.—A grant for a period exceeding 1 year may be renewed as provided in this section,

except that the total duration of such a grant including any renewals may not exceed 3 years, or 6 years if it is a grant made for hiring or rehiring additional career law enforcement officers.

**"SEC. 1705. LIMITATION ON USE OF FUNDS.**

''(a) NONSUPPLANTING REQUIREMENT.—Funds made available under this part to State or local governments shall not be used to supplant State or local funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State or local sources.

''(b) ADMINISTRATIVE COSTS.—No more than 5 percent of the funds available under this part may be used for the costs of States in carrying out the functions described in section 1703(b) or other administrative costs.

''(c) NON-FEDERAL COSTS.—State and local units of government may use assets received through the Assets Forfeiture equitable sharing program to cover the non-Federal portion of programs, projects, and activities funded under this part.

''(d) HIRING COSTS.—Funding provided under this part for hiring or rehiring a career law enforcement officer may not exceed $75,000, unless the Attorney General grants a waiver from this limitation.

**"SEC. 1706. PERFORMANCE EVALUATION.**

''(a) EVALUATION COMPONENTS.—Each program, project, or activity funded under this part shall contain an evaluation component, developed pursuant to guidelines established by the Attorney General. The evaluations required by this subsection shall include outcome measures that can be used to determine the effectiveness of the funded programs, projects, and activities. Outcome measures may include crime and victimization indicators, quality of life measures, community perceptions, and police perceptions of their own work.

''(b) PERIODIC REVIEW AND REPORTS.—The Attorney General shall review the performance of each grant recipient under this part. The Attorney General may require a grant recipient to submit to the Attorney General the results of the evaluations required under subsection (a) and such other data and information as the Attorney General deems reasonably necessary to carry out the responsibilities under this subsection.

**"SEC. 1707. REVOCATION OR SUSPENSION OF FUNDING.**

''If the Attorney General determines, as a result of the reviews required by section 1706, or otherwise, that a grant recipient under this part is not in substantial compliance with the terms and requirements of an approved grant application submitted under section 1702, the Attor-

ney General may revoke or suspend funding of that grant, in whole or in part.

**"SEC. 1708. ACCESS TO DOCUMENTS.**

''(a) BY THE ATTORNEY GENERAL.—The Attorney General shall have access for the purpose of audit and examination to any pertinent books, documents, papers, or records of a grant recipient under this part and to the pertinent books, documents, papers, or records of State and local governments, persons, businesses, and other entities that are involved in programs, projects, or activities for which assistance is provided under this part.

''(b) BY THE COMPTROLLER GENERAL.—Subsection (a) shall apply with respect to audits and examinations conducted by the Comptroller General of the United States or by an authorized representative of the Comptroller General.

**"SEC. 1709. GENERAL REGULATORY AUTHORITY.**

''The Attorney General may promulgate regulations and guidelines to carry out this part.

**"SEC. 1710. DEFINITION.**

''In this part, 'career law enforcement officer' means a person hired on a permanent basis who is authorized by law or by a State or local public agency to engage in or supervise the prevention, detection, or investigation of violations of criminal laws.''.

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711, et seq.) is amended by striking the item relating to part Q and inserting the following:

''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.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended—

(1) in paragraph (3) by striking ''and O'' and inserting ''O, P, and Q''; and

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

''(11)(A) There are authorized to be appropriated to carry out part Q, to remain available until expended—

''(i) $200,000,000 for fiscal year 1994;

''(ii) $650,000,000 for fiscal year 1995;

''(iii) $650,000,000 for fiscal year 1996;

''(iv) $650,000,000 for fiscal year 1997;

''(v) $650,000,000 for fiscal year 1998; and

''(vi) $650,000,000 for fiscal year 1999.

''(B) Of funds available under part Q in any fiscal year, up to 5 percent may be used for technical assistance under section 1701(e) or for evaluations or studies carried out or commissioned by the Attorney General in furtherance of the purposes of part Q, and up to 5 percent may be used for the costs of States in carrying out the functions described in section 1703 (b) or other administrative costs. Of the remaining funds, 60 percent shall be allocated for grants pursuant to applications submitted as provided in section 1703 (a) or (d), and 40 percent shall be allocated for grants pursuant to applications submitted as provided in section 1703(c). Of the funds available in relation to grants pursuant to applications submitted as provided in section 1703 (a) or (d), at least 85 percent shall be applied to grants for the purposes specified in section 1701(b), and no more than 15 percent may be applied to other grants in furtherance of the purposes of part Q. Of the funds available in relation to grants pursuant to applications submitted as provided in section 1703(c), at least 85 percent shall be applied to grants for the purposes specified in sec-

tion 1701(b), and no more than 15 percent may be applied to other grants in furtherance of the purposes of part Q.''.

# TITLE II—DEATH PENALTY

**SEC. 201. SHORT TITLE.**

This title may be cited as the ''Federal Death Penalty Act of 1993''.

**SEC. 202. CONSTITUTIONAL PROCEDURES FOR THE IMPOSITION OF THE SENTENCE OF DEATH.**

(a) IN GENERAL.—Part II of title 18, United States Code, is amended by inserting after chapter 227 the following new chapter:

## ''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.

### ''§ 3591. Sentence of death

''A defendant who has been found guilty of—

''(1) an offense described in section 794 or section 2381;

''(2) an offense described in section 1751(c), if the offense, as determined beyond a reasonable doubt at the hearing under section 3593, constitutes

an attempt to intentionally kill the President of the United States and results in bodily injury to the President or comes dangerously close to causing the death of the President; or

''(3) any other offense for which a sentence of death is provided, if the defendant, as determined beyond a reasonable doubt at the hearing under section 3593—

''(A) intentionally killed the victim;

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

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

''(D) intentionally and specifically engaged in an act, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim died as a direct result of the act,

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

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

''(a) MITIGATING FACTORS.—In determining whether a sentence of death is to be imposed on a defendant, the finder of fact shall consider any mitigating factor, including the following:

''(1) IMPAIRED CAPACITY.—The defendant's capacity to appreciate the wrongfulness of the defendant's conduct or to conform conduct to the requirements of law was significantly impaired, regardless of whether the capacity was so impaired as to constitute a defense to the charge.

''(2) DURESS.—The defendant was under unusual and substantial duress, regardless of whether the duress was of such a degree as to constitute a defense to the charge.

''(3) MINOR PARTICIPATION.—The defendant is punishable as a principal in the offense, which was

committed by another, but the defendant's participation was relatively minor, regardless of whether the participation was so minor as to constitute a defense to the charge.

''(4) EQUALLY CULPABLE DEFENDANTS.—Another defendant or defendants, equally culpable in the crime, will not be punished by death.

''(5) NO PRIOR CRIMINAL RECORD.—The defendant did not have a significant prior history of other criminal conduct.

''(6) DISTURBANCE.—The defendant committed the offense under severe mental or emotional disturbance.

''(7) VICTIM'S CONSENT.—The victim consented to the criminal conduct that resulted in the victim's death.

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

''(b) AGGRAVATING FACTORS FOR ESPIONAGE AND TREASON.—In determining whether a sentence of death is justified for an offense described in section 3591(1), the jury, or if there is no jury, the court, shall consider each

of the following aggravating factors for which notice has been given and determine which, if any, exist:

"(1) PRIOR ESPIONAGE OR TREASON OFFENSE.—The defendant has previously been convicted of another offense involving espionage or treason for which a sentence of either life imprisonment or death was authorized by law.

"(2) GRAVE RISK TO NATIONAL SECURITY.—In the commission of the offense the defendant knowingly created a grave risk of substantial danger to the national security.

"(3) GRAVE RISK OF DEATH.—In the commission of the offense the defendant knowingly created a grave risk of death to another person.

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

"(c) AGGRAVATING FACTORS FOR HOMICIDE AND FOR ATTEMPTED MURDER OF THE PRESIDENT.—In determining whether a sentence of death is justified for an offense described in section 3591 (2) or (3), the jury, or if there is no jury, the court, shall consider each of the following aggravating factors for which notice has been given and determine which, if any, exist:

"(1) DEATH DURING COMMISSION OF ANOTHER CRIME.—The death, or injury resulting in death, occurred during the commission or attempted commission of, or during the immediate flight from the commission of, an offense under section 32 (destruction of aircraft or aircraft facilities), section 33 (destruction of motor vehicles or motor vehicle facilities), section 36 (violence at international airports), section 351 (violence against Members of Congress, Cabinet officers, or Supreme Court Justices), an offense under section 751 (prisoners in custody of institution or officer), section 794 (gathering or delivering defense information to aid foreign government), section 844(d) (transportation of explosives in interstate commerce for certain purposes), section 844(f) (destruction of Government property by explosives), section 1118 (prisoners serving life term), section 1201 (kidnaping), section 844(i) (destruction of property affecting interstate commerce by explosives), section 1116 (killing or attempted killing of diplomats), section 1203 (hostage taking), section 1992 (wrecking trains), section 2280 (maritime violence), section 2281 (maritime platform violence), section 2332 (terrorist acts abroad against United States nationals), section 2339 (use of weapons of

mass destruction), or section 2381 (treason) of this title, or section 902 (i) or (n) of the Federal Aviation Act of 1958 (49 U.S.C. 1472 (i) or (n)) (aircraft piracy).

''(2) INVOLVEMENT OF FIREARM OR PREVIOUS CONVICTION OF VIOLENT FELONY INVOLVING FIREARM.—For any offense, other than an offense for which a sentence of death is sought on the basis of section 924(c), the defendant—

(A) during and in relation to the commission of the offense or in escaping or attempting to escape apprehension used or possessed a firearm (as defined in section 921); or

(B) has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than 1 year, involving the use or attempted or threatened use of a firearm (as defined in section 921) against another person.

''(3) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which

a sentence of life imprisonment or a sentence of death was authorized by statute.

''(4) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of 2 or more Federal or State offenses, punishable by a term of imprisonment of more than 1 year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

''(5) GRAVE RISK OF DEATH TO ADDITIONAL PERSONS.—The defendant, in the commission of the offense, or in escaping apprehension for the violation of the offense, knowingly created a grave risk of death to 1 or more persons in addition to the victim of the offense.

''(6) HEINOUS, CRUEL, OR DEPRAVED MANNER OF COMMITTING OFFENSE.—The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse to the victim.

''(7) PROCUREMENT OF OFFENSE BY PAYMENT.—The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

"(8) PECUNIARY GAIN.—The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

"(9) SUBSTANTIAL PLANNING AND PREMEDITATION.—The defendant committed the offense after substantial planning and premeditation to cause the death of a person or commit an act of terrorism.

"(10) CONVICTION FOR TWO FELONY DRUG OFFENSES.—The defendant has previously been convicted of 2 or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the distribution of a controlled substance.

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

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

''(13) CONTINUING CRIMINAL ENTERPRISE INVOLVING DRUG SALES TO MINORS.—The defendant committed the offense in the course of engaging in a continuing criminal enterprise in violation of section 408(c) of the Controlled Substances Act (21 U.S.C. 848(c)), and that violation involved the distribution of drugs to persons under the age of 21 in violation of section 418 of that Act (21 U.S.C. 859).

''(14) HIGH PUBLIC OFFICIALS.—The defendant committed the offense against—

''(A) the President of the United States, the President-elect, the Vice President, the Vice-President-elect, the Vice-President-designate, or, if there is no Vice President, the officer next in order of succession to the office of the President of the United States, or any person who is acting as President under the Constitution and laws of the United States;

''(B) a chief of state, head of government, or the political equivalent, of a foreign nation;

''(C) a foreign official listed in section 1116(b)(3)(A), if the official is in the United States on official business; or

''(D) a Federal public servant who is a judge, a law enforcement officer, or an em-

ployee of a United States penal or correctional institution—

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

''(ii) because of the performance of his or her official duties; or

''(iii) because of his or her status as a public servant.

For purposes of this subparagraph, a 'law enforcement officer' is a public servant authorized by law or by a Government agency or Congress to conduct or engage in the prevention, investigation, or prosecution or adjudication of an offense, and includes those engaged in corrections, parole, or probation functions.

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

**"§ 3593. Special hearing to determine whether a sentence of death is justified**

''(a) NOTICE BY THE GOVERNMENT.—If, in a case involving an offense described in section 3591, the attorney for the government believes that the circumstances of the offense are such that a sentence of death is justified under this chapter, the attorney shall, a reasonable time

before the trial or before acceptance by the court of a plea of guilty, sign and file with the court, and serve on the defendant, a notice—

"(1) stating that the government believes that the circumstances of the offense are such that, if the defendant is convicted, a sentence of death is justified under this chapter and that the government will seek the sentence of death; and

"(2) setting forth the aggravating factor or factors that the government, if the defendant is convicted, proposes to prove as justifying a sentence of death.

The factors for which notice is provided under this subsection may include factors concerning the effect of the offense on the victim and the victim's family, and may include oral testimony, a victim impact statement that identifies the victim of the offense and the extent and scope of the injury and loss suffered by the victim and the victim's family, and any other relevant information. The court may permit the attorney for the government to amend the notice upon a showing of good cause.

"(b) HEARING BEFORE A COURT OR JURY.—If the attorney for the government has filed a notice as required under subsection (a) and the defendant is found guilty of or pleads guilty to an offense described in section 3591,

the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. The hearing shall be conducted—

''(1) before the jury that determined the defendant's guilt;

''(2) before a jury impaneled for the purpose of the hearing if—

''(A) the defendant was convicted upon a plea of guilty;

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

''(C) the jury that determined the defendant's guilt was discharged for good cause; or

''(D) after initial imposition of a sentence under this section, reconsideration of the sentence under this section is necessary; or

''(3) before the court alone, upon the motion of the defendant and with the approval of the attorney for the government.

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

"(c) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—Notwithstanding rule 32(c) of the Federal Rules of Criminal Procedure, when a defendant is found guilty or pleads guilty to an offense under section 3591, no presentence report shall be prepared. At the sentencing hearing, information may be presented as to any matter relevant to the sentence, including any mitigating or aggravating factor permitted or required to be considered under section 3592. Information presented may include the trial transcript and exhibits if the hearing is held before a jury or judge not present during the trial. The defendant may present any information relevant to a mitigating factor. The government may present any information relevant to an aggravating factor for which notice has been provided under subsection (a). The government and the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in the case of imposing a sentence of death. The government shall open the argument. The defendant shall be permitted to reply. The government shall then be permitted to reply in rebuttal. The burden of establishing the existence of any aggravating factor is on the government, and is not satisfied unless

the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the information.

''(d) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any aggravating factor or factors set forth in section 3592 found to exist and any other aggravating factor for which notice has been provided under subsection (a) found to exist. A finding with respect to a mitigating factor may be made by 1 or more members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such factor established for purposes of this section regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous. If no aggravating factor set forth in section 3592 is found to exist, the court shall impose a sentence other than death authorized by law.

''(e) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If, in the case of—

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

"(2) an offense described in section 3591 (2) or (3), an aggravating factor required to be considered under section 3592(c) is found to exist,

the jury, or if there is no jury, the court, shall consider whether all the aggravating factor or factors found to exist sufficiently outweigh all the mitigating factor or factors found to exist to justify a sentence of death, or, in the absence of a mitigating factor, whether the aggravating factor or factors alone are sufficient to justify a sentence of death. Based upon this consideration, the jury by unanimous vote, or if there is no jury, the court, shall recommend whether the defendant should be sentenced to death, to life imprisonment without possibility of release or some other lesser sentence. The jury or the court, if there is no jury, regardless of its findings with respect to aggravating and mitigating factors, is never required to impose a death sentence and the jury shall be so instructed.

"(f) SPECIAL PRECAUTION TO ENSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, prior to the return of a finding under subsection (e), shall instruct the jury that, in considering whether

a sentence of death is justified, it shall not consider the race, color, religious beliefs, national origin, or sex of the defendant or of any victim and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or of any victim may be. The jury, upon return of a finding under subsection (e), shall also return to the court a certificate, signed by each juror, that consideration of the race, color, religious beliefs, national origin, or sex of the defendant or any victim was not involved in reaching his or her individual decision and that the individual juror would have made the same recommendation regarding a sentence for the crime in question no matter what the race, color, religious beliefs, national origin, or sex of the defendant or any victim may be.

**"§ 3594. Imposition of a sentence of death**

''Upon a recommendation under section 3593(e) that the defendant should be sentenced to death or life imprisonment without possibility of release, the court shall sentence the defendant accordingly. Otherwise, the court shall impose any lesser sentence that is authorized by law. Notwithstanding any other law, if the maximum term of imprisonment for the offense is life imprisonment, the court

may impose a sentence of life imprisonment without possibility of release.

**"§ 3595. Review of a sentence of death**

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

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

''(1) the evidence submitted during the trial;

''(2) the information submitted during the sentencing hearing;

''(3) the procedures employed in the sentencing hearing; and

''(4) the special findings returned under section 3593(d).

''(c) DECISION AND DISPOSITION.—

''(1) The court of appeals shall address all substantive and procedural issues raised on the appeal of a sentence of death, and shall consider whether the sentence of death was imposed under the influence of passion, prejudice, or any other arbitrary

factor and whether the evidence supports the special finding of the existence of an aggravating factor required to be considered under section 3592.

''(2) Whenever the court of appeals finds that—

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

''(B) the admissible evidence and information adduced does not support the special finding of the existence of the required aggravating factor; or

''(C) the proceedings involved any other legal error requiring reversal of the sentence that was properly preserved for appeal under the rules of criminal procedure,

the court shall remand the case for reconsideration under section 3593 or imposition of a sentence other than death.

''(3) The court of appeals shall state in writing the reasons for its disposition of an appeal of a sentence of death under this section.

**''§ 3596. Implementation of a sentence of death**

''(a) IN GENERAL.—A person who has been sentenced to death pursuant to this chapter shall be commit-

ted to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of the State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does provide for the implementation of a sentence of death, and the sentence shall be implemented in the latter State in the manner prescribed by such law.

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

''(c) MENTAL CAPACITY.—A sentence of death shall not be carried out upon a person who is mentally retarded. A sentence of death shall not be carried out upon a person who, as a result of mental disability, lacks the mental capacity to understand the death penalty and why it was imposed on that person.

**''§ 3597. Use of State facilities**

''(a) IN GENERAL.—A United States marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for

the purpose, may use the services of an appropriate State or local official or of a person such an official employs for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.

''(b) EXCUSE OF AN EMPLOYEE ON MORAL OR RELIGIOUS GROUNDS.—No employee of any State department of corrections, the United States Department of Justice, the Federal Bureau of Prisons, or the United States Marshals Service, and no employee providing services to that department, bureau, or service under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any prosecution or execution under this section if such participation is contrary to the moral or religious convictions of the employee. In this subsection, 'participation in executions' includes personal preparation of the condemned individual and the apparatus used for execution and supervision of the activities of other personnel in carrying out such activities.

**"§ 3598. Special provisions for Indian country**

''Notwithstanding sections 1152 and 1153, no person subject to the criminal jurisdiction of an Indian tribal government shall be subject to a capital sentence under this chapter for any offense the Federal jurisdiction for which is predicated solely on Indian country (as defined in sec-

tion 1151 of this title) and which has occurred within the boundaries of Indian country, unless the governing body of the tribe has elected that this chapter have effect over land and persons subject to its criminal jurisdiction.''.

(b) TECHNICAL AMENDMENT.—The part analysis for part II of title 18, United States Code, is amended by inserting after the item relating to chapter 227 the following new item:

**"228. Death sentence ..... 3591".**

**SEC. 203. SPECIFIC OFFENSES FOR WHICH DEATH PENALTY IS AUTHORIZED.**

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

(1) AIRCRAFT AND MOTOR VEHICLES.—Section 34 of title 18, United States Code, is amended by striking the comma after ''imprisonment for life'', inserting a period, and striking the remainder of the section.

(2) ESPIONAGE.—Section 794(a) of title 18, United States Code, is amended by striking the period at the end of the section and inserting '', except that the sentence of death shall not be imposed unless the jury or, if there is no jury, the court, further finds that the offense directly concerned nuclear weaponry, military spacecraft or satellites, early warning systems, or other means of defense or retal-

iation against large-scale attack; war plans; communications intelligence or cryptographic information; or any other major weapons system or major element of defense strategy.''.

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

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

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

(4) MURDER.—The second undesignated paragraph of section 1111(b) of title 18, United States Code, is amended to read as follows:

''Whoever is guilty of murder in the first degree shall be punished by death or by imprisonment for life;''.

(5) KILLING OF FOREIGN OFFICIAL.—Section 1116(a) of title 18, United States Code, is amended by striking ''any such person who is found guilty of murder in the first degree shall be sentenced to imprisonment for life, and''.

(6) KIDNAPPING.—Section 1201(a) of title 18, United States Code, is amended by inserting after ''or for life'' the following: ''and, if the death of any person results, shall be punished by death or life imprisonment''.

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

(8) PRESIDENTIAL ASSASSINATIONS.—Subsection (c) of section 1751 of title 18, United States Code, is amended to read as follows:

''(c) Whoever attempts to kill or kidnap any individual designated in subsection (a) of this section, shall be punished—

''(1) by imprisonment for any term of years or for life; or

''(2) if the conduct constitutes an attempt to intentionally kill the President of the United States and results in bodily injury to the President or otherwise comes dangerously close to causing the death of the President, by death or imprisonment for any term of years or for life.''.

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

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

(11) HOSTAGE TAKING.—Section 1203(a) of title 18, United States Code, is amended by inserting after ''or for life'' the following: ''and, if the death of any person results, shall be punished by death or life imprisonment''.

(12) MURDER FOR HIRE.—Section 1958 of title 18, United States Code, is amended by striking ''and if death results, shall be subject to imprisonment for any term of years or for life, or shall be fined not more than $50,000, or both'' and inserting ''and if death results, shall be punished by death or life imprisonment, or shall be fined not more than $250,000, or both''.

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

''(1) for murder, by death or life imprisonment, or a fine of not more than $250,000, or both; and for kidnapping, by imprisonment for any term of years or for life, or a fine of not more than $250,000, or both;''.

(14) GENOCIDE.—Section 1091(b)(1) of title 18, United States Code, is amended by striking ''a fine of not more than $1,000,000 or imprisonment for life,'' and inserting '', where death results, by death or imprisonment for life and a fine of not more than $1,000,000, or both;''.

(15) CARJACKING.—Section 2119(3) of title 18, United States Code, is amended by striking the period after ''both'' and inserting '', or sentenced to death.''.

(b) CONFORMING AMENDMENT TO FEDERAL AVIATION ACT OF 1954.—Section 903 of the Federal Aviation Act of 1958 (49 U.S.C. 1473) is amended by striking subsection (c).

**SEC. 204. APPLICABILITY TO UNIFORM CODE OF MILITARY JUSTICE.**

Chapter 228 of title 18, United States Code, as added by this title, shall not apply to prosecutions under the Uniform Code of Military Justice (10 U.S.C. 801).

**SEC. 205. DEATH PENALTY FOR MURDER BY A FEDERAL PRISONER.**

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

**"§ 1118. Murder by a Federal prisoner**

''(a) OFFENSE.—A person who, while confined in a Federal correctional institution under a sentence for a term of life imprisonment, commits the murder of another shall be punished by death or by life imprisonment.

''(b) DEFINITIONS.—In this section—

'' 'Federal correctional institution' means any Federal prison, Federal correctional facility, Federal community program center, or Federal halfway house.

'' 'murder' means a first degree or second degree murder (as defined by section 1111).

'' 'term of life imprisonment' means a sentence for the term of natural life, a sentence commuted to natural life, an indeterminate term of a minimum of

at least fifteen years and a maximum of life, or an unexecuted sentence of death.''.

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 51 of title 18, United States Code, is amended by adding at the end the following new item:

''1118. Murder by a Federal prisoner.''.

**SEC. 206. DEATH PENALTY FOR CIVIL RIGHTS MURDERS.**

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

(b) DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.—Section 242 of title 18, United States Code, is amended by striking the period at the end of the last sentence and inserting '', or may be sentenced to death.''.

(c) FEDERALLY PROTECTED ACTIVITIES.—Section 245(b) of title 18, United States Code, is amended in the matter following paragraph (5) by inserting '', or may be sentenced to death'' after ''or for life''.

(d) DAMAGE TO RELIGIOUS PROPERTY; OBSTRUCTION OF THE FREE EXERCISE OF RELIGIOUS RIGHTS.—Section 247(c)(1) of title 18, United States Code, is amended by inserting '', or may be sentenced to death'' after ''or both''.

**SEC. 207. DEATH PENALTY FOR THE MURDER OF FEDERAL LAW ENFORCEMENT OFFICIALS.**

Section 1114(a) of title 18, United States Code, is amended by striking ''punished as provided under sections 1111 and 1112 of this title,'' and inserting ''punished, in the case of murder, by a sentence of death or life imprisonment as provided under section 1111, or, in the case of manslaughter, a sentence as provided under section 1112.''.

**SEC. 208. NEW OFFENSE FOR THE INDISCRIMINATE USE OF WEAPONS TO FURTHER DRUG CONSPIRACIES.**

(a) SHORT TITLE.—This section may be cited as the ''Drive-By Shooting Prevention Act of 1993''.

(b) IN GENERAL.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following new section:

**''§ 36. Drive-by shooting**

''(a) DEFINITION.—In this section, 'major drug offense' means—

''(1) a continuing criminal enterprise punishable under section 403(c) of the Controlled Substances Act (21 U.S.C. 848(c));

''(2) a conspiracy to distribute controlled substances punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846) section 1013

of the Controlled Substances Import and Export Control Act (21 U.S.C. 963); and

''(3) an offense involving major quantities of drugs and punishable under section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) or section 1010(b)(1) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)).

''(b) OFFENSE AND PENALTIES.—(1) A person who, in furtherance or to escape detection of a major drug offense and with the intent to intimidate, harass, injure, or maim, fires a weapon into a group of two or more persons and who, in the course of such conduct, causes grave risk to any human life shall be punished by a term of no more than 25 years, by fine under this title, or both.

''(2) A person who, in furtherance or to escape detection of a major drug offense and with the intent to intimidate, harass, injure, or maim, fires a weapon into a group of 2 or more persons and who, in the course of such conduct, kills any person shall, if the killing—

''(A) is a first degree murder (as defined in section 1111(a)), be punished by death or imprisonment for any term of years or for life, fined under this title, or both; or

''(B) is a murder other than a first degree murder (as defined in section 1111(a)), be fined under this title, imprisoned for any term of years or for life, or both.''.

(c) TECHNICAL AMENDMENT.—The chapter analysis for chapter 2 of title 18, United States Code, is amended by adding at the end the following new item:

''36. Drive-by shooting.''.

**SEC. 209. FOREIGN MURDER OF UNITED STATES NATIONALS.**

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

**''§ 1118. Foreign murder of United States nationals**

''(a) DEFINITION.—In this section, 'national of the United States' has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

''(b) OFFENSE.—A person who, being a national of the United States, kills or attempts to kill a national of the United States while such national is outside the United States but within the jurisdiction of another country shall be punished as provided under sections 1111, 1112, and 1113.

''(c) LIMITATIONS ON PROSECUTION.—(1) No prosecution may be instituted against any person under this

section except upon the written approval of the Attorney General, the Deputy Attorney General, or an Assistant Attorney General, which function of approving prosecutions may not be delegated. No prosecution shall be approved if prosecution has been previously undertaken by a foreign country for the same conduct.

''(2) No prosecution shall be approved under this section unless the Attorney General, in consultation with the Secretary of State, determines that the conduct took place in a country in which the person is no longer present, and the country lacks the ability to lawfully secure the person's return. A determination by the Attorney General under this paragraph is not subject to judicial review.''.

(b) TECHNICAL AMENDMENTS.—(1) Section 1117 of title 18, United States Code, is amended by striking ''or 1116'' and inserting ''1116, or 1118''.

(2) The chapter analysis for chapter 51 of title 18, United States Code, is amended by adding at the end the following new item:

''1118. Foreign murder of United States nationals.''.

**SEC. 210. DEATH PENALTY FOR RAPE AND CHILD MOLESTATION MURDERS.**

(a) OFFENSE.—Chapter 109A of title 18, United States Code, is amended—

(1) by redesignating section 2245 as section 2246; and

(2) by inserting after section 2244 the following new section:

**"§ 2245. Sexual abuse resulting in death**

''A person who, in the course of an offense under this chapter, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.''.

(b) TECHNICAL AMENDMENTS.—The chapter analysis for chapter 109A of title 18, United States Code, is amended by striking the item for section 2245 and inserting the following:

''2245. Sexual abuse resulting in death.
''2246. Definitions for chapter.''.

**SEC. 211. DEATH PENALTY FOR SEXUAL EXPLOITATION OF CHILDREN.**

Section 2251(d) of title 18, United States Code, is amended by adding at the end the following: ''Whoever, in the course of an offense under this section, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.''.

**SEC. 212. MURDER BY ESCAPED PRISONERS.**

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, as amended by section 109(a), is amended by adding at the end the following new section:

**"§ 1119. Murder by escaped prisoners**

''(a) DEFINITION.—In this section, 'Federal prison' and 'term of life imprisonment' have the meanings stated in section 1118.

''(b) OFFENSE AND PENALTY.—A person, having escaped from a Federal prison where the person was confined under a sentence for a term of life imprisonment, kills another shall be punished as provided in sections 1111 and 1112.''.

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 51 of title 18, United States Code, as amended by section 109(b)(2), is amended by adding at the end the following new item:

''1119. Murder by escaped prisoners.''.

**SEC. 213. DEATH PENALTY FOR GUN MURDERS DURING FEDERAL CRIMES OF VIOLENCE AND DRUG TRAFFICKING CRIMES.**

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

''(o) A person who, in the course of a violation of subsection (c), causes the death of a person through the use of a firearm, shall—

''(1) if the killing is a murder (as defined in section 1111), be punished by death or by imprisonment for any term of years or for life; and

''(2) if the killing is manslaughter (as defined in section 1112), be punished as provided in that section.''.

**SEC. 214. HOMICIDES AND ATTEMPTED HOMICIDES INVOLVING FIREARMS IN FEDERAL FACILITIES.**

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

(1) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively;

(2) in subsection (a) by striking ''(c)'' and inserting ''(d)''; and

(3) by inserting after subsection (b) the following new subsection:

''(c) A person who kills or attempts to kill any person in the course of a violation of subsection (a) or (b), or in the course of an attack on a Federal facility involving the use of a firearm or other dangerous weapon, shall be punished as provided in sections 1111, 1112, and 1113.''.

**SEC. 215. MURDER IN COURSE OF ALIEN SMUGGLING.**

Section 274(a) of the Immigration and Naturalization Act (8 U.S.C. 1324) is amended by inserting before the period at the end the following: ''; *Provided further,* That if during and in relation to an offense described in paragraph (1) the person causes serious bodily injury to,

or places in jeopardy the life of, any alien, such person shall be subject to a term of imprisonment of not more than 20 years, and if the death of any alien results, shall be punished by death or imprisoned for any term of years or for life.''.

# TITLE III—HABEAS CORPUS REFORM

**SEC. 301. SHORT TITLE.**

This title may be cited as the ''Habeas Corpus Reform Act of 1993''.

**SEC. 302. FILING DEADLINES.**

(a) IN GENERAL.—Section 2242 of title 28, United States Code, is amended—

(1) by amending the heading to read as follows: **"§ 2242. Filing of habeas corpus petition; time requirements; tolling rules";**

(2) by inserting ''(a)(1)'' before the first paragraph, ''(2)'' before the second paragraph, ''(3)'' before the third paragraph, and ''(4)'' before the fourth paragraph;

(3) by amending the third paragraph, as designated by paragraph (3), to read as follows:

''(3) Leave to amend or supplement the petition shall be freely given, as provided in the rules of procedure applicable to civil actions.''; and

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

''(b) An application for habeas corpus relief under section 2254 shall be filed in the appropriate district court not later than 180 days after—

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

''(2) the date of the denial of a writ of certiorari, if a petition for a writ of certiorari to the highest court of the State on direct appeal or unitary review of the conviction and sentence is filed, within the time limits established by law, in the United States Supreme Court; or

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

''(c)(1) Notwithstanding the filing deadline imposed by subsection (b), if a petitioner under a sentence of death has filed a petition for post-conviction review in State court within 270 days of the appointment of counsel as

required by section 2258, the petitioner shall have 180 days to file a petition under this chapter upon completion of the State court review.

''(2) The time requirements established by subsection (b) shall not apply unless the State has provided notice to a petitioner under sentence of death of the time requirements established by this section. Such notice shall be provided upon the final disposition of the initial petition for State post-conviction review.

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

''(A) during any period in which the State has failed to appoint counsel for State post-conviction review as required in section 2258;

''(B) during any period in which the petitioner is incompetent; and

''(C) during an additional period, not to exceed 60 days, if the petitioner makes a showing of good cause.

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

''(A) a petition for post-conviction review in State court; or

''(B) a request for counsel for post-conviction review,

before the expiration of the period described in subsection (b), the petitioner shall have 180 days to file a petition under this chapter upon completion of the State court review.

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

''(A) the State has provided notice to the petitioner of the time requirements established by this section and of the availability of counsel as described in subparagraph (B); such notice shall be provided orally at the time of sentencing and in writing at the time the petitioner's conviction becomes final, except that in a case in which the petitioner's conviction becomes final within 30 days of sentencing, the State may provide both the oral and the written notice at sentencing; in all cases, the written notice to petitioner shall include easily understood instructions for filing a request for counsel for State post-conviction review; and

''(B)(i) the State provides counsel to the petitioner upon the filing of a request for counsel for State post-conviction review; or

''(ii) the State provides counsel to the petitioner, if a request for counsel for State post-conviction review is not filed, upon the filing of a petition for post-conviction review.

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

''(A) during any period in which the petitioner is incompetent; and

''(B) during an additional period, not to exceed 60 days, if the petitioner makes a showing of good cause.

''(e) An application that is not filed within the time requirements established by subsection (b) shall be governed by section 2244(b).''.

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 153 of title 28, United States Code is amended by amending the item relating to section 2242 to read as follows:

''2242. Filing of habeas corpus petition; time requirements; tolling rules.''.

**SEC. 303. STAYS OF EXECUTION IN CAPITAL CASES.**

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

(1) by inserting ''(a)(1)'' before the first paragraph and ''(2)'' before the second paragraph; and

(2) by adding at the end the following new subsections:

''(b) In the case of a person under sentence of death, a warrant or order setting an execution shall be stayed upon application to any court that would have jurisdiction over a habeas corpus petition under this chapter. The stay shall be contingent upon the exercise of reasonable diligence by the applicant in pursuing relief with respect to the sentence and shall expire if—

''(1) the applicant fails to file for relief under this chapter within the time requirements established by section 2242;

''(2) upon completion of district court and court of appeals review under section 2254, the application is denied and—

''(A) the time for filing a petition for a writ of certiorari expires before a petition is filed;

''(B) a timely petition for a writ of certiorari is filed and the Supreme Court denies the petition; or

''(C) a timely petition for certiorari is filed and, upon consideration of the case, the Supreme Court disposes of it in a manner that leaves the capital sentence undisturbed; or

''(3) before a court of competent jurisdiction, in the presence of counsel, and after being advised of the consequences of the decision, the applicant competently and knowingly waives the right to pursue habeas corpus relief under this chapter.

''(c) If any 1 of the conditions in subsection (b) has occurred, no Federal court thereafter shall have the authority to enter a stay of execution unless the applicant has filed a habeas corpus petition that satisfies, on its face, section 2244(b) or 2256. A stay granted pursuant to this subsection shall expire if, after the grant of the stay, 1 of the conditions specified in subsection (b) (2) or (3) occurs.''.

**SEC. 304. LIMITS ON NEW RULES; STANDARD OF REVIEW.**

(a) LIMITS ON NEW RULES.—

(1) IN GENERAL.—Chapter 153 of Title 28, United States Code, as amended by section 306(a), is amended by adding at the end the following new section:

**''§ 2257. Law applicable**

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

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

''(1) the new rule places a class of individual conduct beyond the power of the criminal lawmaking authority to proscribe or prohibits the imposition of a certain type of punishment for a class of persons because of their status or offense; or

''(2) the new rule constitutes a watershed rule of criminal procedure implicating the fundamental fairness and accuracy of the criminal proceeding.

''(c) As used in this section, a 'new rule' is a rule that changes the constitutional or statutory standards that prevailed at the time the petitioner's conviction and sentence became final on direct appeal.''.

(2) TECHNICAL AMENDMENT.—The chapter analysis for chapter 153 of title 28, United States Code, as amended by section 306(b), is amended by adding at the end the following new item:

''2257. Law applicable.''.

(b) STANDARD OF REVIEW.—Section 2254(a) of title 28, United States Code, is amended by adding at the end the following: ''Except as to Fourth Amendment claims controlled by Stone v. Powell, 428 U.S. 465 (1976), the Federal courts, in reviewing an application under this section, shall review de novo the rulings of a State court on matters of Federal law, including the application of Federal law to facts, regardless of whether the opportunity for a full and fair hearing on such Federal questions has

been provided in the State court. In the case of a violation that can be harmless, the State shall bear the burden of proving harmlessness.''.

**SEC. 305. LIMITS ON SUCCESSIVE PETITIONS.**

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

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

''(A) the petitioner shows that—

''(i) the failure to raise the claim previously was the result of interference by State officials with the presentation of the claim, in violation of the Constitution or laws of the United States;

''(ii) the claim relies on a new rule that is applicable under section 2257 and was previously unavailable; or

''(iii) the factual predicate for the claim could not have been discovered previously through the exercise of reasonable diligence; and

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

''(i) undermine the court's confidence in the factfinder's determination of the applicant's guilt of the offense or offenses for which the sentence was imposed; or

''(ii) demonstrate that no reasonable sentencing authority would have found an aggravating circumstance or other condition of eligibility for a capital or noncapital sentence, or otherwise would have imposed a sentence of death.

''(2) Notwithstanding other matters pending before the court, claims for relief under this subsection from a case in which a sentence of death was imposed shall receive a prompt review in a manner consistent with the interests of justice.''.

**SEC. 306. NEW EVIDENCE.**

(a) IN GENERAL.—Chapter 153 of title 28, United States Code, as amended by section 304(a)(1), is amended by adding at the end the following new section:

**"§ 2256. Capital cases; new evidence**

''For purposes of this chapter, a claim arising from a violation of the Constitution, laws, or treaties of the United States shall include a claim by a person under sentence of death that is based on factual allegations that, if proven and viewed in light of the evidence as a whole,

would be sufficient to demonstrate that no reasonable factfinder would have found the petitioner guilty of the offense or that no reasonable sentencing authority would have found an aggravating circumstance or other condition of eligibility for the sentence. Such a claim shall be dismissed if the facts supporting the claim were actually known to the petitioner during a prior stage of the litigation in which the claim was not raised. Notwithstanding any other provision of this chapter, the claim shall not be subject to section 2244(b) or the time requirements established by section 2242. In all other respects, the claim shall be subject to the rules applicable to claims under this chapter.''.

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 153 of title 28, United States Code, as amended by section 304(a)(2), is amended by adding at the end the following new item:

''2258. Capital cases; new evidence.''.

**SEC. 307. CERTIFICATES OF PROBABLE CAUSE.**

The third paragraph of section 2253 of title 28, United States Code, is amended by adding at the end the following: ''However, an applicant under sentence of death shall have a right of appeal without a certificate of probable cause, except after denial of a habeas corpus petition filed under section 2244(b).''.

**SEC. 308. PROVISION OF COUNSEL.**

(a) IN GENERAL.—Chapter 153 of title 28, United States Code, as amended by section 304(a)(1), is amended by adding at the end the following new section:

**"§ 2258. Counsel in capital cases; State court**

''(a) COUNSEL.—(1) A State in which a sentence of death may be imposed under State law shall provide legal services to—

''(A) indigents charged with offenses for which capital punishment is sought;

''(B) indigents who have been sentenced to death and who seek appellate, post-conviction, or unitary review in State court; and

''(C) indigents who have been sentenced to death and who seek certiorari review of State court judgments in the United States Supreme Court.

''(2) This section shall not apply or form a basis for relief to nonindigents.

''(b) COUNSEL CERTIFICATION AUTHORITY.—A State in which a sentence of death may be imposed under State law shall, within 180 days after the date of enactment of this subsection, establish a State counsel certification authority, which shall be comprised of members of the bar with substantial experience in, or commitment to, the representation of criminal defendants in capital cases, and shall be comprised of a balanced representation from

each segment of the State's criminal defense bar, such as a statewide defender organization, a capital case resource center, local public defender's offices and private attorneys involved in criminal trial, appellate, post-conviction, or unitary review practice. If a State fails to establish a counsel certification authority within 180 days after the date of enactment of this subsection, a private cause of action may be brought in Federal district court to enforce this subsection by any aggrieved party, including a defendant eligible for appointed representation under this subsection or a member of an organization eligible for representation on the counsel certification authority. If the court finds that the State has failed to establish a counsel certification authority as required by this subsection, the court shall grant appropriate injunctive and declaratory relief, except that the court shall not grant relief that disturbs any criminal conviction or sentence, obstructs the prosecution of State criminal proceedings, or alters proceedings arising under this chapter.

''(c) DUTIES OF AUTHORITY; CERTIFICATION OF COUNSEL.—The counsel certification authority shall—

''(1) establish and publish standards governing qualifications of counsel, which shall include—

''(A) knowledge and understanding of pertinent legal authorities regarding issues in capital cases;

''(B) skills in the conduct of negotiations and litigation in capital cases, the investigation of capital cases and the psychiatric history and current condition of capital clients, and the preparation and writing of legal papers in capital cases;

''(C) the minimum qualifications required by subsection (d); and

''(D) any additional qualifications relevant to the representation of capital defendants;

''(2) establish application and certification procedures for attorneys who possess the qualifications established pursuant to paragraph (1);

''(3) establish application and certification procedures for attorneys who do not possess all the qualifications established pursuant to paragraph (1) but who possess, in addition to the minimum qualifications required by subsection (d), additional resources (such as an affiliation with a publicly funded defender organization) and experience that enable them to provide quality legal representation com-

parable to that of an attorney possessing the qualifications established pursuant to paragraph (1);

''(4) establish application and certification procedures, to be used on a case by case basis, for attorneys who do not necessarily possess the minimum qualifications required by subsection (d), but who possess other extraordinary experience and resources that enable them to provide quality legal representation comparable to that of an attorney possessing the qualifications established pursuant to paragraph (1);

''(5) publish a current roster of attorneys certified pursuant to paragraphs (2) and (3) to be appointed in capital cases;

''(6) establish and publish standards governing the performance of counsel in capital cases, including standards that proscribe abusive practices and mandate sound practices in order to further the fair and orderly administration of justice;

''(7) monitor the performance of attorneys certified pursuant to this subsection; and

''(8) delete from the roster the name of any attorney who fails to meet the qualification or performance standards established pursuant to this subsection.

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

"(1) familiarity with the performance standards established by the counsel certification authority;

"(2) familiarity with the appropriate court system, including the procedural rules regarding timeliness of filings and procedural default; and

"(3) in the case of counsel appointed for the trial or sentencing stages, at least 2 of the qualifications listed in subparagraph (A) and 1 of the qualifications listed in subparagraph (B), or 1 of the alternative qualifications listed in subparagraph (C):

"(A) QUALIFYING TRIAL EXPERIENCE (MUST HAVE 2).—Prior experience within the last 10 years as—

"(i) lead or sole counsel in 12 jury trials, of which no fewer than 5 were criminal jury trials;

"(ii) lead or sole counsel in 3 criminal jury trials in which the charge was murder or aggravated murder;

''(iii) co-counsel in 5 criminal jury trials in which the charge was murder or aggravated murder;

''(iv) lead or sole counsel in no fewer than 5 criminal jury trials involving crimes of violence against persons, punishable by imprisonment of over 1 year,

which were tried to a verdict or to a deadlocked jury.

''(B) QUALIFYING CAPITAL TRIAL EXPERIENCE (MUST HAVE 1).—

''(i) lead or sole counsel within the last 5 years in the trial of at least 1 capital case that was tried through sentencing;

''(ii) co-counsel in the trial of no fewer than 2 capital cases (1 of which occurred within the last 5 years) that were tried through sentencing;

''(iii) successful completion within the preceding 2 years of a training program in capital trial litigation that has been certified by the counsel certification authority or, if the authority has not certified a program, successful completion of an at least 12-hour training program in capital trial

litigation for which continuing legal education (CLE) credit is available, and which the CLE authority in the State has certified as comporting with the objectives and requirements of this section.

''(C) ALTERNATIVE QUALIFYING EXPERIENCE FOR TRIAL.—Notwithstanding subparagraphs (A) and (B), an attorney shall be eligible for certification pursuant to paragraph (2) or (3) of subsection (c) or appointment pursuant to subsection (f) if the attorney—

''(i) has conducted 5 evidentiary hearings and has been employed for more than 1 year by a capital resource center, a unit or its equivalent that specializes in capital cases within a public defender office, or a public interest law office specializing in capital litigation; or

''(ii) has been certified by the State capital litigation resource center as competent to be assigned to a capital trial;

''(4) in the case of counsel appointed for appellate or unitary review, at least 1 of the qualifications listed in subparagraph (A) and 1 of the qualifica-

tions listed in subparagraph (B), or 1 of the alternative qualifications listed in subparagraph (C):

''(A) QUALIFYING APPELLATE EXPERIENCE (MUST HAVE 1).—Prior experience within the past 5 years as—

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

''(ii) lead or sole counsel in at least 6 criminal felony appeals;

''(iii) lead or sole counsel in 3 criminal or felony appeals, at least 1 of which was an appeal of a murder or aggravated murder conviction,

which were fully briefed.

''(B) QUALIFYING CAPITAL APPELLATE EXPERIENCE (MUST HAVE 1).—

''(i) lead or sole counsel within the last 5 years in the appeal or unitary review of at least 1 capital case;

''(ii) co-counsel in the appeal or unitary review of no fewer than 2 capital cases, 1 of which occurred within the last 5 years;

"(iii) successful completion within the preceding 2 years of a training program in the litigation of capital appeals that has been certified by the counsel certification authority or, if the authority has not certified a program, successful completion of an at least 12-hour training program in capital litigation with a focus on appeals for which continuing legal education (CLE) credit is available, and which the CLE authority in the State has certified as comporting with the objectives and the requirements of this section.

"(C) ALTERNATIVE QUALIFYING EXPERIENCE FOR APPEALS.—Notwithstanding subparagraphs (A) and (B), an attorney shall be eligible for certification pursuant to paragraph (2) or (3) of subsection (c) or for appointment pursuant to subsection (f) if the attorney—

"(i) has been employed for more than 1 year by a capital resource center, a unit or its equivalent that specializes in capital cases within a public defender office, or a public interest law office specializing in capital litigation; or

''(ii) has been certified by the State capital litigation resource center as competent to be assigned to a capital appeal; and

''(5) in the case of counsel appointed for post-conviction proceedings, at least 2 of the qualifications listed in subparagraph (A) and at least 1 of the qualifications listed in subparagraph (B), or 1 of the alternative qualifications listed in subparagraph (C):

''(A) QUALIFYING POST-CONVICTION EXPERIENCE (MUST HAVE 2).—Prior experience within the past 10 years as—

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

''(ii) co-counsel in no fewer than 5 post-conviction proceedings;

''(iii) 1 of the trial qualifications listed in paragraph (3)(A);

''(iv) 1 of the appellate qualifications listed in paragraph (4)(A).

''(B) QUALIFYING CAPITAL POST-CONVICTION EXPERIENCE (MUST HAVE 1).—

''(i) lead or sole counsel within the last 5 years in the trial (through sentenc-

ing), appeal, or post-conviction review of at least 1 capital case;

''(ii) co-counsel in the trial (through sentencing), appeal, or post-conviction review of no fewer than 2 capital cases, 1 of which occurred within the last 5 years;

''(iii) successful completion during the preceding 2 years of a training program in the litigation of capital post-conviction proceedings that has been certified by the counsel certification authority or, if the authority has not certified a program, successful completion of an at least 12-hour training program in capital litigation with a focus on post-conviction proceedings for which continuing legal education (CLE) credit is available, and which the CLE authority in the State has certified as comporting with the objectives and requirements of this section.

''(C) ALTERNATIVE QUALIFYING EXPERIENCE FOR POST-CONVICTION PROCEEDINGS.—Notwithstanding subparagraphs (A) and (B), an attorney shall be eligible for certification pursuant to paragraph (2) or (3) of subsection

(c) or appointment pursuant to subsection (f) if the attorney—

''(i) has conducted 3 evidentiary hearings and has been employed for more than 1 year by a capital litigation resource center, by a unit or its equivalent that specializes in capital cases within a public defender office, or by a public interest law office specializing in capital litigation; or

''(ii) has been certified by the State capital litigation resource center as competent to be assigned to a capital post-conviction proceeding.

''(e) APPOINTMENT OF CERTIFIED COUNSEL.—(1) The State court shall appoint at least 2 attorneys to represent an indigent at trial, and at least 1 attorney to represent an indigent at the appellate, unitary or post-conviction review stage, including—

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

''(B) a defender organization or resource center, which shall designate appropriate attorneys affiliated with the organization, including a lead counsel who is named on the roster; or

"(C) a lead counsel certified pursuant to subsection (c)(4).

"(2) The State court may appoint additional attorneys upon a showing of need.

"(f) APPOINTMENT OF NONCERTIFIED COUNSEL.—(1) If there is no roster of attorneys published pursuant to subsection (c)(5), or if no attorney on the roster can accept the appointment and if no attorney certified pursuant to subsection (c)(4) has been appointed, the State court shall appoint at least 2 attorneys to represent an indigent at trial, and at least 1 attorney to represent an indigent at the appellate, unitary or post-conviction review stage, including—

"(A) a lead counsel who possesses the minimum qualifications required by subsection (d); or

"(B) a defender organization or resource center, which shall designate appropriate attorneys affiliated with the organization, including a lead counsel who possesses the qualifications required by subsection (d).

"(2) No attorney shall be appointed pursuant to this subsection unless the State court has first conducted an evidentiary hearing on the record in which the court determines, after the attorney gives sworn testimony and presents documentary proof that the attorney possesses each

of the qualifications required by subsection (d), that the attorney possesses the requisite qualifications. In making its determination, the court, shall, to each qualification required by subsection (d), shall make a specific finding on the record that the attorney possesses the qualification.

''(g) No attorney may be denied certification pursuant to paragraph (2) or (3) of subsection (c) or appointment pursuant to subsection (f) solely because of prior employment as a prosecutor.

''(h) Prior to appointing counsel pursuant to this section, the State court shall inquire as to whether counsel maintains a workload which, by reason of its excessive size, will interfere with the rendering of quality representation or create a substantial risk of a breach of professional obligations.

''(i) If a person entitled to an appointment of counsel declines to accept an appointment, the State court shall conduct, or cause to be conducted, a hearing, at which the person and counsel proposed to be appointed shall be present, to determine the person's competence to decline the appointment, and whether the person has competently and knowingly declined it.

''(j) If a State court fails to appoint counsel in a proceeding specified in subsection (a), or if a State court in a proceeding described in subsection (a)—

''(1) fails to appoint the number of counsel required in subsection (e);

''(2) appoints counsel whose name is not on the roster published pursuant to subsection (c)(5);

''(3) appoints counsel who has failed to present a certification issued pursuant to subsection (c)(4); or

''(4) when subsection (f) applies, fails to hold the hearing, receive the requisite testimony and proof, or make the determination required by subsection (f),

a Federal court, in a proceeding under this chapter, shall neither presume findings of fact made at such proceeding to be correct nor decline to consider a claim on the ground that it was not raised in such proceeding at the time or in the manner prescribed by State law. In no circumstances other than those described in this subsection shall a determination of noncompliance with this section provide a basis for relief to a petitioner proceeding under this chapter.

''(k) No attorney appointed to represent a prisoner in State post-conviction proceedings shall have previously represented the prisoner at trial or on direct appeal in the case for which the appointment is made, unless the pris-

oner and attorney expressly request continued representation.

''(l) Notwithstanding the rates and maximum limits generally applicable to criminal cases and any other provision of law to the contrary, the highest State court with jurisdiction over criminal cases shall, after notice and comment, establish a schedule of hourly rates for the compensation of attorneys appointed pursuant to this section that are reasonable in light of the qualifications of attorneys appointed and the local practices for legal representation in cases reflecting the complexity and responsibility of capital cases. For each attorney appointed pursuant to this section, the State court shall separately order compensation at the rates set by the highest State court for the hours the attorneys reasonably expended on the case and for reasonable expenses paid for investigative, expert, and other reasonably necessary services. Any aggrieved party may bring a private cause of action in Federal district court to enforce the provisions of this subsection for the establishment of a schedule of reasonable hourly rates for the compensation of attorneys. In such an action, the Federal court shall not independently determine the appropriate rates, but shall decide whether the hourly rates as scheduled by the State court are within the range of reasonableness consistent with the criteria stated in this

subsection. If the hourly rates as scheduled are not within the range of reasonableness, or if no schedule of rates has been established, the court shall grant appropriate injunctive or declaratory relief, except that the court shall not grant relief that disturbs any criminal conviction or sentence, obstructs the prosecution of State criminal proceedings, or alters proceedings arising under this chapter.

''(m) The ineffectiveness or incompetence of counsel appointed pursuant to this section during State or Federal post-conviction proceedings shall not be a ground for relief in a proceeding arising under section 2254. This limitation shall not preclude the appointment of different counsel at any phase of State or Federal post-conviction proceedings.

''(n) Nothing in this section changes the constitutional standard governing claims of ineffective assistance of counsel pursuant to the sixth amendment to the Constitution of the United States. A determination of noncompliance with this section (as opposed to the facts which support such a determination) shall not provide a basis for a claim of constitutionally ineffective assistance of counsel.

''(o) The requirements of this section shall apply to any appointment of counsel made after the effective date of this Act in any trial, direct appeal, or unitary review of a capital indigent. Counsel shall be appointed as pro-

vided in this section in any post-conviction proceeding commenced after the effective date of this Act. In no case shall counsel appointed for a proceeding commenced before the effective date of this Act be subject to the requirements of this section, nor shall any person whose counsel was appointed for any trial, appeal, post-conviction or unitary review before the effective date of this Act be entitled to any relief, including application of subsection (j), based on a claim that counsel was not appointed in conformity with subsection (e) or (f).''.

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 153 of title 28, United States Code, as amended by section 304(a)(2), is amended by adding at the end the following new item:

''2258. Counsel in capital cases; State court.''.

**SEC. 309. CAPITAL LITIGATION FUNDING.**

(a) GRANTS UNDER THE EDWARD BYRNE GRANT PROGRAM.—

(1) IN GENERAL.—Subpart 2 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following new section:

''HABEAS CORPUS LITIGATION

''SEC. 511A. Notwithstanding any other provision of this title, the Director shall provide grants to the States, from the funding allocated pursuant to section 511, for

the purpose of supporting litigation pertaining to Federal habeas corpus petitions in capital cases. The total funding available for such grants within any fiscal year shall be equal to the funding provided to capital resource centers, pursuant to Federal appropriation, in the same fiscal year.''.

(2) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. preceding 3701) is amended by inserting after the item relating to section 511 the following new item:

''Sec. 511A. Habeas corpus litigation.''.

(b) GRANTS FOR STATE CAPITAL LITIGATION.—

(1) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 103(a) is amended—

(A) by redesignating part R as part S;

(B) by redesignating section 1801 as section 1901; and

(C) by inserting after part Q the following new part:

## "PART R—GRANTS FOR STATE CAPITAL LITIGATION

### "SEC. 1801. GRANT AUTHORIZATION.

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

### "SEC. 1802. STATE APPLICATIONS.

''(a) IN GENERAL.—(1) To request a grant under this part, the Chief Executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

''(2) An application under paragraph (1) shall include assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

''(b) STATE OFFICE.—The office designated under section 507—

''(1) shall prepare an application under this section; and

''(2) shall administer grant funds received under this part, including review of spending, processing, progress, financial reporting, technical assist-

ance, grant adjustments, accounting, auditing, and fund disbursement.

**"SEC. 1803. REVIEW OF STATE APPLICATIONS.**

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

''(1) the application is consistent with the requirements of this part; and

''(2) before the approval of the application, the Bureau has made an affirmative finding in writing that the proposed activities have been reviewed in accordance with this part.

''(b) APPROVAL.—Each application submitted under section 1802 shall be considered to be approved, in whole or in part, by the Director not later than 45 days after first received unless the Director informs the applicant of specific reasons for disapproval.

''(c) DISAPPROVAL NOTICE AND RECONSIDERATION.—The Director shall not disapprove any application without first affording the applicant reasonable notice and opportunity for reconsideration.

**"SEC. 1804. DISTRIBUTION OF FUNDS.**

''For fiscal years 1994, 1995, and 1996, the Federal share of a grant made under this part may not exceed

75 percent of the total costs of the activities described in the application submitted under section 1702 for the fiscal year for which the project receives assistance under this part. Thereafter, the Federal share of a grant made under this part may not exceed 50 percent.

**"SEC. 1805. EVALUATION.**

''(a) IN GENERAL.—(1) A State that receives a grant under this part shall submit to the Director an evaluation not later than March 1 of each year in accordance with guidelines issued by the Director.

''(2) The Director may waive the requirement specified in subsection (a) if the Director determines that such evaluation is not warranted in the case of any particular State.

''(b) DISTRIBUTION.—A State or local entity may use not more than 5 percent of the funds it receives under this part to develop an evaluation program under this section.''.

(2) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 103(b), is amended by striking the matter relating to part R and inserting the following:

''PART R—GRANTS FOR STATE CAPITAL LITIGATION

''Sec. 1801. Grant authorization.
''Sec. 1802. State applications.
''Sec. 1803. Review of State applications.
''Sec. 1804. Distribution of funds.
''Sec. 1805. Evaluation.

''PART S—TRANSITION; EFFECTIVE DATE; REPEALER

''Sec. 1901. Confirmation of rules, authorities, and proceedings.''.

(3) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)), as amended by section 103(c), is amended—

(A) in paragraph (3) by striking ''and Q'' and inserting ''Q, and R''; and

(B) by adding at the end the following new paragraph:

''(12) There are authorized to be appropriated such sums as are necessary to carry out activities under part R.''.

**SEC. 310. CERTIFICATION OF COMPLIANCE.**

(a) IN GENERAL.—Subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 501 et seq.) is amended by adding at the end the following new section:

''CERTIFICATION OF COMPLIANCE

''SEC. 509A. In any application for a grant under this subpart, a State in which a sentence of death may be imposed shall certify whether it will comply with the provi-

sions of section 2258 of title 28, United States Code. If the State chooses not to certify that it will comply with the provisions of that section, the amount of funds that the State is eligible to receive under that subpart shall be reduced by 75 percent. If the State certifies that it will comply with the provisions of section 2258 of title 28, United States Code, the amount of funds that the State is eligible to receive under that subpart shall not be reduced by virtue of any failure or alleged failure to carry out any of the requirements of that section. The sole enforcement mechanisms for the requirements set forth in that section shall be those provided in that section, to which the State shall be deemed to have consented by certifying that it will comply with the provisions of that section.''.

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. preceding 3701) is amended by inserting after the item relating to section 509 the following new item:

''Sec. 509A. Certification of compliance.''.

**SEC. 311. EFFECTIVE DATE.**

(a) IN GENERAL.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date that is 180 days after the date of enactment of this Act.

(b) SECTION 2258(b) OF TITLE 28, UNITED STATES CODE.—Section 2258(b) of title 28, United States Code, as added by section 208(a), shall take effect on the date of enactment of this Act.

# TITLE IV—GUN CRIME PENALTIES

## SEC. 401. ENHANCED PENALTY FOR USE OF A SEMIAUTOMATIC FIREARM DURING A CRIME OF VIOLENCE OR A DRUG TRAFFICKING CRIME.

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

(b) SEMIAUTOMATIC FIREARM.—In subsection (a), ''semiautomatic firearm'' means any repeating firearm that utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round and that requires a separate pull of the trigger to fire each cartridge.

**SEC. 402. ENHANCED PENALTY FOR SECOND OFFENSE OF USING AN EXPLOSIVE TO COMMIT A FELONY.**

Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall promulgate amendments to the sentencing guidelines to appropriately enhance penalties in a case in which a defendant convicted under section 844(h) of title 18, United States Code, has previously been convicted under that section.

**SEC. 403. SMUGGLING FIREARMS IN AID OF DRUG TRAFFICKING.**

Section 924 of title 18, United States Code, as amended by section 213, is amended by adding at the end the following new subsection:

''(j) A person who, with intent to engage in or to promote conduct that—

''(1) is punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.);

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

''(3) constitutes a crime of violence (as defined in subsection (c)(3)),

smuggles or knowingly brings into the United States a firearm, or attempts to do so, shall be imprisoned not more than 10 years, fined under this title, or both.''.

**SEC. 404. THEFT OF FIREARMS AND EXPLOSIVES.**

(a) FIREARMS.—Section 924 of title 18, United States Code, as amended by section 403(a), is amended by adding at the end the following new subsection:

''(k) A person who steals any firearm which is moving as, or is a part of, or which has moved in, interstate or foreign commerce shall be imprisoned for not more than 10 years, fined under this title, or both.''.

(b) EXPLOSIVES.—Section 844 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(k) A person who steals any explosives materials which are moving as, or are a part of, or which have moved in, interstate or foreign commerce shall be imprisoned for not more than 10 years, fined under this title, or both.''.

**SEC. 405. REVOCATION OF SUPERVISED RELEASE.**

Section 3583 of title 18, United States Code, is amended by striking subsection (g) and inserting the following:

''(g) MANDATORY REVOCATION FOR POSSESSION OF CONTROLLED SUBSTANCE OR FIREARM OR FOR REFUSAL

TO COOPERATE WITH DRUG TESTING.—If the defendant—

''(1) possesses a controlled substance in violation of the condition set forth in subsection (d);

''(2) possesses a firearm, as such term is defined in section 921 of this title, in violation of Federal law, or otherwise violates a condition of supervised release prohibiting the defendant from possessing a firearm; or

''(3) refuses to cooperate in drug testing imposed as a condition of supervised release,

the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment not to exceed the maximum term of imprisonment authorized under subsection (e)(3).''.

**SEC. 406. REVOCATION OF PROBATION.**

(a) CONTINUATION OR REVOCATION.—Section 3565(a) of title 18, United States Code, is amended—

(1) in paragraph (2) by striking ''impose any other sentence that was available under subchapter A at the time of the initial sentencing'' and inserting ''resentence the defendant under subchapter A''; and

(2) by striking the last sentence.

(b) MANDATORY REVOCATION.—Section 3565(b) of title 18, United States Code, is amended to read as follows:

''(b) MANDATORY REVOCATION FOR POSSESSION OF CONTROLLED SUBSTANCE OR FIREARM OR FOR REFUSAL TO COOPERATE WITH DRUG TESTING.—If the defendant—

''(1) possesses a controlled substance in violation of the condition set forth in section 3563(a)(3);

''(2) possesses a firearm (as defined in section 921) in violation of Federal law or otherwise violates a condition of probation prohibiting the defendant from possessing a firearm; or

''(3) refuses to cooperate in drug testing in violation of the condition imposed under subsection (a)(4),

the court shall revoke the sentence of probation and resentence the defendant under subchapter A to a sentence that includes a term of imprisonment.''.

**SEC. 407. INCREASED PENALTY FOR KNOWINGLY MAKING FALSE, MATERIAL STATEMENT IN CONNECTION WITH THE ACQUISITION OF A FIREARM FROM A LICENSED DEALER.**

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

(1) in paragraph (a)(1)(B) by striking ''(a)(6),''; and

(2) in subsection (a)(2) by inserting ''(a)(6),'' after ''subsections''.

**SEC. 408. POSSESSION OF EXPLOSIVES BY FELONS AND OTHERS.**

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

**SEC. 409. SUMMARY DESTRUCTION OF EXPLOSIVES SUBJECT TO FORFEITURE.**

Section 844(c) of title 18, United States Code, is amended—

(1) by inserting ''(1)'' after ''(c)''; and

(2) by adding at the end the following new paragraphs:

''(2) Notwithstanding paragraph (1), in the case of the seizure of any explosive materials for any offense for which the materials would be subject to forfeiture in which it would be impracticable or unsafe to remove the materials to a place of storage or would be unsafe to store them, the seizing officer may destroy the explosive materials forthwith. Any destruction under this paragraph shall be in the presence of at least 1 credible witness. The seizing officer shall make a report of the seizure and take samples as the Secretary may by regulation prescribe.

''(3) Within 60 days after any destruction made pursuant to paragraph (2), the owner of (including any person having an interest in) the property so destroyed may make application to the Secretary for reimbursement of the value of the property. If the claimant establishes to the satisfaction of the Secretary that—

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

''(B) any unlawful involvement or use of the property was without the claimant's knowledge, consent, or willful blindness,

the Secretary shall make an allowance to the claimant not exceeding the value of the property destroyed.''.

**SEC. 410. ELIMINATION OF OUTMODED LANGUAGE RELATING TO PAROLE.**

(a) SECTION (e)(1) OF TITLE 18.—Section 924(e)(1) of title 18, United States Code, is amended by striking '', and such person shall not be eligible for parole with respect to the sentence imposed under this subsection''.

(b) SECTION 924(c)(1) OF TITLE 18.—Section 924(c)(1) of title 18, United States Code, is amended by striking ''No person sentenced under this subsection shall be eligible for parole during the term of imprisonment imposed under this subsection.''.

**SEC. 411. PROHIBITION AGAINST TRANSACTIONS INVOLVING STOLEN FIREARMS WHICH HAVE MOVED IN INTERSTATE OR FOREIGN COMMERCE.**

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

''(j) It shall be unlawful for any person to receive, possess, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition, or pledge or accept as security for a loan any stolen firearm or stolen ammunition, which is moving as, which is a part of, which constitutes, or which has been shipped or transported in, interstate or foreign commerce, either before or after it was stolen, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.''.

**SEC. 412. USING A FIREARM IN THE COMMISSION OF COUNTERFEITING OR FORGERY.**

Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall amend its sentencing guidelines to provide an appropriate enhancement of the punishment for a defendant convicted of a felony under chapter 25 of title 18, United States Code, if the defendant used or carried a firearm (as defined in section 921(a)(3) of title 18, United States Code) during and in relation to the felony.

**SEC. 413. ENHANCED PENALTIES FOR FIREARMS POSSESSION BY VIOLENT FELONS AND SERIOUS DRUG OFFENDERS.**

Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall amend its sentencing guidelines to—

(1) appropriately enhance penalties in cases in which a defendant convicted under section 922(g) of title 18, United States Code, has 1 prior conviction by any court referred to in section 922(g)(1) of title 18 for a violent felony (as defined in section 924(e)(2)(B) of that title) or a serious drug offense (as defined in section 924(e)(2)(A) of that title); and

(2) appropriately enhance penalties in cases in which such a defendant has 2 prior convictions for a violent felony (as so defined) or a serious drug offense (as so defined).

**SEC. 414. RECEIPT OF FIREARMS BY NONRESIDENT.**

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

(1) by striking ''and'' at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(9) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, who does not reside in any State to receive any firearms unless such receipt is for lawful sporting purposes.''.

**SEC. 415. FIREARMS AND EXPLOSIVES CONSPIRACY.**

(a) FIREARMS.—Section 924 of title 18, United States Code, as amended by section 404(a), is amended by adding at the end the following new subsection:

''(l) A person who conspires to commit any offense under this chapter shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.''.

(b) EXPLOSIVES.—Section 844 of title 18, United States Code, as amended by section 404(b), is amended by adding at the end the following new subsection:

''(l) A person who conspires to commit any offense under this chapter shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.''.

**SEC. 416. STUDY OF INCENDIARY AMMUNITION; REPORT TO CONGRESS.**

(a) STUDY.—The Secretary of the Treasury shall conduct a study of the incendiary ammunition offered for sale under the brand name ''Dragon's Breath'' and also

known as the ''Three Second Flame Thrower'', and all incendiary ammunition of similar function or effect, for the purpose of determining whether there is a reasonable sporting use for such ammunition and whether there is a reasonable use for such ammunition in law enforcement.

(b) REPORT TO THE CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury shall submit to the Committee on the Judiciary of the House of Representatives a report containing the results of the study required by subsection (a) and recommendations for such legislative or administrative action, with respect to the ammunition referred to in subsection (a), as the Secretary deems appropriate.

**SEC. 417. THEFT OF FIREARMS OR EXPLOSIVES FROM LICENSEE.**

(a) FIREARMS.—Section 924 of title 18, United States Code, as amended by section 415(a), is amended by adding at the end the following new subsection:

''(m) A person who steals any firearm from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall be fined under this title, imprisoned not more than 10 years, or both.''.

(b) EXPLOSIVES.—Section 844 of title 18, United States Code, as amended by section 415(b), is amended by adding at the end the following new subsection:

''(m) A person who steals any explosive material from a licensed importer, licensed manufacturer, or licensed dealer, or from any permittee shall be fined under this title, imprisoned not more than 10 years, or both.''.

**SEC. 418. DISPOSING OF EXPLOSIVES TO PROHIBITED PERSONS.**

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

**SEC. 419. CLARIFICATION OF "BURGLARY" UNDER THE ARMED CAREER CRIMINAL STATUTE.**

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

(1) by striking ''and'' at the end of subparagraph (B)(ii);

(2) by striking the period at the end of subparagraph (C) and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(D) the term 'burglary' means any crime punishable by a term of imprisonment exceeding 1 year and consisting of entering or remaining surreptitiously within a building that is the property of another with intent to engage in conduct constituting a Federal or State offense.''.

**SEC. 420. INCREASED PENALTY FOR INTERSTATE GUN TRAFFICKING.**

Section 924 of title 18, United States Code, as amended by section 417(a), is amended by adding at the end the following new subsection:

''(n) A person who, with the intent to engage in conduct that constitutes a violation of section 922(a)(1)(A), travels from any State or foreign country into any other State and acquires, or attempts to acquire, a firearm in such other State in furtherance of such purpose shall be imprisoned for not more than 10 years.''.

# TITLE V—OBSTRUCTION OF JUSTICE

**SEC. 501. PROTECTION OF COURT OFFICERS AND JURORS.**

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

(1) by inserting ''(a)'' before ''Whoever'';

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

(3) by adding at the end the following new subsection:

''(b) The punishment for an offense under this section is—

''(1) in the case of a killing, the punishment provided in sections 1111 and 1112;

''(2) in the case of an attempted killing, or a case in which the offense was committed against a petit juror and in which a class A or B felony was charged, imprisonment for not more than 20 years; and

''(3) in any other case, imprisonment for not more than 10 years.''; and

(4) in subsection (a), as designated by paragraph (1), by striking ''commissioner'' each place it appears and inserting ''magistrate judge''.

**SEC. 502. PROHIBITION OF RETALIATORY KILLINGS OF WITNESSES, VICTIMS AND INFORMANTS.**

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

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

(2) by inserting after the section heading the following new subsection:

''(a)(1) Whoever kills or attempts to kill another person with intent to retaliate against any person for—

''(A) the attendance of a witness or party at an official proceeding, or any testimony given or any record, document, or other object produced by a witness in an official proceeding; or

''(B) any information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings given by a person to a law enforcement officer; shall be punished as provided in paragraph (2).

''(2) The punishment for an offense under this subsection is—

''(A) in the case of a killing, the punishment provided in sections 1111 and 1112; and

''(B) in the case of an attempt, imprisonment for not more than 20 years.''.

**SEC. 503. PROTECTION OF JURORS AND WITNESSES IN CAPITAL CASES.**

Section 3432 of title 18, United States Code, is amended by inserting before the period the following: '', except that such list of the veniremen and witnesses need not be furnished if the court finds by a preponderance of the evidence that providing the list may jeopardize the life or safety of any person''.

**SEC. 504. DEATH PENALTY FOR THE MURDER OF STATE OFFICIALS ASSISTING FEDERAL LAW ENFORCEMENT OFFICIALS.**

(a) IN GENERAL.—Chapter 51 of title 18, United States Code, as amended by section 112(a), is amended by adding at the end the following new section:

**"§ 1120. Killing persons aiding Federal investigations**

''A person who intentionally kills—

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

''(A) while the victim is engaged in the performance of official duties;

''(B) because of the performance of the victim's official duties; or

''(C) because of the victim's status as a public servant; or

''(2) any person assisting a Federal criminal investigation, while that assistance is being rendered and because of it,

shall be sentenced as provided in section 1111, including by sentence of death or by imprisonment for life.''.

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 51 of title 18, United States Code, as amended

by section 112(b), is amended by adding at the end the following new item:

''1120. Killing persons aiding Federal investigations.''.

**SEC. 505. DEATH PENALTY FOR MURDER OF FEDERAL WITNESSES.**

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

''(A) in the case of murder (as defined in section 1111), the death penalty or imprisonment for life, and in the case of any other killing, the punishment provided in section 1112;''.

# TITLE VI—YOUTH VIOLENCE

## Subtitle A—Increased Penalties for Drug Trafficking and Criminal Street Gangs

**SEC. 601. STRENGTHENING FEDERAL PENALTIES FOR EMPLOYING CHILDREN TO DISTRIBUTE DRUGS.**

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

''(c) Notwithstanding any other provision of law, any person at least 18 years of age who knowingly and intentionally—

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

''(2) employs, hires, uses, persuades, induces, entices, or coerces, a person under 18 years of age to assist in avoiding detection or apprehension for any offense of this section by any Federal, State, or local law enforcement official,

is punishable by a term of imprisonment, or fine, or both, up to triple that authorized by section 841(b).''.

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

Section 5032 of title 18, United States Code, is amended by striking ''Any proceedings against a juvenile under this chapter or as an adult shall not be commenced until'' and inserting ''A juvenile shall not be transferred to adult prosecution nor shall a hearing be held under section 5037 (disposition after a finding of juvenile delinquency) until''.

**SEC. 603. CRIMINAL STREET GANGS.**

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 25 the following new chapter:

**''CHAPTER 26—CRIMINAL STREET GANGS**

''Sec.
''521. Criminal street gangs.

**"§ 521. Criminal street gangs**

''(a) DEFINITIONS.—In this section—

'' 'conviction' includes a finding, under State or Federal law, that a person has committed an act of juvenile delinquency involving a violent or controlled substances felony.

'' 'criminal street gang' means any group, club, organization, or association of 5 or more persons—

''(A) whose members engage or have engaged within the past 5 years, in a continuing series of violations of any offense treated in subsection (b); and

''(B) whose activities affect interstate or foreign commerce.

''(b) PENALTY.—A person who, under the circumstances described in subsection (d), commits an offense described in subsection (c), shall, in addition to any other sentence authorized by law, be sentenced to a term of imprisonment of not more than 10 years and may also be fined under this title. Such a sentence of imprisonment shall run consecutively to any other sentence imposed.

''(c) OFFENSES.—The offenses described in this section are—

''(1) any Federal felony involving a controlled substance (as defined in section 102 of the Con-

trolled Substances Act (21 U.S.C. 802)) for which the maximum penalty is not less than 5 years;

''(2) any Federal felony crime of violence; and

''(3) a conspiracy to commit any of the offenses described in paragraphs (1) and (2).

''(d) CIRCUMSTANCES.—The circumstances described in this section are that the offense described in subsection (c) was committed by a person as a member of, or on behalf of, a criminal street gang and that person has been convicted within the past 5 years for—

''(1) an offense described in subsection (c);

''(2) any State offense—

''(A) involving a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which the maximum penalty is not less than 1 year after imprisonment; or

''(B) that is a crime of violence; for which the maximum penalty is more than 1 year's imprisonment;

''(3) any Federal or State offense that involves the theft or destruction of property for which the maximum penalty is more than 1 year's imprisonment; or

''(4) a conspiracy to commit any of the offenses described in paragraphs (1), (2), or (3).''.

(b) TECHNICAL AMENDMENT.—The part analysis for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 25 the following new item:

**"26. Criminal street gangs ..... 521".**

## Subtitle B—Juvenile Drug Trafficking and Gang Prevention Grants

**SEC. 611. GRANT PROGRAM.**

The Juvenile Justice and Delinquency Prevention Act of 1974 is amended in part B—

(1) by inserting after the heading the following: ''Subpart I—General Grant Programs''; and

(2) by adding at the end the following new subpart:

''Subpart II—Juvenile Drug Trafficking and Gang Prevention Grants

''FORMULA GRANTS

''SEC. 231. (a) IN GENERAL.—The Administrator may make grants to States and units of general local government or combinations thereof to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through grants and contracts with public and private agencies for the development of more

effective programs including education, prevention, treatment and enforcement programs to reduce—

''(1) the formation or continuation of juvenile gangs; and

''(2) the use and sale of illegal drugs by juveniles.

''(b) PURPOSES.—The grants made under this section can be used for any of the following specific purposes:

''(1) To reduce the participation of juveniles in drug related crimes (including drug trafficking and drug use), particularly in and around elementary and secondary schools.

''(2) To reduce juvenile involvement in organized crime, drug and gang-related activity, particularly activities that involve the distribution of drugs by or to juveniles.

''(3) To develop within the juvenile justice system, including the juvenile corrections system, new and innovative means to address the problems of juveniles convicted of serious, drug-related and gang-related offenses.

''(4) To reduce juvenile drug and gang-related activity in public housing projects.

''(5) To provide technical assistance and training to personnel and agencies responsible for the ad-

judicatory and corrections components of the juvenile justice system to identify drug-dependent or gang-involved juvenile offenders and to provide appropriate counseling and treatment to such offenders.

''(6) To promote the involvement of all juveniles in lawful activities, including in-school and after-school programs for academic, athletic or artistic enrichment that also teach that drug and gang involvement are wrong.

''(7) To facilitate Federal and State cooperation with local school officials to develop education, prevention, and treatment programs for juveniles who are likely to participate in the drug trafficking, drug use or gang-related activities.

''(8) To prevent juvenile drug and gang involvement in public housing projects through programs establishing youth sports and other activities, including girls' and boys' clubs, scout troops, and little leagues.

''(9) To provide pre- and post-trial drug abuse treatment to juveniles in the juvenile justice system, with the highest possible priority being to provide drug abuse treatment to drug-dependent pregnant juveniles and drug-dependent juvenile mothers.

"(10) To provide education and treatment programs for youth exposed to severe violence in their homes, schools, or neighborhoods.

"(11) To establish sports mentoring and coaching programs in which athletes serve as role models for youth to teach that athletics provide a positive alternative to drug and gang involvement.

"(c) USE OF GRANT FUNDS.—Of the funds made available to each State under this section, 50 percent of the funds made available to each State in any fiscal year shall be used for juvenile anti-gang or anti-drug education, prevention, and treatment programs and 50 percent shall be used for juvenile anti-gang or anti-drug enforcement programs.

"SPECIAL EMPHASIS DRUG DEMAND REDUCTION AND ENFORCEMENT GRANTS

"SEC. 232. (a) PURPOSE.—The purposes of this section are—

"(1) to provide additional Federal assistance and support to identify promising new juvenile drug demand reduction and enforcement programs;

"(2) to replicate and demonstrate those programs to serve as national, regional, or local models that could be used, in whole or in part, by other public and private juvenile justice programs; and

"(3) to provide technical assistance and training to public or private organizations to implement similar programs.

"(b) PRIORITY.—In making grants under this section, the Administrator shall give priority to programs aimed at juvenile involvement in organized gang- and drug-related activities, including supply and demand reduction programs.

"(c) AUTHORIZATION.—The Administrator may make grants to, or enter into contracts with, public or private non-profit agencies, institutions, or organizations or individuals to carry out any purpose authorized in section 231.

"(d) AUTHORITY OVER FUNDS.—The Administrator shall have final authority over all funds awarded under this subchapter.

"(e) RESERVATION OF FUNDS.—Of the total amount appropriated for this subchapter, 20 percent shall be reserved and set aside for this section in a special discretionary fund for use by the Administrator to carry out the purposes specified in section 231 as described in section 232(a).

"(f) FEDERAL SHARE.—Grants made under this section may be made for amounts up to 100 percent of the costs of the programs or projects.

"SPECIAL INTERNATIONAL PORTS OF ENTRY JUVENILE CRIME AND DRUG DEMAND REDUCTION GRANTS

"SEC. 233. (a) PURPOSE.—The purposes of this section are—

"(1) to provide additional Federal assistance and support to promising new programs that specifically and effectively address the unique crime and drug and alcohol related challenges faced by juveniles living at or near International Ports of Entry and in other international border communities, including rural localities;

"(2) to replicate and demonstrate these programs to serve as models that could be used, in whole or in part, in other similarly situated communities; and

"(3) to provide technical assistance and training to public or private organizations to implement similar programs.

"(b) AUTHORIZATION.—The Administrator may make grants to, or enter into contracts with, public or private non-profit agencies, institutions, or organizations or individuals to carry out any purpose authorized in section 231, if the beneficiaries of the grantee's program are juveniles living at or near International Ports of Entry or in

other international border communities, including rural localities.

''(c) AUTHORITY OVER FUNDS.—The Administrator shall have final authority over all funds awarded under this section.

''(d) RESERVATION OF FUNDS.—Of the total amount appropriated for this subchapter, 5 percent shall be reserved and set aside for this section in a special discretionary fund for use by the Administrator to carry out the purposes specified in section 231 as described in section 233(a).

''(e) FEDERAL SHARE.—Grants made under this section may be made for amounts up to 100 per centum of the costs of the programs.

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 234. There are authorized to be appropriated to carry out this subpart—

''(1) $100,000,000 for fiscal year 1995; and

''(2) such sums as are necessary for fiscal year 1996.

''ALLOCATION OF FUND

''SEC. 235. Of the total amounts appropriated under this subpart for any fiscal year the amount remaining after setting aside the amounts required to be reserved to carry out section 232 shall be allocated as follows:

"(1) $400,000 shall be allocated to each of the participating States.

"(2) Of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the population of juveniles of the State bears to the population of juveniles in all of the participating States.

"APPLICATION

"SEC. 236. (a) IN GENERAL.—Each State applying for a grant under section 231 and each public or private entity applying for a grant under section 232 shall submit an application to the Administrator in such form and containing such information as the Administrator shall prescribe.

"(b) REGULATIONS.—To the extent that it is practicable to do so, the Administrator shall prescribe regulations governing applications for this subpart that are substantially similar to the applications required under part I and part C, including the procedures relating to competition.

"(c) COORDINATION OF FEDERAL ASSISTANCE.—In addition to the requirements prescribed under subsection (b), each State application submitted for a grant under section 231 shall include a detailed description of how the

funds made available under that section will be coordinated with Federal assistance provided in parts B and C of title II of this Act and by the Bureau of Justice Assistance under the Drug Control and System Improvement Grant program.

''REVIEW AND APPROVAL OF APPLICATIONS

''SEC. 237. The procedures and time limits imposed on the Federal and State Governments under sections 505 and 508, respectively, of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755 and 3758) relating to the review of applications and distribution of Federal funds shall apply to the review of applications and distribution of funds under this subpart.''.

## Subtitle C—Bindover System for Certain Violent Juveniles

**SEC. 621. BINDOVER SYSTEM.**

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

(1) by striking ''and'' at the end of paragraph (21);

(2) by striking the period at the end of paragraph (22) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(23) programs that address the need for effective bindover systems for the prosecution of violent 16- and 17-year-olds in courts with jurisdiction over adults for the crimes of—

''(A) murder in the first degree;

''(B) murder in the second degree;

''(C) attempted murder;

''(D) armed robbery when armed with a firearm;

''(E) aggravated battery or assault when armed with a firearm;

''(F) criminal sexual penetration when armed with a firearm; and

''(G) drive-by shootings as described in section 36 of title 18, United States Code.''.

# TITLE VII—TERRORISM

## Subtitle A—Maritime Navigation and Fixed Platforms

### SEC. 701. OFFENSES OF VIOLENCE AGAINST MARITIME NAVIGATION OR FIXED PLATFORMS.

Chapter 111 of title 18, United States Code, is amended by adding at the end the following new sections:

**''§ 2280. Violence against maritime navigation**

''(a) OFFENSES.—

''(1) IN GENERAL.—A person who unlawfully and intentionally—

''(A) seizes or exercises control over a ship by force or threat thereof or any other form of intimidation;

''(B) performs an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of that ship;

''(C) destroys a ship or causes damage to a ship or to its cargo which is likely to endanger the safe navigation of that ship;

''(D) places or causes to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship, or cause damage to that ship or its cargo which endangers or is likely to endanger the safe navigation of that ship;

''(E) destroys or seriously damages maritime navigational facilities or seriously interferes with their operation, if such act is likely to endanger the safe navigation of a ship;

''(F) communicates information, knowing the information to be false and under circumstances in which such information may rea-

sonably be believed, thereby endangering the safe navigation of a ship;

''(G) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in subparagraphs (A) through (F); or

''(H) attempts to do any act prohibited under subparagraphs (A) through (G),

shall be fined under this title, imprisoned not more than 20 years, or both; and if the death of any person results from conduct prohibited by this paragraph, shall be punished by death or imprisoned for any term of years or for life.

''(2) THREAT TO NAVIGATION.—A person who threatens to do any act prohibited under paragraph (1) (B), (C) or (E), with apparent determination and will to carry the threat into execution, if the threatened act is likely to endanger the safe navigation of the ship in question, shall be fined under this title, imprisoned not more than 5 years, or both.

''(b) JURISDICTION.—There is jurisdiction over the prohibited activity in subsection (b)—

''(1) in the case of a covered ship, if—

''(A) such activity is committed—

''(i) by a person engaged in terrorism or who acts on behalf of a terrorist group;

''(ii) against or on board a ship flying the flag of the United States at the time the prohibited activity is committed;

''(iii) in the United States and the activity is not prohibited as a crime by the State in which the activity takes place; or

''(iv) the activity takes place on a ship flying the flag of a foreign country or outside the United States, by a national of the United States or by a stateless person whose habitual residence is in the United States;

''(B) during the commission of such activity, a national of the United States is seized, threatened, injured or killed; or

''(C) the offender is later found in the United States after such activity is committed;

''(2) in the case of a ship navigating or scheduled to navigate solely within the territorial sea or internal waters of a country other than the United States, if the offender is later found in the United States after such activity is committed; and

''(3) in the case of any vessel, if such activity is committed in an attempt to compel the United States to do or abstain from doing any act.

''(c) DEFINITIONS.—In this section—

'' 'covered ship' means a ship that is navigating or is scheduled to navigate into, through or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country.

'' 'national of the United States' has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

'' 'territorial sea of the United States' means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law.

'' 'ship' means a vessel of any type whatsoever not permanently attached to the sea-bed, including dynamically supported craft, submersibles or any other floating craft, but does not include a warship, a ship owned or operated by a government when being used as a naval auxiliary or for customs or police purposes, or a ship which has been withdrawn from navigation or laid up.

''United States', when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas Islands and all territories and possessions of the United States.

**"§ 2281. Violence against maritime fixed platforms**

''(a) OFFENSES.—

''(1) IN GENERAL.—A person who unlawfully and intentionally—

''(A) seizes or exercises control over a fixed platform by force or threat thereof or any other form of intimidation;

''(B) performs an act of violence against a person on board a fixed platform if that act is likely to endanger its safety;

''(C) destroys a fixed platform or causes damage to it which is likely to endanger its safety;

''(D) places or causes to be placed on a fixed platform, by any means whatsoever, a device or substance which is likely to destroy that fixed platform or likely to endanger its safety;

''(E) injures or kills any person in connection with the commission or the attempted com-

mission of any of the offenses set forth in subparagraphs (A) through (D); or

''(F) attempts to do anything prohibited under subparagraphs (A) through (E),

shall be fined under this title, imprisoned not more than 20 years, or both; and if death results to any person from conduct prohibited by this paragraph, shall be punished by death or imprisoned for any term of years or for life.

''(2) THREAT TO SAFETY.—A person who threatens to do anything prohibited under paragraph (1) (B) or (C), with apparent determination and will to carry the threat into execution, if the threatened act is likely to endanger the safety of the fixed platform, shall be fined under this title, imprisoned not more than 5 years, or both.

''(b) JURISDICTION.—There is jurisdiction over the prohibited activity in subsection (b) if—

''(1) such activity is committed against or on board a fixed platform—

''(A) that is located on the continental shelf of the United States, if—

''(i) by a person engaged in terrorism or who acts on behalf of a terrorist group; or

''(ii) if the activity is not prohibited as a crime by the State in which the activity takes place;

''(B) that is located on the continental shelf of another country, by a national of the United States or by a stateless person whose habitual residence is in the United States; or

''(C) in an attempt to compel the United States to do or abstain from doing any act;

''(2) during the commission of such activity against or on board a fixed platform located on a continental shelf, a national of the United States is seized, threatened, injured or killed; or

''(3) such activity is committed against or on board a fixed platform located outside the United States and beyond the continental shelf of the United States and the offender is later found in the United States.

''(c) DEFINITIONS.—In this section—

'' 'continental shelf' means the sea-bed and subsoil of the submarine areas that extend beyond a country's territorial sea to the limits provided by customary international law as reflected in Article 76 of the 1982 Convention on the Law of the Sea.

''fixed platform' means an artificial island, installation or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes.

''national of the United States' has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

''territorial sea of the United States' means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law.

''United States', when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas Islands and all territories and possessions of the United States.''.

**SEC. 702. TECHNICAL AMENDMENT.**

The chapter analysis for chapter 111 of title 18, United States Code, is amended by adding at the end the following new items:

''2280. Violence against maritime navigation.
''2281. Violence against maritime fixed platforms.''.

**SEC. 703. EFFECTIVE DATES.**

This subtitle and the amendments made by this subtitle shall take effect on the later of—

(1) the date of the enactment of this Act; or

(2)(A) in the case of section 2280 of title 18, United States Code, the date the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation has come into force and the United States has become a party to that Convention; and

(B) in the case of section 2281 of title 18, United States Code, the date the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf has come into force and the United States has become a party to that Protocol.

## Subtitle B—General Provisions

### SEC. 711. WEAPONS OF MASS DESTRUCTION.

(a) FINDINGS.—The Congress finds that the use and threatened use of weapons of mass destruction (as defined in section 2332a of title 18, United States Code, as added by subsection (b)) gravely harm the national security and foreign relations interests of the United States, seriously affect interstate and foreign commerce, and disturb the domestic tranquility of the United States.

(b) OFFENSE.—Chapter 113A of title 18, United States Code, is amended by inserting after section 2332 the following new section:

**"§ 2332a. Use of weapons of mass destruction**

''(a) DEFINITIONS.—In this section—

'' 'national of the United States' has the meaning given in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

'' 'weapon of mass destruction' means—

''(A) any destructive device (as defined in section 921);

''(B) poison gas;

''(C) any weapon involving a disease organism; or

''(D) any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.

''(b) OFFENSE.—A person who uses, or attempts or conspires to use, a weapon of mass destruction—

''(1) against a national of the United States while such national is outside of the United States;

''(2) against any person within the United States; or

''(3) against any property that is owned, leased or used by the United States or by any department or agency of the United States, whether the property is within or outside of the United States;

shall be imprisoned for any term of years or for life, and if death results, shall be punished by death or imprisoned for any term of years or for life.''.

(c) TECHNICAL AMENDMENT.—The chapter analysis for chapter 113A of title 18, United States Code, is amended by inserting after the item relating to section 2332 the following new item:

''2332a. Use of weapons of mass destruction.''.

**SEC. 712. ENHANCED PENALTIES FOR CERTAIN OFFENSES.**

(a) SECTION 1705(b).—Section 206(b) of the International Economic Emergency Powers Act (50 U.S.C. 1705(b)) is amended by striking ''$50,000'' and inserting ''$1,000,000''.

(b) SECTION 1705(a).—Section 206(a) of the International Economic Emergency Powers Act (50 U.S.C. 1705(a)) is amended by striking ''$10,000'' and inserting ''$1,000,000''.

(c) SECTION 1541.—Section 1541 of title 18, United States Code, is amended—

(1) by striking ''$500'' and inserting ''$250,000''; and

(2) by striking ''one year'' and inserting ''5 years''.

(d) CHAPTER 75.—Sections 1542, 1543, 1544 and 1546 of title 18, United States Code, are each amended—

(1) by striking ''$2,000'' each place it appears and inserting ''$250,000''; and

(2) by striking ''five years'' each place it appears and inserting ''10 years''.

(e) SECTION 1545.—Section 1545 of title 18, United States Code, is amended—

(1) by striking ''$2,000'' and inserting ''$250,000''; and

(2) by striking ''three years'' and inserting ''10 years''.

**SEC. 713. TERRITORIAL SEA EXTENDING TO TWELVE MILES INCLUDED IN SPECIAL MARITIME AND TERRITORIAL JURISDICTION.**

The Congress declares that all the territorial sea of the United States, as defined by Presidential Proclamation 5928 of December 27, 1988, is part of the United States, subject to its sovereignty, and, for purposes of Federal criminal jurisdiction, is within the special maritime and territorial jurisdiction of the United States wherever that term is used in title 18, United States Code.

**SEC. 714. ASSIMILATED CRIMES IN EXTENDED TERRITORIAL SEA.**

Section 13 of title 18, United States Code (relating to the adoption of State laws for areas within Federal jurisdiction), is amended—

(1) by inserting after ''title'' in subsection (a) the following: ''or on, above, or below any portion of the territorial sea of the United States not within the territory of any State, Territory, Possession, or District''; and

(2) by inserting at the end the following new subsection:

''(c) Whenever any waters of the territorial sea of the United States lie outside the territory of any State, Territory, Possession, or District, such waters (including the airspace above and the seabed and subsoil below, and artificial islands and fixed structures erected thereon) shall be deemed for purposes of subsection (a) to lie within the area of that State, Territory, Possession, or District it would lie within if the boundaries of such State, Territory, Possession, or District were extended seaward to the outer limit of the territorial sea of the United States.''.

**SEC. 715. JURISDICTION OVER CRIMES AGAINST UNITED STATES NATIONALS ON CERTAIN FOREIGN SHIPS.**

Section 7 of title 18, United States Code (relating to the special maritime and territorial jurisdiction of the United States), is amended by inserting at the end thereof the following new paragraph:

''(8) To the extent permitted by international law, any foreign vessel during a voyage having a scheduled departure from or arrival in the United States with respect to an offense committed by or against a national of the United States.''.

**SEC. 716. TORTURE.**

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 113A the following new chapter:

## "CHAPTER 113B—TORTURE

''Sec.
''2340. Definitions.
''2340A. Torture.
''2340B. Exclusive remedies.

**"§ 2340. Definitions**

''In this chapter—

'' 'severe mental pain or suffering' means the prolonged mental harm caused by or resulting from—

''(A) the intentional infliction or threatened infliction of severe physical pain or suffering;

''(B) the administration or application, or threatened administration or application, of mind altering substances or other procedures calculated to disrupt profoundly the senses or the personality;

''(C) the threat of imminent death; or

''(D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind altering substances or other procedures calculated to disrupt profoundly the senses or personality.

'' 'torture' means an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control.

'' 'United States' includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 101(38) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301(38)).

**"§ 2340A. Torture**

''(a) OFFENSES.—A person who outside the United States commits or attempts to commit torture shall be fined under this title, imprisoned not more than 20 years, or both; and if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

''(b) JURISDICTION.—There is jurisdiction over the prohibited activity in subsection (a) if—

''(1) the alleged offender is a national of the United States; or

''(2) the alleged offender is present in the United States, irrespective of the nationality of the victim or the alleged offender.

**"§ 2340B. Exclusive remedies**

''Nothing in this chapter shall be construed as precluding the application of State or local laws on the same subject, nor shall anything in this chapter be construed as creating any substantive or procedural right enforceable by law by any party in any civil proceeding.''.

(b) TECHNICAL AMENDMENT.—The part analysis for part I of title 18, United States Code, is amended by inserting after the item for chapter 113A the following new item:

**"113B. Torture ..... 2340.".**

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on the later of—

(1) the date of enactment of this Act; or

(2) the date on which the United States has become a party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

**SEC. 717. EXTENSION OF THE STATUTE OF LIMITATIONS FOR CERTAIN TERRORISM OFFENSES.**

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by inserting after section 3285 the following new section:

**"§ 3286. Extension of statute of limitations for certain terrorism offenses**

''Notwithstanding the provisions of section 3282, no person shall be prosecuted, tried, or punished for any offense involving a violation of section 32 (aircraft destruction), section 36 (airport violence), section 112 (assaults upon diplomats), section 351 (crimes against Congressmen or Cabinet officers), section 1116 (crimes against diplomats), section 1203 (hostage taking), section 1361 (willful injury to government property), section 1751 (crimes against the President), section 2280 (maritime violence), section 2281 (maritime platform violence), section 2331 (terrorist acts abroad against United States nationals), section 2339 (use of weapons of mass destruction), or section 2340A (torture) of this title or section 902 (i), (j), (k), (l), or (n) of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1572 (i), (j), (k), (l), or (n)), unless the indictment is found or the information is instituted within ten years next after such offense shall have been committed.''.

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 213 of title 18, United States Code, is amended by inserting after the item relating to section 3285 the following new item:

''3286. Extension of statute of limitations for certain terrorism offenses.''.

**SEC. 718. FBI ACCESS TO TELEPHONE SUBSCRIBER INFORMATION.**

(a) REQUIRED CERTIFICATION.—Section 2709(b) of title 18, United States Code, is amended to read as follows:

''(b) REQUIRED CERTIFICATION.—The Director of the Federal Bureau of Investigation, or his designee in a position not lower than Deputy Assistant Director, may—

''(1) request the name, address, length of service, and toll billing records of a person or entity if the Director (or his designee in a position not lower than Deputy Assistant Director) certifies in writing to the wire or electronic communication service provider to which the request is made that—

''(A) the name, address, length of service, and toll billing records sought are relevant to an authorized foreign counterintelligence investigation; and

''(B) there are specific and articulable facts giving reason to believe that the person or

entity to whom the information sought pertains is a foreign power or an agent of a foreign power as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801); and

''(2) request the name, address, and length of service of a person or entity if the Director (or his designee in a position not lower than Deputy Assistant Director) certifies in writing to the wire or electronic communication service provider to which the request is made that—

''(A) the information sought is relevant to an authorized foreign counterintelligence investigation; and

''(B) there are specific and articulable facts giving reason to believe that communication facilities registered in the name of the person or entity have been used, through the services of such provider, in communication with—

''(i) an individual who is engaging or has engaged in international terrorism as defined in section 101(c) of the Foreign Intelligence Surveillance Act or clandestine intelligence activities that involve or may

involve a violation of the criminal statutes of the United States; or

''(ii) a foreign power or an agent of a foreign power under circumstances giving reason to believe that the communication concerned international terrorism as defined in section 101(c) of the Foreign Intelligence Surveillance Act or clandestine intelligence activities that involve or may involve a violation of the criminal statutes of the United States.''.

(b) REPORT TO JUDICIARY COMMITTEES.—Section 2709(e) of title 18, United States Code, is amended by adding after ''Senate'' the following: '', and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate,''.

**SEC. 719. VIOLENCE AT AIRPORTS SERVING INTERNATIONAL CIVIL AVIATION.**

(a) OFFENSE.—Chapter 2 of title 18, United States Code, is amended by adding at the end thereof the following new section:

**''§ 36. Violence at international airports**

''(a) DEFINITIONS.—In this section, 'terrorism' and 'terrorist group' have, respectively, the meanings stated in section 140 of Public Law 100–204 (22 U.S.C. 2656f).

''(b) OFFENSE.—A person who unlawfully and intentionally, using any device, substance, or weapon—

''(1) performs an act of violence against a person at an airport serving international civil aviation that causes or is likely to cause serious bodily injury or death; or

''(2) destroys or seriously damages the facilities of an airport serving international civil aviation or a civil aircraft not in service located thereon or disrupts the services of the airport,

if such an act endangers or is likely to endanger safety at that airport, or attempts to do such an act, shall be fined under this title, imprisoned not more than 20 years, or both; and if the death of any person results from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

''(c) JURISDICTION.—There is jurisdiction over the prohibited activity in subsection (b) if—

''(1) the prohibited activity takes place in the United States and—

''(A) the perpetrator of the prohibited activity engages in terrorism or acts on behalf of a terrorist group;

''(B) the activity violates subsection (b)(1) and the person against whom the violence is directed is engaged in international air travel;

''(C) the activity violates subsection (b)(2) and the facility or aircraft destroyed or damaged is owned by or leased by a foreign flag carrier or the services disrupted are primarily for the benefit of such a carrier; or

''(D) the activity is not prohibited as a crime by the law of the State in which the airport is located; or

''(2) the prohibited activity takes place outside the United States and the offender is later found in the United States.''.

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 2 of title 18, United States Code, is amended by adding at the end the following new item:

''36. Violence at international airports.''.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the later of—

(1) the date of enactment of this Act; or

(2) the date on which the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, done at

Montreal on 23 September 1971, has come into force and the United States has become a party to the Protocol.

**SEC. 720. PREVENTING ACTS OF TERRORISM AGAINST CIVILIAN AVIATION.**

(a) IN GENERAL.—Chapter 2 of title 18, United States Code, as amended by section 719(a), is amended by adding at the end the following new section:

**"§ 37. Violations of Federal aviation security regulations**

''A person who willfully violates a security regulation under part 107 or 108 of title 14, Code of Federal Regulations (relating to airport and airline security) issued pursuant to section 315 or 316 of the Air Transportation Security Act of 1974 (49 U.S.C. App. 1356 and 1357), or a successor part, shall be fined under this title, imprisoned for not more than 1 year, or both.''.

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 2 of title 18, United States Code, as amended by section 719(b), is amended by adding at the end the following new item:

''37. Violations of Federal aviation security regulations.''.

**SEC. 721. COUNTERFEITING UNITED STATES CURRENCY ABROAD.**

(a) IN GENERAL.—Chapter 25 of title 18, United States Code, is amended by adding before section 471 the following new section:

**"§ 470. Counterfeit acts committed outside the United States**

''A person who, outside the United States, engages in the act of—

''(1) making, dealing, or possessing any counterfeit obligation or other security of the United States; or

''(2) making, dealing, or possessing any plate, stone, or other thing, or any part thereof, used to counterfeit such obligation or security,

if such act would constitute a violation of section 471, 473, or 474 if committed within the United States, shall be fined under this title, imprisoned for not more than 15 years, or both.''.

(b) TECHNICAL AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The chapter analysis for chapter 25 of title 18, United States Code, is amended by adding before section 471 the following new item:

''470. Counterfeit acts committed outside the United States.''.

(2) PART ANALYSIS.—The part analysis for part I of title 18, United States Code, is amended by amending the item for chapter 25 to read as follows:

**"25. Counterfeiting and forgery ..... 470".**

**SEC. 722. ECONOMIC TERRORISM TASK FORCE.**

(a) ESTABLISHMENT AND PURPOSE.—There is established an Economic Terrorism Task Force to—

(1) assess the threat of terrorist actions directed against the United States economy, including actions directed against the United States government and actions against United States business interests;

(2) assess the adequacy of existing policies and procedures designed to prevent terrorist actions directed against the United States economy; and

(3) recommend administrative and legislative actions to prevent terrorist actions directed against the United States economy.

(b) MEMBERSHIP.—The Economic Terrorism Task Force shall be chaired by the Secretary of State, or the Secretary's designee, and consist of—

(1) the Director of Central Intelligence;

(2) the Director of the Federal Bureau of Investigation;

(3) the Director of the United States Secret Service;

(4) the Administrator of the Federal Aviation Administration;

(5) the Chairman of the Board of Governors of the Federal Reserve;

(6) the Under Secretary of the Treasury for Finance; and

(7) such other members of the Departments of Defense, Justice, State, Treasury, or any other agency of the United States government, as the Secretary of State may designate.

(c) ADMINISTRATIVE PROVISIONS.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Economic Terrorism Task Force.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the chairman of the Economic Terrorism Task Force shall submit a report to the President and the Congress detailing the findings and recommendations of the task force. If the report of the task force is classified, an unclassified version shall be prepared for public distribution.

**SEC. 723. TERRORIST DEATH PENALTY ACT.**

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

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

**SEC. 724. SENTENCING GUIDELINES INCREASE FOR TERRORIST CRIMES.**

The United States Sentencing Commission is directed to amend its sentencing guidelines to provide an appropriate enhancement for any felony, whether committed within or outside the United States, that involves or is intended to promote international terrorism, unless such involvement or intent is itself an element of the crime.

**SEC. 725. ALIEN WITNESS COOPERATION.**

(a) ESTABLISHMENT OF NEW NONIMMIGRANT CLASSIFICATION.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) by striking ''or'' at the end of subparagraph (Q),

(2) by striking the period at the end of subparagraph (R) and inserting ''; or'', and

(3) by adding at the end the following new subparagraph:

''(S) subject to section 214(j), an alien—

''(i) who the Attorney General determines—

''(I) is in possession of critical reliable information concerning a criminal organization or enterprise, and

''(II) is willing to supply such information to Federal or State law enforcement authorities or a Federal or State court of law, and

''(ii) whose presence in the United States the Attorney General determines is essential to the success of an authorized criminal investigation or the successful prosecution of an individual involved in the criminal organization or enterprise,

and the spouse and minor children of the alien if accompanying, or following to join, the alien.''.

(b) CONDITIONS OF ENTRY.—

(1) WAIVER OF GROUNDS FOR EXCLUSION.—Section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) is amended by inserting before paragraph (2) the following new paragraph:

''(1) The Attorney General may, in the Attorney General's discretion, waive the application of subsection (a) (other than paragraph (3)(E) thereof) in the case of a nonimmigrant described in section 101(a)(15)(S), if the Attorney General deems it in the national interest. Any

such waiver shall be deemed a waiver of any comparable ground for deportation under section 241(a)(1)(A).''.

(2) NUMERICAL LIMITATIONS; PERIOD OF ADMISSION; ETC.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(j)(1) The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(S) in any fiscal year may not exceed 100.

''(2) No alien may be admitted into the United States as such a nonimmigrant more than 5 years after the date of the enactment of this subsection.

''(3) The period of admission of an alien as such a nonimmigrant may not exceed 3 years. Such period may not be extended by the Attorney General.

''(4) As a condition for the admission, and continued stay in lawful status, of such a nonimmigrant, the nonimmigrant—

''(A) shall report not less often than quarterly to the Commissioner such information concerning the alien's whereabouts and activities as the Attorney General may require,

''(B) may not be convicted of any criminal offense in the United States after the date of such admission, and

''(C) must have executed a form that waives the nonimmigrant's right to contest, other than on the basis of an application for withholding of deportation, any action for deportation of the alien instituted before the alien obtains lawful permanent resident status.

''(5) The Attorney General shall submit a report annually to the Committees on the Judiciary of the House of Representatives and of the Senate concerning—

''(A) the number of such nonimmigrants admitted,

''(B) the number of successful criminal prosecutions or investigations resulting from cooperation of such aliens,

''(C) the number of such nonimmigrants whose admission has not resulted in successful criminal prosecution or investigation, and

''(D) the number of such nonimmigrants who have failed to report quarterly (as required under paragraph (4)) or who have been convicted of crimes in the United States after the date of their admission as such a nonimmigrant.''.

(3) PROHIBITION OF CHANGE OF STATUS.—Section 248(1) of the Immigration and Nationality

Act (8 U.S.C. 1258(1)) is amended by striking ''or (K)'' and inserting ''(K), or (S)''.

(c) ADJUSTMENT TO PERMANENT RESIDENT STATUS.—

(1) IN GENERAL.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following new subsection:

''(h)(1) If, in the opinion of the Attorney General—

''(A) a nonimmigrant admitted into the United States under section 101(a)(15)(S) has supplied information described in clauses (i) and (ii) of that section, and

''(B) the provision of such information has substantially contributed to the success of an authorized criminal investigation or the successful prosecution of an individual described in clause (ii) of that section,

the Attorney General may adjust the status of the alien (and the spouse and child of the alien if admitted under such section) to that of an alien lawfully admitted for permanent residence if the alien is not described in section 212(a)(3)(E).

''(2) Upon the approval of adjustment of status under paragraph (1), the Attorney General shall record the

alien's lawful admission for permanent residence as of the date of such approval, and the Secretary of State shall reduce by 1 the number of visas authorized to be issued under sections 201(d) and 203(b)(4) for the fiscal year then current.''.

(2) EXCLUSIVE MEANS OF ADJUSTMENT.—Section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)) is amended—

(A) by striking ''or'' before ''(3)'' and ''(4)''; and

(B) by inserting before the period at the end the following: ''; or (5) an alien who was admitted as a nonimmigrant described in section 101(a)(15)(S)''.

(d) EXTENDING PERIOD OF DEPORTATION FOR CONVICTION OF A CRIME.—Section 241(a)(2)(A)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(2)(A)(i)(I)) is amended by inserting ''(or 10 years in the case of an alien provided lawful permanent resident status under section 245(h))'' after ''five years''.

**SEC. 726. PROVIDING MATERIAL SUPPORT TO TERRORISTS.**

(a) OFFENSE.—Chapter 113A of title 18, United States Code, is amended by adding the following new section:

**"§ 2339A. Providing material support to terrorists**

''(a) DEFINITION.—In this section, 'material support or resources' means currency or other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, but does not include humanitarian assistance to persons not directly involved in such violations.

''(b) OFFENSE.—A person who, within the United States, provides material support or resources or conceals or disguises the nature, location, source, or ownership of material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out, a violation of section 32, 36, 351, 844 (f) or (i), 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281, 2331, or 2339 of this title or section 902(i) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1472(i)), or in preparation for or carrying out the concealment of an escape from the commission of any such violation, shall be fined under this title, imprisoned not more than 10 years, or both.''.

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 113A of title 18, United States Code, is amended by adding the following new item:

''2339A. Providing material support to terrorists.''.

# TITLE VIII—SEXUAL VIOLENCE AND CHILD ABUSE

## Subtitle A—Sexual Abuse

**SEC. 801. SEXUAL ABUSE AMENDMENTS.**

(a) DEFINITIONS OF SEXUAL ACT AND SEXUAL CONTACT FOR VICTIMS UNDER THE AGE OF 16.—Paragraph (2) of section 2245 of title 18, United States Code, is amended—

(1) in subparagraph (B) by striking ''or'' after the semicolon;

(2) in subparagraph (C) by striking ''; and'' and inserting ''; or''; and

(3) by inserting a new subparagraph (D) as follows:

''(D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;''.

## Subtitle B—Child Protection

**SEC. 811. SHORT TITLE.**

This subtitle may be cited as the ''National Child Protection Act of 1993''.

**SEC. 812. PURPOSES.**

The purposes of this subtitle are—

(1) to establish a national system through which child care organizations may obtain the benefit of a nationwide criminal background check to determine if persons who are current or prospective child care providers have committed child abuse crimes or other serious crimes;

(2) to establish minimum criteria for State laws and procedures that permit child care organizations to obtain the benefit of nationwide criminal background checks to determine if persons who are current or prospective child care providers have committed child abuse crimes or other serious crimes;

(3) to provide procedural rights for persons who are subject to nationwide criminal background checks, including procedures to challenge and correct inaccurate background check information;

(4) to establish a national system for the reporting by the States of child abuse crime information; and

(5) to document and study the problem of child abuse by providing statistical and informational data on child abuse and related crimes to the Department of Justice and other interested parties.

**SEC. 813. DEFINITIONS.**

For the purposes of this subtitle—

(1) the term ''authorized agency'' means a division or office of a State designated by a State to report, receive, or disseminate information under this subtitle;

(2) the term ''background check crime'' means a child abuse crime, murder, manslaughter, aggravated assault, kidnapping, arson, sexual assault, domestic violence, incest, indecent exposure, prostitution, promotion of prostitution, and a felony offense involving the use or distribution of a controlled substance;

(3) the term ''child'' means a person who is a child for purposes of the criminal child abuse law of a State;

(4) the term ''child abuse'' means the physical or mental injury, sexual abuse or exploitation, neglectful treatment, negligent treatment, or maltreatment of a child by any person in violation of the criminal child abuse laws of a State, but does not include discipline administered by a parent or legal guardian to his or her child provided it is reasonable in manner and moderate in degree and otherwise does not constitute cruelty;

(5) the term ''child abuse crime'' means a crime committed under any law of a State that establishes criminal penalties for the commission of child abuse by a parent or other family member of a child or by any other person;

(6) the term ''child abuse crime information'' means the following facts concerning a person who is under indictment for, or has been convicted of, a child abuse crime: full name, race, sex, date of birth, height, weight, a brief description of the child abuse crime or offenses for which the person has been arrested or is under indictment or has been convicted, the disposition of the charge, and any other information that the Attorney General determines may be useful in identifying persons arrested for, under indictment for, or convicted of, a child abuse crime;

(7) the term ''child care'' means the provision of care, treatment, education, training, instruction, supervision, or recreation to children;

(8) the term ''domestic violence'' means a felony or misdemeanor involving the use or threatened use of force by—

(A) a present or former spouse of the victim;

(B) a person with whom the victim shares a child in common;

(C) a person who is cohabiting with or has cohabited with the victim as a spouse; or

(D) any person defined as a spouse of the victim under the domestic or family violence laws of a State;

(9) the term ''exploitation'' means child pornography and child prostitution;

(10) the term ''mental injury'' means harm to a child's psychological or intellectual functioning, which may be exhibited by severe anxiety, depression, withdrawal or outward aggressive behavior, or a combination of those behaviors or by a change in behavior, emotional response, or cognition;

(11) the term ''national criminal background check system'' means the system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification;

(12) the term ''negligent treatment'' means the failure to provide, for a reason other than poverty, adequate food, clothing, shelter, or medical care so as to seriously endanger the physical health of a child;

(13) the term ''physical injury'' includes lacerations, fractured bones, burns, internal injuries, severe bruising, and serious bodily harm;

(14) the term ''provider'' means

(A) a person who—

(i) is employed by or volunteers with a qualified entity;

(ii) who owns or operates a qualified entity; or

(iii) who has or may have unsupervised access to a child to whom the qualified entity provides child care; and

(B) a person who—

(i) seeks to be employed by or volunteer with a qualified entity;

(ii) seeks to own or operate a qualified entity; or

(iii) seeks to have or may have unsupervised access to a child to whom the qualified entity provides child care;

(15) the term ''qualified entity'' means a business or organization, whether public, private, for-profit, not-for-profit, or voluntary, that provides child care or child care placement services, including a business or organization that licenses or certifies

others to provide child care or child care placement services;

(16) the term ''sex crime'' means an act of sexual abuse that is a criminal act;

(17) the term ''sexual abuse'' includes the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist another person to engage in, sexually explicit conduct or the rape, molestation, prostitution, or other form of sexual exploitation of children or incest with children; and

(18) the term ''State'' means a State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territories of the Pacific.

**SEC. 814. REPORTING BY THE STATES.**

(a) IN GENERAL.—An authorized criminal justice agency of a State shall report child abuse crime information to, or index child abuse crime information in, the national criminal background check system.

(b) PROVISION OF STATE CHILD ABUSE CRIME RECORDS THROUGH THE NATIONAL CRIMINAL BACKGROUND CHECK SYSTEM.—(1) Not later than 180 days after the date of enactment of this Act, the Attorney General shall—

(A) investigate the criminal records of each State and determine for each State a timetable by which the State should be able to provide child abuse crime records on an on-line capacity basis through the national criminal background check system;

(B) establish guidelines for the reporting or indexing of child abuse crime information, including guidelines relating to the format, content, and accuracy of child abuse crime information and other procedures for carrying out this Act; and

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

(2) The Attorney General shall require as a part of the State timetable that the State—

(A) achieve, by not later than the date that is 3 years after the date of enactment of this Act, at least 80 percent currency of final case dispositions in computerized criminal history files for all identifiable child abuse crime cases in which there has been an event of activity within the last 5 years;

(B) continue to maintain at least 80 percent currency of final case dispositions in all identifiable child abuse crime cases in which there has been an event of activity within the preceding 5 years; and

(C) take steps to achieve full disposition reporting, including data quality audits and periodic notices to criminal justice agencies identifying records that lack final dispositions and requesting those dispositions.

(c) LIAISON.—An authorized agency of a State shall maintain close liaison with the National Center on Child Abuse and Neglect, the National Center for Missing and Exploited Children, and the National Center for the Prosecution of Child Abuse for the exchange of technical assistance in cases of child abuse.

(d) ANNUAL SUMMARY.—(1) The Attorney General shall publish an annual statistical summary of the child abuse crime information reported under this subtitle.

(2) The annual statistical summary described in paragraph (1) shall not contain any information that may reveal the identity of any particular victim or alleged violator.

(e) ANNUAL REPORT.—The Attorney General shall publish an annual summary of each State's progress in reporting child abuse crime information to the national criminal background check system.

(f) STUDY OF CHILD ABUSE OFFENDERS.—(1) Not later than 180 days after the date of enactment of this Act, the Administrator of the Office of Juvenile Justice

and Delinquency Prevention shall begin a study based on a statistically significant sample of convicted child abuse offenders and other relevant information to determine—

(A) the percentage of convicted child abuse offenders who have more than 1 conviction for an offense involving child abuse;

(B) the percentage of convicted child abuse offenders who have been convicted of an offense involving child abuse in more than 1 State;

(C) whether there are crimes or classes of crimes, in addition to those defined as background check crimes in section 3, that are indicative of a potential to abuse children; and

(D) the extent to which and the manner in which instances of child abuse form a basis for convictions for crimes other than child abuse crimes.

(2) Not later than 1 year after the date of enactment of this Act, the Administrator shall submit a report to the Chairman of the Committee on the Judiciary of the Senate and the Chairman of the Committee on the Judiciary of the House of Representatives containing a description of and a summary of the results of the study conducted pursuant to paragraph (1).

**SEC. 815. BACKGROUND CHECKS.**

(a) IN GENERAL.—(1) A State may have in effect procedures (established by or under State statute or regulation) to permit a qualified entity to contact an authorized agency of the State to request a nationwide background check for the purpose of determining whether there is a report that a provider is under indictment for, or has been convicted of, a background check crime.

(2) The authorized agency shall access and review State and Federal records of background check crimes through the national criminal background check system and shall respond promptly to the inquiry.

(b) GUIDELINES.—(1) The Attorney General shall establish guidelines for State background check procedures established under subsection (a), which guidelines shall include the requirements and protections of this subtitle.

(2) The guidelines established under paragraph (1) shall require—

(A) that no qualified entity may request a background check of a provider under subsection (a) unless the provider first completes and signs a statement that—

(i) contains the name, address, and date of birth appearing on a valid identification document (as defined by section 1028(d)(1) of title 18, United States Code) of the provider;

(ii) the provider is not under indictment for, and has not been convicted of, a background check crime and, if the provider is under indictment for or has been convicted of a background check crime, contains a description of the crime and the particulars of the indictment or conviction;

(iii) notifies the provider that the entity may request a background check under subsection (a);

(iv) notifies the provider of the provider's rights under subparagraph (B); and

(v) notifies the provider that prior to the receipt of the background check the qualified entity may choose to deny the provider unsupervised access to a child to whom the qualified entity provides child care;

(B) that each State establish procedures under which a provider who is the subject of a background check under subsection (a) is entitled—

(i) to obtain a copy of any background check report and any record that forms the basis for any such report; and

(ii) to challenge the accuracy and completeness of any information contained in any

such report or record and obtain a prompt determination from an authorized agency as to the validity of such challenge;

(C) that an authorized agency to which a qualified entity has provided notice pursuant to subsection (a) make reasonable efforts to complete research in whatever State and local recordkeeping systems are available and in the national criminal background check system and respond to the qualified entity within 15 business days;

(D) that the response of an authorized agency to an inquiry pursuant to subsection (a) inform the qualified entity that the background check pursuant to this section—

(i) may not reflect all indictments or convictions for a background check crime; and

(ii) may not be the sole basis for determining the fitness of a provider;

(E) that the response of an authorized agency to an inquiry pursuant to subsection (a) be limited to the conviction or pending indictment information reasonably required to accomplish the purposes of this Act;

(F) that the qualified entity may choose to deny the provider unsupervised access to a child to whom

the qualified entity provides child care on the basis of a background check under subsection (a) until the provider has obtained a determination as to the validity of any challenge under subparagraph (B) or waived the right to make such challenge; and

(G) that each State establish procedures to ensure that any background check under subsection (a) and the results thereof shall be requested by and provided only to—

(i) qualified entities identified by States;

(ii) authorized representatives of a qualified entity who have a need to know such information;

(iii) the provider who is the subject of a background check;

(iv) law enforcement authorities; or

(v) pursuant to the direction of a court of law;

(H) that background check information conveyed to a qualified entity pursuant to subsection (a) shall not be conveyed to any person except as provided under subparagraph (G);

(I) that an authorized agency shall not be liable in an action at law for damages for failure to pre-

vent a qualified entity from taking action adverse to a provider on the basis of a background check;

(J) that a State employee or a political subdivision of a State or employee thereof responsible for providing information to the national criminal background check system shall not be liable in an action at law for damages for failure to prevent a qualified entity from taking action adverse to a provider on the basis of a background check; and

(K) that a State or Federal provider of criminal history records, and any employee thereof, shall not be liable in an action at law for damages for failure to prevent a qualified entity from taking action adverse to a provider on the basis of a criminal background check, or due to a criminal history record's being incomplete.

(c) EQUIVALENT PROCEDURES.—(1) Notwithstanding anything to the contrary in this section, the Attorney General may certify that a State licensing or certification procedure that differs from the procedures described in subsections (a) and (b) shall be deemed to be the equivalent of such procedures for purposes of this Act, but the procedures described in subsections (a) and (b) shall continue to apply to those qualified entities, providers, and background check crimes that are not governed by or in-

cluded within the State licensing or certification procedure.

(2) The Attorney General shall by regulation establish criteria for certifications under this subsection. Such criteria shall include a finding by the Attorney General that the State licensing or certification procedure accomplishes the purposes of this Act and incorporates a nationwide review of State and Federal records of background check offenses through the national criminal background check system.

(d) REGULATIONS.—(1) The Attorney General may by regulation prescribe such other measures as may be required to carry out the purposes of this Act, including measures relating to the security, confidentiality, accuracy, use, misuse, and dissemination of information, and audits and recordkeeping.

(2) The Attorney General shall, to the maximum extent possible, encourage the use of the best technology available in conducting background checks.

**SEC. 816. FUNDING FOR IMPROVEMENT OF CHILD ABUSE CRIME INFORMATION.**

(a) USE OF FORMULA GRANTS FOR IMPROVEMENTS IN STATE RECORDS AND SYSTEMS.—Section 509(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3759(b)) is amended—

(1) in paragraph (2) by striking ''and'' after the semicolon;

(2) in paragraph (3) by striking the period and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(4) the improvement of State record systems and the sharing of all of the records described in paragraphs (1), (2), and (3) and the records required by the Attorney General under section 914 of the National Child Protection Act of 1993 with the Attorney General for the purpose of implementing the National Child Protection Act of 1993.''.

(b) ADDITIONAL FUNDING GRANTS FOR THE IMPROVEMENT OF CHILD ABUSE CRIME INFORMATION.—(1) The Attorney General shall, subject to appropriations and with preference to States that as of the date of enactment of this Act have the lowest percent currency of case dispositions in computerized criminal history files, make a grant to each State to be used—

(A) for the computerization of criminal history files for the purposes of this subtitle;

(B) for the improvement of existing computerized criminal history files for the purposes of this subtitle;

(C) to improve accessibility to the national criminal background check system for the purposes of this subtitle; and

(D) to assist the State in the transmittal of criminal records to, or the indexing of criminal history record in, the national criminal background check system for the purposes of this subtitle.

(2) There are authorized to be appropriated for grants under paragraph (1) a total of $20,000,000 for fiscal years 1995, 1996, and 1997.

(c) WITHHOLDING STATE FUNDS.—Effective 1 year after the date of enactment of this Act, the Attorney General may reduce by up to 10 percent the allocation to a State for a fiscal year under title I of the Omnibus Crime Control and Safe Streets Act of 1968 of a State that is not in compliance with the timetable established for that State under section 914 of this Act.

## Subtitle C—Crimes Against Children

**SEC. 821. SHORT TITLE.**

This subtitle may be cited as the ''Jacob Wetterling Crimes Against Children Registration Act''.

**SEC. 822. ESTABLISHMENT OF PROGRAM.**

(a) IN GENERAL.—

(1) STATE GUIDELINES.—The Attorney General shall establish guidelines for State programs requiring any person who is convicted of a criminal offense against a victim who is a minor to register a current address with a designated State law enforcement agency for 10 years after release from prison, being placed on parole, or being placed on supervised release.

(2) DEFINITION.—For purposes of this subsection, the term ''criminal offense against a victim who is a minor'' includes—

(A) kidnapping of a minor, except by a noncustodial parent;

(B) false imprisonment of a minor, except by a noncustodial parent;

(C) criminal sexual conduct toward a minor;

(D) solicitation of minors to engage in sexual conduct;

(E) use of minors in a sexual performance; or

(F) solicitation of minors to practice prostitution.

(b) REGISTRATION REQUIREMENT UPON RELEASE, PAROLE, OR SUPERVISED RELEASE.—An approved State

registration program established by this section shall contain the following requirements:

(1) NOTIFICATION.—If a person who is required to register under this section is released from prison, paroled, or placed on supervised release, a State prison officer shall—

(A) inform the person of the duty to register;

(B) inform the person that if the person changes residence address, the person shall give the new address to a designated State law enforcement agency in writing within 10 days;

(C) obtain fingerprints and a photograph of the person if these have not already been obtained in connection with the offense that triggers registration; and

(D) require the person to read and sign a form stating that the duty of the person to register under this section has been explained.

(2) TRANSFER OF INFORMATION TO STATE AND THE FBI.—The officer shall, within 3 days after receipt of information described in paragraph (1), forward it to a designated State law enforcement agency. The State law enforcement agency shall immediately enter the information into the appropriate

State law enforcement record system and notify the appropriate law enforcement agency having jurisdiction where the person expects to reside. The State law enforcement agency shall also immediately transmit the conviction data and fingerprints to the Identification Division of the Federal Bureau of Investigation.

(3) ANNUAL VERIFICATION.—On each anniversary of a person's initial registration date during the period in which the person is required to register under this section, the designated State law enforcement agency shall mail a nonforwardable verification form to the last reported address of the person. The person shall mail the verification form to the officer within 10 days after receipt of the form. The verification form shall be signed by the person, and state that the person still resides at the address last reported to the designated State law enforcement agency. If the person fails to mail the verification form to the designated State law enforcement agency within 10 days after receipt of the form, the person shall be in violation of this section unless the person proves that the person has not changed his or her residence address.

(4) NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGES IN ADDRESS.—Any change of address by a person required to register under this section reported to the designated State law enforcement agency shall immediately be reported to the appropriate law enforcement agency having jurisdiction where the person is residing.

(c) REGISTRATION FOR 10 YEARS.—A person required to register under this section shall continue to comply with this section until 10 years have elapsed since the person was released from imprisonment, or placed on parole or supervised release.

(d) PENALTY.—A person required to register under a State program established pursuant to this section who knowingly fails to so register and keep such registration current shall be subject to criminal penalties in such State. It is the sense of Congress that such penalties should include at least 6 months imprisonment.

(e) PRIVATE DATA.—The information provided under this section is private data on individuals and may be used for law enforcement purposes and confidential background checks conducted with fingerprints by a designated State law enforcement agency for child care services providers.

**SEC. 823. STATE COMPLIANCE.**

(a) COMPLIANCE DATE.—Each State shall have 3 years from the date of enactment of this Act in which to implement the provisions of this subtitle.

(b) INELIGIBILITY FOR FUNDS.—The allocation of funds under section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) received by a State not complying with this subtitle 3 years after the date of enactment of this Act shall be reduced by 10 percent and the unallocated funds shall be reallocated to the States in compliance with this section.

# TITLE IX—CRIME VICTIMS

## Subtitle A—Victims' Rights

**SEC. 901. VICTIM'S RIGHT OF ALLOCUTION IN SENTENCING.**

Rule 32 of the Federal Rules of Criminal Procedure is amended by—

(1) striking ''and'' following the semicolon in subdivision (a)(1)(B);

(2) striking the period at the end of subdivision (a)(1)(C) and inserting in lieu thereof ''; and'';

(3) inserting after subdivision (a)(1)(C) the following:

''(D) if sentence is to be imposed for a crime of violence or sexual abuse, address the victim personally if the victim is present at the sentencing hearing and determine if the victim

wishes to make a statement and to present any information in relation to the sentence.''; (4) in the second to last sentence of subdivision (a)(1), striking ''equivalent opportunity'' and inserting in lieu thereof ''opportunity equivalent to that of the defendant's counsel''; (5) in the last sentence of subdivision (a)(1) inserting ''the victim,'' before ''or the attorney for the Government.''; and (6) adding at the end the following:

''(f) DEFINITIONS.—For purposes of this rule—

''(1) 'victim' means any individual against whom an offense for which a sentence is to be imposed has been committed, but the right of allocution under subdivision (a)(1)(D) may be exercised instead by—

''(A) a parent or legal guardian in case the victim is below the age of eighteen years or incompetent; or

''(B) one or more family members or relatives designated by the court in case the victim is deceased or incapacitated;

if such person or persons are present at the sentencing hearing, regardless of whether the victim is present; and

''(2) 'crime of violence or sexual abuse' means a crime that involved the use or attempted or threatened use of physical force against the person or property of another, or a crime under chapter 109A of title 18, United States Code.''.

**SEC. 902. MANDATORY RESTITUTION AND OTHER PROVISIONS.**

(a) ORDER OF RESTITUTION.—Section 3663 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''may order'' and inserting ''shall order''; and

(B) by adding at the end the following new paragraph:

''(4) In addition to ordering restitution of the victim of the offense of which a defendant is convicted, a court may order restitution of any person who, as shown by a preponderance of evidence, was harmed physically, emotionally, or pecuniarily, by unlawful conduct of the defendant during—

''(A) the criminal episode during which the offense occurred; or

''(B) the course of a scheme, conspiracy, or pattern of unlawful activity related to the offense.'';

(2) in subsection (b)(1)(A) by striking ''impractical'' and inserting ''impracticable'';

(3) in subsection (b)(2) by inserting ''emotional or'' after ''resulting in'';

(4) in subsection (c) by striking ''If the Court decides to order restitution under this section, the'' and inserting ''The'';

(5) by striking subsections (d), (e), (f), (g), and (h); and

(6) by adding at the end the following new subsections:

''(d)(1) The court shall order restitution to a victim in the full amount of the victim's losses as determined by the court and without consideration of—

''(A) the economic circumstances of the offender; or

''(B) the fact that a victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source.

''(2) Upon determination of the amount of restitution owed to each victim, the court shall specify in the restitution order the manner in which and the schedule according to which the restitution is to be paid, in consideration of—

''(A) the financial resources and other assets of the offender;

1 ''(B) projected earnings and other income of
2 the offender; and
3 ''(C) any financial obligations of the offender,
4 including obligations to dependents.
5 ''(3) A restoration order may direct the offender to
6 make a single, lump-sum payment, partial payment at
7 specified intervals, or such in-kind payments as may be
8 agreeable to the victim and the offender.
9 ''(4) An in-kind payment described in paragraph (3)
10 may be in the form of—
11 ''(A) return of property;
12 ''(B) replacement of property; or
13 ''(C) services rendered to the victim or to a per-
14 son or organization other than the victim.
15 ''(e) When the court finds that more than 1 offender
16 has contributed to the loss of a victim, the court may make
17 each offender liable for payment of the full amount of res-
18 titution or may apportion liability among the offenders to
19 reflect the level of contribution and economic cir-
20 cumstances of each offender.
21 ''(f) When the court finds that more than 1 victim
22 has sustained a loss requiring restitution by an offender,
23 the court shall order full restitution of each victim but may
24 provide for different payment schedules to reflect the eco-
25 nomic circumstances of each victim.

''(g)(1) If the victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source, the court shall order that restitution be paid to the person who provided or is obligated to provide the compensation, but the restitution order shall provide that all restitution of victims required by the order be paid to the victims before any restitution is paid to such a provider of compensation.

''(2) The issuance of a restitution order shall not affect the entitlement of a victim to receive compensation with respect to a loss from insurance or any other source until the payments actually received by the victim under the restitution order fully compensate the victim for the loss, at which time a person that has provided compensation to the victim shall be entitled to receive any payments remaining to be paid under the restitution order.

''(3) Any amount paid to a victim under an order of restitution shall be set off against any amount later recovered as compensatory damages by the victim in—

''(A) any Federal civil proceeding; and

''(B) any State civil proceeding, to the extent provided by the law of the State.

''(h) A restitution order shall provide that—

''(1) all fines, penalties, costs, restitution payments and other forms of transfers of money or

property made pursuant to the sentence of the court shall be made by the offender to an entity designated by the Director of the Administrative Office of the United States Courts for accounting and payment by the entity in accordance with this subsection;

''(2) the entity designated by the Director of the Administrative Office of the United States Courts shall—

''(A) log all transfers in a manner that tracks the offender's obligations and the current status in meeting those obligations, unless, after efforts have been made to enforce the restitution order and it appears that compliance cannot be obtained, the court determines that continued recordkeeping under this subparagraph would not be useful;

''(B) notify the court and the interested parties when an offender is 90 days in arrears in meeting those obligations; and

''(C) disburse money received from an offender so that each of the following obligations is paid in full in the following sequence:

''(i) a penalty assessment under section 3013 of title 18, United States Code;

''(ii) restitution of all victims; and

''(iii) all other fines, penalties, costs, and other payments required under the sentence; and

''(3) the offender shall advise the entity designated by the Director of the Administrative Office of the United States Courts of any change in the offender's address during the term of the restitution order.

''(i) A restitution order shall constitute a lien against all property of the offender and may be recorded in any Federal or State office for the recording of liens against real or personal property.

''(j) Compliance with the schedule of payment and other terms of a restitution order shall be a condition of any probation, parole, or other form of release of an offender. If a defendant fails to comply with a restitution order, the court may revoke probation or a term of supervised release, modify the term or conditions of probation or a term of supervised release, hold the defendant in contempt of court, enter a restraining order or injunction, order the sale of property of the defendant, accept a performance bond, or take any other action necessary to obtain compliance with the restitution order. In determining what action to take, the court shall consider the defend-

ant's employment status, earning ability, financial resources, the willfulness in failing to comply with the restitution order, and any other circumstances that may have a bearing on the defendant's ability to comply with the restitution order.

''(k) An order of restitution may be enforced—

''(1) by the United States—

''(A) in the manner provided for the collection and payment of fines in subchapter (B) of chapter 229 of this title; or

''(B) in the same manner as a judgment in a civil action; and

''(2) by a victim named in the order to receive the restitution, in the same manner as a judgment in a civil action.

''(l) A victim or the offender may petition the court at any time to modify a restitution order as appropriate in view of a change in the economic circumstances of the offender.''.

(b) PROCEDURE FOR ISSUING ORDER OF RESTITUTION.—Section 3664 of title 18, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (a), (b), (c), and (d);

(3) by amending subsection (a), as redesignated by paragraph (2), to read as follows:

''(a) The court may order the probation service of the court to obtain information pertaining to the amount of loss sustained by any victim as a result of the offense, the financial resources of the defendant, the financial needs and earning ability of the defendant and the defendant's dependents, and such other factors as the court deems appropriate. The probation service of the court shall include the information collected in the report of presentence investigation or in a separate report, as the court directs.''; and

(4) by adding at the end thereof the following new subsection:

''(e) The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.''.

## Subtitle B—Crime Victims' Fund

**SEC. 911. AMOUNTS OF FUNDS FOR COSTS AND GRANTS.**

Section 1402(d)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(2)) is amended—

(1) by striking ''and'' at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

''(C) 1 percent shall be available for grants under section 1404(c); and

''(D) 4.5 percent shall be available for grants as provided in section 1404A.''.

**SEC. 912. RELATIONSHIP OF CRIME VICTIM COMPENSATION TO CERTAIN FEDERAL PROGRAMS.**

Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by adding at the end the following:

''(e) Notwithstanding any other provision of law, if the compensation paid by an eligible crime victim compensation program would cover costs that a Federal program, or a federally financed State or local program, would otherwise pay, then—

''(1) such crime victim compensation program shall not pay that compensation; and

''(2) the other program shall make its payments without regard to the existence of the crime victim compensation program.''.

**SEC. 913. ADMINISTRATIVE COSTS FOR CRIME VICTIM COMPENSATION.**

(a) CREATION OF EXCEPTION.—The final sentence of section 1403(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)(1)) is amended by striking ''A grant'' and inserting ''Except as provided in paragraph (3), a grant''.

(b) REQUIREMENTS OF EXCEPTION.—Section 1403(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)) is amended by adding at the end the following new paragraph:

''(3) Not more than 5 percent of a grant made under this section may be used for the administration of the State crime victim compensation program receiving the grant.''.

**SEC. 914. USE OF UNSPENT 1402(d)(2) MONEY.**

Section 1404(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)(1)) is amended—

(1) by striking ''or for the purpose of grants under section 1403 but not used for that purpose''; and

(2) by adding at the end the following:

''The Director, in the Director's discretion, may use amounts made available under section 1402(d)(2) for the purposes of grants under section 1403 but not used for

that purpose, for grants under this subsection, either in the year such amounts are not so used, or the next year.''.

**SEC. 915. GRANTS FOR DEMONSTRATION PROJECTS.**

Section 1404(c)(1)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by inserting ''demonstration projects and'' before ''training''.

**SEC. 916. ADMINISTRATIVE COSTS FOR CRIME VICTIM ASSISTANCE.**

(a) CREATION OF EXCEPTION.—Section 1404(b)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(2)) is amended by striking ''An eligible'' and inserting ''Except as provided in paragraph (3), an eligible''.

(b) REQUIREMENTS OF EXCEPTION.—Section 1404(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)) is amended by adding at the end the following new subsection:

> ''(3) Not more than 5 percent of sums received under subsection (a) may be used for the administration of the State crime victim assistance program receiving such sums.''.

**SEC. 917. MAINTENANCE OF EFFORT.**

Section 1407 of the Victims of Crime Act of 1984 (42 U.S.C. 10604) is amended by adding at the end the following new subsection:

''(h) Each entity receiving sums made available under this Act for administrative purposes shall certify that such sums will not be used to supplant State or local funds, but will be used to increase the amount of such funds that would, in the absence of Federal funds, be made available for these purposes.''.

# TITLE X—STATE AND LOCAL LAW ENFORCEMENT

## Subtitle A—DNA Identification

### SEC. 1001. SHORT TITLE.

This subtitle may be cited as the ''DNA Identification Act of 1993''.

### SEC. 1002. FUNDING TO IMPROVE THE QUALITY AND AVAILABILITY OF DNA ANALYSES FOR LAW ENFORCEMENT IDENTIFICATION PURPOSES.

(a) DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM.—Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(b)) is amended—

(1) by striking ''and'' at the end of paragraph (20);

(2) by striking the period at the end of paragraph (21) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(22) developing or improving in a forensic laboratory a capability to analyze deoxyribonucleic acid (hereinafter in this title referred to as 'DNA') for identification purposes.''.

(b) STATE APPLICATIONS.—Section 503(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)) is amended by adding at the end thereof the following new paragraph:

''(12) If any part of a grant made under this part is to be used to develop or improve a DNA analysis capability in a forensic laboratory, a certification that—

''(A) DNA analyses performed at such laboratory will satisfy or exceed then current standards for a quality assurance program for DNA analysis, issued by the Director of the Federal Bureau of Investigation under section 1123 of the DNA Identification Act of 1993;

''(B) DNA samples obtained by, and DNA analyses performed at, such laboratory will be accessible only—

''(i) to criminal justice agencies for law enforcement identification purposes;

''(ii) in judicial proceedings, if otherwise admissable pursuant to applicable statutes or rules;

''(iii) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or

''(iv) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes; and

''(C) such laboratory, and each analyst performing DNA analyses at such laboratory, will undergo, at regular intervals of not to exceed 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 1123 of the DNA Identification Act of 1993.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 1995 through 1999 there are authorized to be appropriated $10,000,000 for grants to the States for DNA analysis.

**SEC. 1003. QUALITY ASSURANCE AND PROFICIENCY TESTING STANDARDS.**

(a) PUBLICATION OF QUALITY ASSURANCE AND PROFICIENCY TESTING STANDARDS.—(1) Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall appoint an advisory board on DNA quality assurance methods. The Director shall appoint members of the board from among nominations proposed by the head of the National Academy of Sciences and professional societies of crime laboratory directors. The advisory board shall include as members scientists from state and local forensic laboratories, molecular geneticists and population geneticists not affiliated with a forensic laboratory, and a representative from the National Institute of Standards and Technology. The advisory board shall develop, and if appropriate, periodically revise, recommended standards for quality assurance, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA.

(2) The Director of the Federal Bureau of Investigation, after taking into consideration such recommended standards, shall issue (and revise from time to time) standards for quality assurance, including standards for testing the proficiency of forensic laboratories, and forensic analysts, in conducting analyses of DNA.

(3) The standards described in paragraphs (1) and (2) shall specify criteria for quality assurance and proficiency tests to be applied to the various types of DNA analyses used by forensic laboratories. The standards shall also include a system for grading proficiency testing performance to determine whether a laboratory is performing acceptably.

(4) Until such time as the advisory board has made recommendations to the Director of the Federal Bureau of Investigation and the Director has acted upon those recommendations, the quality assurance guidelines adopted by the technical working group on DNA analysis methods shall be deemed the Director's standards for purposes of this section.

(b) ADMINISTRATION OF THE ADVISORY BOARD.—For administrative purposes, the advisory board appointed under subsection (a) shall be considered an advisory board to the Director of the Federal Bureau of Investigation. Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the advisory board appointed under subsection (a). The board shall cease to exist on the date 5 years after the initial appointments are made to the board, unless the existence of the board is extended by the Director of the Federal Bureau of Investigation.

**SEC. 1004. INDEX TO FACILITATE LAW ENFORCEMENT EXCHANGE OF DNA IDENTIFICATION INFORMATION.**

(a) The Director of the Federal Bureau of Investigation may establish an index of—

(1) DNA identification records of persons convicted of crimes;

(2) analyses of DNA samples recovered from crime scenes; and

(3) analyses of DNA samples recovered from unidentified human remains.

(b) Such index may include only information on DNA identification records and DNA analyses that are—

(1) based on analyses performed in accordance with publicly available standards that satisfy or exceed the guidelines for a quality assurance program for DNA analysis, issued by the Director of the Federal Bureau of Investigation under section 1123 of the DNA Identification Act of 1993;

(2) prepared by laboratories, and DNA analysts, that undergo, at regular intervals of not to exceed 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 1123 of the DNA Identification Act of 1993; and

(3) maintained by Federal, State, and local criminal justice agencies pursuant to rules that allow disclosure of stored DNA samples and DNA analyses only—

(A) to criminal justice agencies for law enforcement identification purposes;

(B) in judicial proceedings, if otherwise admissable pursuant to applicable statutes or rules;

(C) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or

(D) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(c) The exchange of records authorized by this section is subject to cancellation if the quality control and privacy requirements described in subsection (b) of this section are not met.

**SEC. 1005. FEDERAL BUREAU OF INVESTIGATION.**

(a) PROFICIENCY TESTING REQUIREMENTS.—

(1) GENERALLY.—Personnel at the Federal Bureau of Investigation who perform DNA analyses

shall undergo, at regular intervals of not to exceed 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 1123(b). Within 1 year of the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall arrange for periodic blind external tests to determine the proficiency of DNA analysis performed at the Federal Bureau of Investigation laboratory. As used in this paragraph, the term ''blind external test'' means a test that is presented to the laboratory through a second agency and appears to the analysts to involve routine evidence.

(2) REPORT.—For 5 years after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the Committees on the Judiciary of the House and Senate an annual report on the results of each of the tests referred to in paragraph (1).

(b) PRIVACY PROTECTION STANDARDS.—

(1) GENERALLY.—Except as provided in paragraph (2), the results of DNA tests performed for a Federal law enforcement agency for law enforcement purposes may be disclosed only—

(A) to criminal justice agencies for law enforcement identification purposes; or

(B) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged.

(2) EXCEPTION.—If personally identifiable information is removed, test results may be disclosed for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(c) CRIMINAL PENALTY.—(1) Whoever—

(A) by virtue of employment or official position, has possession of, or access to, individually identifiable DNA information indexed in a database created or maintained by any Federal law enforcement agency; and

(B) willfully discloses such information in any manner to any person or agency not entitled to receive it;

shall be fined not more than $100,000.

(2) Whoever, without authorization, willfully obtains DNA samples or individually identifiable DNA information indexed in a database created or maintained by any

Federal law enforcement agency shall be fined not more than $100,000.

**SEC. 1006. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Federal Bureau of Investigation $4,500,000 for each of fiscal years 1995 through 1999 to carry out sections 1003, 1004, and 1005.

# Subtitle B—Department of Justice Community Substance Abuse Prevention

**SEC. 1011. SHORT TITLE.**

This section may be cited as the ''Department of Justice Community Substance Abuse Prevention Act of 1993''.

**SEC. 1012. COMMUNITY PARTNERSHIPS.**

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

''Subpart 4—Community Coalitions on Substance Abuse

''GRANTS TO COMBAT SUBSTANCE ABUSE

''SEC. 531. (a) DEFINITION.—As used in this section, the term 'eligible coalition' means an association, consisting of at least 7 organizations, agencies, and individuals

that are concerned about preventing substance abuse, that shall include—

''(1) public and private organizations and agencies that represent law enforcement, schools, health and social service agencies, and community-based organizations; and

''(2) representatives of 3 of the following groups: the clergy, academia, business, parents, youth, the media, civic and fraternal groups, or other nongovernmental interested parties.

''(b) GRANT PROGRAM.—The Attorney General, acting through the Director of the Bureau of Justice Assistance, and the appropriate State agency, may make grants to eligible coalitions in order to—

''(1) plan and implement comprehensive long-term strategies for substance abuse prevention;

''(2) develop a detailed assessment of existing substance abuse prevention programs and activities to determine community resources and to identify major gaps and barriers in such programs and activities;

''(3) identify and solicit funding sources to enable such programs and activities to become self-sustaining;

''(4) develop a consensus regarding the priorities of a community concerning substance abuse;

''(5) develop a plan to implement such priorities; and

''(6) coordinate substance abuse services and activities, including prevention activities in the schools or communities and substance abuse treatment programs.

''(c) COMMUNITY PARTICIPATION.—In developing and implementing a substance abuse prevention program, a coalition receiving funds under subsection (b) shall—

''(1) emphasize and encourage substantial voluntary participation in the community, especially among individuals involved with youth such as teachers, coaches, parents, and clergy; and

''(2) emphasize and encourage the involvement of businesses, civic groups, and other community organizations and members.

''(d) APPLICATION.—An eligible coalition shall submit an application to the Attorney General and the appropriate State agency in order to receive a grant under this section. Such application shall—

''(1) describe and, to the extent possible, document the nature and extent of the substance abuse problem, emphasizing who is at risk and specifying

which groups of individuals should be targeted for prevention and intervention;

''(2) describe the activities needing financial assistance;

''(3) identify participating agencies, organizations, and individuals;

''(4) identify the agency, organization, or individual that has responsibility for leading the coalition, and provide assurances that such agency, organization or individual has previous substance abuse prevention experience;

''(5) describe a mechanism to evaluate the success of the coalition in developing and carrying out the substance abuse prevention plan referred to in subsection (b)(5) and to report on such plan to the Attorney General on an annual basis; and

''(6) contain such additional information and assurances as the Attorney General and the appropriate State agency may prescribe.

''(e) PRIORITY.—In awarding grants under this section, the Attorney General and the appropriate State agency shall give priority to a community that—

''(1) provides evidence of significant substance abuse;

''(2) proposes a comprehensive and multifaceted approach to eliminating substance abuse;

''(3) encourages the involvement of businesses and community leaders in substance abuse prevention activities;

''(4) demonstrates a commitment and a high priority for preventing substance abuse; and

''(5) demonstrates support from the community and State and local agencies for efforts to eliminate substance abuse.

''(f) REVIEW.—Each coalition receiving money pursuant to the provisions of this section shall submit an annual report to the Attorney General, and the appropriate State agency, evaluating the effectiveness of the plan described in subsection (b)(5) and containing such additional information as the Attorney General, or the appropriate State agency, may prescribe. The Attorney General, in conjunction with the Director of the Bureau of Justice Assistance, and the appropriate State agency, shall submit an annual review to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives. Such review shall—

''(1) evaluate the grant program established in this section to determine its effectiveness;

"(2) implement necessary changes to the program that can be done by the Attorney General; and

"(3) recommend any statutory changes that are necessary.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $15,000,000 for fiscal year 1995, $20,000,000 for fiscal year 1996, and $25,000,000 for fiscal year 1997.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after the item relating to section 522 the following:

"SUBPART 4—COMMUNITY COALITION ON SUBSTANCE ABUSE

"Sec. 531. Grants to combat substance abuse.".

# Subtitle C—Racial and Ethnic Bias Study Grants

**SEC. 1021. STUDY GRANTS.**

(a) FINDINGS.—The Congress finds that—

(1) equality under law is tested most profoundly by whether a legal system tolerates race playing a role in the criminal justice system; and

(2) States should examine their criminal justice systems in order to ensure that racial and ethnic bias has no part in such criminal justice systems.

(b) AUTHORIZATION OF GRANT PROGRAM.—

(1) IN GENERAL.—The Attorney General, acting through the Bureau of Justice Assistance, may make grants to States that have established by State law or by the court of last resort a plan for analyzing the role of race in that State's criminal justice system. Such plan shall include recommendations designed to correct any findings that racial and ethnic bias plays such a role.

(2) CRITERIA FOR GRANTS.—Grants under this subsection shall be awarded based upon criteria established by the Attorney General. In establishing the criteria, the Attorney General shall take into consideration the population of the respective States, the racial and ethnic composition of the population of the States, and the crime rates of the States.

(3) REPORTS BY STATES.—Recipients of grants under this subsection shall report the findings and recommendations of studies funded by grants under this subsection to the Congress within reasonable time limits established by the Attorney General.

(4) REIMBURSEMENT OF STATES.—Grants may be made to reimburse States for work started prior to the date of enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section

$2,000,000 for each of fiscal years 1995, 1996, 1997, 1998, and 1999.

# TITLE XI—PROVISIONS RELATING TO POLICE OFFICERS

## Subtitle A—Law Enforcement Family Support

**SEC. 1101. LAW ENFORCEMENT FAMILY SUPPORT.**

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 309(b)(1), is amended—

(1) by redesignating part S as part T;

(2) by redesignating section 1901 as 2001; and

(3) by inserting after part R the following new part:

**"PART S—FAMILY SUPPORT**

**"SEC. 1901. DUTIES OF DIRECTOR.**

''The Director shall—

''(1) establish guidelines and oversee the implementation of family-friendly policies within law enforcement-related offices and divisions in the Department of Justice;

''(2) study the effects of stress on law enforcement personnel and family well-being and disseminate the findings of such studies to Federal, State,

and local law enforcement agencies, related organizations, and other interested parties;

''(3) identify and evaluate model programs that provide support services to law enforcement personnel and families;

''(4) provide technical assistance and training programs to develop stress reduction and family support to State and local law enforcement agencies;

''(5) collect and disseminate information regarding family support, stress reduction, and psychological services to Federal, State, and local law enforcement agencies, law enforcement-related organizations, and other interested entities; and

''(6) determine issues to be researched by the Bureau and by grant recipients.

**''SEC. 1902. GENERAL AUTHORIZATION.**

''The Director may make grants to States and local law enforcement agencies and to organizations representing State or local law enforcement personnel to provide family support services to law enforcement personnel.

**''SEC. 1903. USES OF FUNDS.**

''(a) IN GENERAL.—A State or local law enforcement agency or organization that receives a grant under this Act shall use amounts provided under the grant to estab-

lish or improve training and support programs for law enforcement personnel.

''(b) REQUIRED ACTIVITIES.—A law enforcement agency or organization that receives funds under this part shall provide at least one of the following services:

''(1) Counseling for law enforcement family members.

''(2) Child care on a 24-hour basis.

''(3) Marital and adolescent support groups.

''(4) Stress reduction programs.

''(5) Stress education for law enforcement recruits and families.

''(6) Provide technical assistance and training programs to support any or all of the services described in paragraphs (1), (2), (3), (4), and (5).

''(c) OPTIONAL ACTIVITIES.—A law enforcement agency or organization that receives funds under this part may provide the following services:

''(1) Post-shooting debriefing for officers and their spouses.

''(2) Group therapy.

''(3) Hypertension clinics.

''(4) Critical incident response on a 24-hour basis.

''(5) Law enforcement family crisis telephone services on a 24-hour basis.

''(6) Counseling for law enforcement personnel exposed to the human immunodeficiency virus.

''(7) Counseling for peers.

''(8) Counseling for families of personnel killed in the line of duty.

''(9) Seminars regarding alcohol, drug use, gambling, and overeating.

''(10) Technical assistance and training to support any or all of the services described in paragraphs (1), (2), (3), (4), (5), (6), (7), (8), and (9).

**''SEC. 1904. APPLICATIONS.**

''A law enforcement agency or organization desiring to receive a grant under this part shall submit to the Director an application at such time, in such manner, and containing or accompanied by such information as the Director may reasonably require. Such application shall—

''(1) certify that the law enforcement agency shall match all Federal funds with an equal amount of cash or in-kind goods or services from other non-Federal sources;

''(2) include a statement from the highest ranking law enforcement official from the State or locality or from the highest ranking official from the or-

ganization applying for the grant that attests to the need and intended use of services to be provided with grant funds; and

''(3) assure that the Director or the Comptroller General of the United States shall have access to all records related to the receipt and use of grant funds received under this part.

**"SEC. 1905. AWARD OF GRANTS; LIMITATION.**

''(a) GRANT DISTRIBUTION.—In approving grants under this part, the Director shall assure an equitable distribution of assistance among the States, among urban and rural areas of the United States, and among urban and rural areas of a State.

''(b) DURATION.—The Director may award a grant each fiscal year, not to exceed $100,000 to a State or local law enforcement agency or $250,000 to a law enforcement organization for a period not to exceed 5 years. In any application from a State or local law enforcement agency or organization for a grant to continue a program for the second, third, fourth, or fifth fiscal year following the first fiscal year in which a grant was awarded to such agency, the Director shall review the progress made toward meeting the objectives of the program. The Director may refuse to award a grant if the Director finds sufficient progress has not been made toward meeting such objectives, but

only after affording the applicant notice and an opportunity for reconsideration.

''(c) LIMITATION.—Not more than 10 percent of grant funds received by a State or a local law enforcement agency or organization may be used for administrative purposes.

**"SEC. 1906. DISCRETIONARY RESEARCH GRANTS.**

''The Director may reserve 10 percent of funds to award research grants to a State or local law enforcement agency or organization to study issues of importance in the law enforcement field as determined by the Director.

**"SEC. 1907. REPORTS.**

''(a) REPORT FROM GRANT RECIPIENTS.—A State or local law enforcement agency or organization that receives a grant under this part shall submit to the Director an annual report that includes—

''(1) program descriptions;

''(2) the number of staff employed to administer programs;

''(3) the number of individuals who participated in programs; and

''(4) an evaluation of the effectiveness of grant programs.

''(b) REPORT FROM DIRECTOR.—(1) The Director shall submit to the Congress a report not later than March 31 of each fiscal year.

''(2) Such report shall contain—

''(A) a description of the types of projects developed or improved through funds received under this part;

''(B) a description of exemplary projects and activities developed;

''(C) a designation of the family relationship to the law enforcement personnel of individuals served; and

''(D) the number of individuals served in each location and throughout the country.

**''SEC. 1908. DEFINITIONS.**

''For purposes of this part—

''(1) the term 'family-friendly policy' means a policy to promote or improve the morale and well being of law enforcement personnel and their families; and

''(2) the term 'law enforcement personnel' means individuals employed by Federal, State, and local law enforcement agencies.''.

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets

Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 309(b)(2), is amended by striking the matter relating to part R and inserting the following:

''PART S—FAMILY SUPPORT

''Sec. 1901. Duties of director.
''Sec. 1902. General authorization.
''Sec. 1903. Uses of funds.
''Sec. 1904. Applications.
''Sec. 1905. Award of grants; limitation.
''Sec. 1906. Discretionary research grants.
''Sec. 1907. Reports.
''Sec. 1908. Definitions.

''PART V—TRANSITION; EFFECTIVE DATE; REPEALS

''Sec. 2001. Continuation of rules, authorities, and privileges.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 309(b)(3), is amended—

(1) in paragraph (3) by striking ''and R'' and inserting ''R, and S''; and

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

''(13) There are authorized to be appropriated to carry out part U $5,000,000 for each of fiscal years 1995, 1996, 1997, 1998, and 1999. Not more than 20 percent of such funds may be used to accomplish the duties of the Director under that part, including administrative costs, research, and training programs.''.

# Subtitle B—Police Pattern or Practice

**SEC. 1111. CAUSE OF ACTION.**

(a) UNLAWFUL CONDUCT.—It shall be unlawful for any governmental authority, or any agent thereof, or any person acting on behalf of a governmental authority, to engage in a pattern or practice of conduct by law enforcement officers that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.

(b) CIVIL ACTION BY ATTORNEY GENERAL.—Whenever the Attorney General has reasonable cause to believe that a violation of paragraph (1) has occurred, the Attorney General, for or in the name of the United States, may in a civil action obtain appropriate equitable and declaratory relief to eliminate the pattern or practice.

**SEC. 1112. DATA ON USE OF EXCESSIVE FORCE.**

(a) ATTORNEY GENERAL TO COLLECT.—The Attorney General shall, through the victimization surveys conducted by the Bureau of Justice Statistics, acquire data about the use of excessive force by law enforcement officers.

(b) LIMITATION ON USE OF DATA.—Data acquired under this section shall be used only for research or statistical purposes and may not contain any information that

may reveal the identity of the victim or any law enforcement officer.

(c) ANNUAL SUMMARY.—The Attorney general shall publish an annual summary of the data acquired under this section.

# Subtitle C—Police Corps and Law Enforcement Officers Training and Education

## CHAPTER 1—POLICE CORPS

### SEC. 1121. SHORT TITLE.

This chapter may be cited as the ''Police Corps Act''.

### SEC. 1122. PURPOSES.

The purposes of this chapter are to—

(1) address violent crime by increasing the number of police with advanced education and training on community patrol; and

(2) provide educational assistance to law enforcement personnel and to students who possess a sincere interest in public service in the form of law enforcement.

### SEC. 1123. DEFINITIONS.

In this chapter—

''academic year'' means a traditional academic year beginning in August or September and ending in the following May or June.

''dependent child'' means a natural or adopted child or stepchild of a law enforcement officer who at the time of the officer's death—

(A) was no more than 21 years old; or

(B) if older than 21 years, was in fact dependent on the child's parents for at least one-half of the child's support (excluding educational expenses), as determined by the Director.

''Director'' means the Director of the Office of the Police Corps and Law Enforcement Education appointed under section 1124.

''educational expenses'' means expenses that are directly attributable to—

(A) a course of education leading to the award of the baccalaureate degree in legal- or criminal justice-related studies; or

(B) a course of graduate study legal or criminal justice studies following award of a baccalaureate degree,

including the cost of tuition, fees, books, supplies, transportation, room and board and miscellaneous expenses.

''institution of higher education'' has the meaning stated in the first sentence of section 1201(a) of

the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

''participant'' means a participant in the Police Corps program selected pursuant to section 306.

''State'' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

''State Police Corps program'' means a State police corps program that meets the requirements of section 1130.

**SEC. 1124. ESTABLISHMENT OF OFFICE OF THE POLICE CORPS AND LAW ENFORCEMENT EDUCATION.**

(a) ESTABLISHMENT.—There is established in the Department of Justice, under the general authority of the Attorney General, an Office of the Police Corps and Law Enforcement Education.

(b) APPOINTMENT OF DIRECTOR.—The Office of the Police Corps and Law Enforcement Education shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) RESPONSIBILITIES OF DIRECTOR.—The Director shall be responsible for the administration of the Police Corps program established by this chapter and shall have

authority to promulgate regulations to implement this chapter.

**SEC. 1125. DESIGNATION OF LEAD AGENCY AND SUBMISSION OF STATE PLAN.**

(a) LEAD AGENCY.—A State that desires to participate in the Police Corps program under this chapter shall designate a lead agency that will be responsible for—

(1) submitting to the Director a State plan described in subsection (b); and

(2) administering the program in the State.

(b) STATE PLANS.—A State plan shall—

(1) contain assurances that the lead agency shall work in cooperation with the local law enforcement liaisons, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies to develop and implement interagency agreements designed to carry out the program;

(2) contain assurances that the State shall advertise the assistance available under this chapter;

(3) contain assurances that the State shall screen and select law enforcement personnel for participation in the program; and

(4) meet the requirements of section 1130.

**SEC. 1126. SCHOLARSHIP ASSISTANCE.**

(a) SCHOLARSHIPS AUTHORIZED.—(1) The Director may award scholarships to participants who agree to work in a State or local police force in accordance with agreements entered into pursuant to subsection (d).

(2)(A) Except as provided in subparagraph (B), each scholarship payment made under this section for each academic year shall not exceed—

(i) $7,500; or

(ii) the cost of the educational expenses related to attending an institution of higher education.

(B) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the amount of scholarship payments made during such year shall not exceed $10,000.

(C) The total amount of scholarship assistance received by any one student under this section shall not exceed $30,000.

(3) Recipients of scholarship assistance under this section shall continue to receive such scholarship payments only during such periods as the Director finds that the recipient is maintaining satisfactory progress as determined by the institution of higher education the recipient is attending.

(4)(A) The Director shall make scholarship payments under this section directly to the institution of higher education that the student is attending.

(B) Each institution of higher education receiving a payment on behalf of a participant pursuant to subparagraph (A) shall remit to such student any funds in excess of the costs of tuition, fees, and room and board payable to the institution.

(b) REIMBURSEMENT AUTHORIZED.—(1) The Director may make payments to a participant to reimburse such participant for the costs of educational expenses if the student agrees to work in a State or local police force in accordance with the agreement entered into pursuant to subsection (d).

(2)(A) Each payment made pursuant to paragraph (1) for each academic year of study shall not exceed—

(i) $7,500; or

(ii) the cost of educational expenses related to attending an institution of higher education.

(B) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the amount of scholarship payments made during such year shall not exceed $10,000.

(C) The total amount of payments made pursuant to subparagraph (A) to any 1 student shall not exceed $30,000.

(c) USE OF SCHOLARSHIP.—Scholarships awarded under this subsection shall only be used to attend a 4-year institution of higher education, except that—

(1) scholarships may be used for graduate and professional study; and

(2) if a participant has enrolled in the program upon or after transfer to a 4-year institution of higher education, the Director may reimburse the participant for the participant's prior educational expenses.

(d) AGREEMENT.—(1)(A) Each participant receiving a scholarship or a payment under this section shall enter into an agreement with the Director.

(B) An agreement under subparagraph (A) shall contain assurances that the participant shall—

(i) after successful completion of a baccalaureate program and training as prescribed in section 8, work for 4 years in a State or local police force without there having arisen sufficient cause for the participant's dismissal under the rules applicable to members of the police force of which the participant is a member;

(ii) complete satisfactorily—

(I) an educational course of study and receipt of a baccalaureate degree (in the case of undergraduate study) or the reward of credit to the participant for having completed one or more graduate courses (in the case of graduate study); and

(II) Police Corps training and certification by the Director that the participant has met such performance standards as may be established pursuant to section 1128; and

(iii) repay all of the scholarship or payment received plus interest at the rate of 10 percent if the conditions of clauses (i) and (ii) are not complied with.

(2)(A) A recipient of a scholarship or payment under this section shall not be considered to be in violation of the agreement entered into pursuant to paragraph (1) if the recipient—

(i) dies; or

(ii) becomes permanently and totally disabled as established by the sworn affidavit of a qualified physician.

(B) If a scholarship recipient is unable to comply with the repayment provision set forth in paragraph (1)(B)(ii)

because of a physical or emotional disability or for good cause as determined by the Director, the Director may substitute community service in a form prescribed by the Director for the required repayment.

(C) The Director shall expeditiously seek repayment from a participant who violates an agreement described in paragraph (1).

(e) DEPENDENT CHILD.—A dependent child of a law enforcement officer—

(1) who is a member of a State or local police force or is a Federal criminal investigator or uniformed police officer,

(2) who is not a participant in the Police Corps program, but

(3) who serves in a State for which the Director has approved a Police Corps plan, and

(4) who is killed in the course of performing police duties,

shall be entitled to the scholarship assistance authorized in this section for any course of study in any accredited institution of higher education. Such dependent child shall not incur any repayment obligation in exchange for the scholarship assistance provided in this section.

(f) APPLICATION.—Each participant desiring a scholarship or payment under this section shall submit an ap-

plication as prescribed by the Director in such manner and accompanied by such information as the Director may reasonably require.

**SEC. 1127. SELECTION OF PARTICIPANTS.**

(a) IN GENERAL.—Participants in State Police Corps programs shall be selected on a competitive basis by each State under regulations prescribed by the Director.

(b) SELECTION CRITERIA AND QUALIFICATIONS.—(1) In order to participate in a State Police Corps program, a participant shall—

(A) be a citizen of the United States or an alien lawfully admitted for permanent residence in the United States;

(B) meet the requirements for admission as a trainee of the State or local police force to which the participant will be assigned pursuant to section 1130(c)(5), including achievement of satisfactory scores on any applicable examination, except that failure to meet the age requirement for a trainee of the State or local police shall not disqualify the applicant if the applicant will be of sufficient age upon completing an undergraduate course of study;

(C) possess the necessary mental and physical capabilities and emotional characteristics to dis-

charge effectively the duties of a law enforcement officer;

(D) be of good character and demonstrate sincere motivation and dedication to law enforcement and public service;

(E) in the case of an undergraduate, agree in writing that the participant will complete an educational course of study leading to the award of a baccalaureate degree and will then accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State;

(F) in the case of a participant desiring to undertake or continue graduate study, agree in writing that the participant will accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State before undertaking or continuing graduate study;

(G) contract, with the consent of the participant's parent or guardian if the participant is a minor, to serve for 4 years as an officer in the State police or in a local police department, if an appointment is offered; and

(H) except as provided in paragraph (2), be without previous law enforcement experience.

(2)(A) Until the date that is 5 years after the date of enactment of this Act, up to 10 percent of the applicants accepted into the Police Corps program may be persons who—

(i) have had some law enforcement experience; and

(ii) have demonstrated special leadership potential and dedication to law enforcement.

(B)(i) The prior period of law enforcement of a participant selected pursuant to subparagraph (A) shall not be counted toward satisfaction of the participant's 4-year service obligation under section 1129, and such a participant shall be subject to the same benefits and obligations under this chapter as other participants, including those stated in section (b)(1) (E) and (F).

(ii) Clause (i) shall not be construed to preclude counting a participant's previous period of law enforcement experience for purposes other than satisfaction of the requirements of section 9, such as for purposes of determining such a participant's pay and other benefits, rank, and tenure.

(3) It is the intent of this chapter that there shall be no more than 20,000 participants in each graduating

class. The Director shall approve State plans providing in the aggregate for such enrollment of applicants as shall assure, as nearly as possible, annual graduating classes of 20,000. In a year in which applications are received in a number greater than that which will produce, in the judgment of the Director, a graduating class of more than 20,000, the Director shall, in deciding which applications to grant, give preference to those who will be participating in State plans that provide law enforcement personnel to areas of greatest need.

(c) RECRUITMENT OF MINORITIES.—Each State participating in the Police Corps program shall make special efforts to seek and recruit applicants from among members of all racial, ethnic or gender groups. This subsection does not authorize an exception from the competitive standards for admission established pursuant to subsections (a) and (b).

(d) ENROLLMENT OF APPLICANT.—(1) An applicant shall be accepted into a State Police Corps program on the condition that the applicant will be matriculated in, or accepted for admission at, a 4-year institution of higher education—

(A) as a full-time student in an undergraduate program; or

(B) for purposes of taking a graduate course.

(2) If the applicant is not matriculated or accepted as set forth in paragraph (1), the applicant's acceptance in the program shall be revoked.

(e) LEAVE OF ABSENCE.—(1) A participant in a State Police Corps program who requests a leave of absence from educational study, training or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) due to temporary physical or emotional disability shall be granted such leave of absence by the State.

(2) A participant who requests a leave of absence from educational study, training or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) for any reason other than those listed in paragraph (1) may be granted such leave of absence by the State.

(3) A participant who requests a leave of absence from educational study or training for a period not to exceed 30 months to serve on an official church mission may be granted such leave of absence.

(f) ADMISSION OF APPLICANTS.—An applicant may be admitted into a State Police Corps program either before commencement of or during the applicant's course of educational study.

**SEC. 1128. POLICE CORPS TRAINING.**

(a) IN GENERAL.—(1) The Director shall establish programs of training for Police Corps participants. Such programs may be carried out at up to 3 training centers established for this purpose and administered by the Director, or by contracting with existing State training facilities. The Director shall contract with a State training facility upon request of such facility if the Director determines that such facility offers a course of training substantially equivalent to the Police Corps training program described in this chapter.

(2) The Director may enter into contracts with individuals, institutions of learning, and government agencies (including State and local police forces) to obtain the services of persons qualified to participate in and contribute to the training process.

(3) The Director may enter into agreements with agencies of the Federal Government to utilize on a reimbursable basis space in Federal buildings and other resources.

(4) The Director may authorize such expenditures as are necessary for the effective maintenance of the training centers, including purchases of supplies, uniforms, and educational materials, and the provision of subsistence, quarters, and medical care to participants.

(b) TRAINING SESSIONS.—A participant in a State Police Corps program shall attend two 8-week training sessions at a training center, one during the summer following completion of sophomore year and one during the summer following completion of junior year. If a participant enters the program after sophomore year, the participant shall complete 16 weeks of training at times determined by the Director.

(c) FURTHER TRAINING.—The 16 weeks of Police Corps training authorized in this section is intended to serve as basic law enforcement training but not to exclude further training of participants by the State and local authorities to which they will be assigned. Each State plan approved by the Director under section 10 shall include assurances that following completion of a participant's course of education each participant shall receive appropriate additional training by the State or local authority to which the participant is assigned. The time spent by a participant in such additional training, but not the time spent in Police Corps training, shall be counted toward fulfillment of the participant's 4-year service obligation.

(d) COURSE OF TRAINING.—The training sessions at training centers established under this section shall be designed to provide basic law enforcement training, including vigorous physical and mental training to teach partici-

pants self-discipline and organizational loyalty and to impart knowledge and understanding of legal processes and law enforcement.

(e) EVALUATION OF PARTICIPANTS.—A participant shall be evaluated during training for mental, physical, and emotional fitness, and shall be required to meet performance standards prescribed by the Director at the conclusion of each training session in order to remain in the Police Corps program.

(f) STIPEND.—The Director shall pay participants in training sessions a stipend of $250 a week during training.

**SEC. 1129. SERVICE OBLIGATION.**

(a) SWEARING IN.—Upon satisfactory completion of the participant's course of education and training program established in section 1128 and meeting the requirements of the police force to which the participant is assigned, a participant shall be sworn in as a member of the police force to which the participant is assigned pursuant to the State Police Corps plan, and shall serve for 4 years as a member of that police force.

(b) RIGHTS AND RESPONSIBILITIES.—A participant shall have all of the rights and responsibilities of and shall be subject to all rules and regulations applicable to other members of the police force of which the participant is a member, including those contained in applicable agree-

ments with labor organizations and those provided by State and local law.

(c) DISCIPLINE.—If the police force of which the participant is a member subjects the participant to discipline such as would preclude the participant's completing 4 years of service, and result in denial of educational assistance under section 1126, the Director may, upon a showing of good cause, permit the participant to complete the service obligation in an equivalent alternative law enforcement service and, if such service is satisfactorily completed, section 1126(d)(1)(B)(iii) shall not apply.

(d) LAYOFFS.—If the police force of which the participant is a member lays off the participant such as would preclude the participant's completing 4 years of service, and result in denial of educational assistance under section 1126, the Director may permit the participant to complete the service obligation in an equivalent alternative law enforcement service and, if such service is satisfactorily completed, section 1126(d)(1)(B)(iii) shall not apply.

**SEC. 1130. STATE PLAN REQUIREMENTS.**

A State Police Corps plan shall—

(1) provide for the screening and selection of participants in accordance with the criteria set out in section 1127;

(2) state procedures governing the assignment of participants in the Police Corps program to State and local police forces (no more than 10 percent of all the participants assigned in each year by each State to be assigned to a statewide police force or forces);

(3) provide that participants shall be assigned to those geographic areas in which—

(A) there is the greatest need for additional law enforcement personnel; and

(B) the participants will be used most effectively;

(4) provide that to the extent consistent with paragraph (3), a participant shall be assigned to an area near the participant's home or such other place as the participant may request;

(5) provide that to the extent feasible, a participant's assignment shall be made at the time the participant is accepted into the program, subject to change—

(A) prior to commencement of a participant's fourth year of undergraduate study, under such circumstances as the plan may specify; and

(B) from commencement of a participant's fourth year of undergraduate study until completion of 4 years of police service by participant, only for compelling reasons or to meet the needs of the State Police Corps program and only with the consent of the participant;

(6) provide that no participant shall be assigned to serve with a local police force—

(A) whose size has declined by more than 5 percent since June 21, 1989; or

(B) which has members who have been laid off but not retired;

(7) provide that participants shall be placed and to the extent feasible kept on community and preventive patrol;

(8) ensure that participants will receive effective training and leadership;

(9) provide that the State may decline to offer a participant an appointment following completion of Federal training, or may remove a participant from the Police Corps program at any time, only for good cause (including failure to make satisfactory progress in a course of educational study) and after following reasonable review procedures stated in the plan; and

(10) provide that a participant shall, while serving as a member of a police force, be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other police officers of the same rank and tenure in the police force of which the participant is a member.

**SEC. 1131. ASSISTANCE TO STATES AND LOCALITIES EMPLOYING POLICE CORPS OFFICERS.**

Each jurisdiction directly employing Police Corps participants during the 4-year term of service prescribed by section 1129 shall receive $10,000 on account of each such participant at the completion of each such year of service, but—

(1) no such payment shall be made on account of service in any State or local police force—

(A) whose average size, in the year for which payment is to be made, not counting Police Corps participants assigned under section 106, has declined more than 2 percent since January 1, 1993; or

(B) which has members who have been laid off but not retired; and

(2) no such payment shall be made on account of any Police Corps participant for years of service

after the completion of the term of service prescribed in section 1129.

**SEC. 1132. AUTHORIZATION OF APPROPRIATIONS.**

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

(1) $100,000,000 for each of fiscal years 1995 and 1996; and

(2) such sums as are necessary for each of fiscal years 1997, 1998, and 1999.

**SEC. 1133. REPORTS TO CONGRESS.**

(a) IN GENERAL.—Not later than April 1 of each year, the Director shall submit a report to the Attorney General, the President, the Speaker of the House of Representatives, and the President of the Senate.

(b) CONTENTS.—A report under subsection (a) shall—

(1) state the number of current and past participants in the Police Corps program, broken down according to the levels of educational study in which they are engaged and years of service they have served on police forces (including service following completion of the 4-year service obligation);

(2) describe the geographic, racial, and gender dispersion of participants in the Police Corps program; and

(3) describe the progress of the Police Corps program and make recommendations for changes in the program.

## CHAPTER 2—LAW ENFORCEMENT SCHOLARSHIP PROGRAM

**SEC. 1141. SHORT TITLE.**

This chapter may be cited as the ''Law Enforcement Scholarships and Recruitment Act''.

**SEC. 1142. DEFINITIONS.**

In this chapter—

''Director'' means the Director of the Bureau of Justice Assistance.

''educational expenses'' means expenses that are directly attributable to—

(A) a course of education leading to the award of an associate degree;

(B) a course of education leading to the award of a baccalaureate degree; or

(C) a course of graduate study following award of a baccalaureate degree,

including the cost of tuition, fees, books, supplies, and related expenses.

''institution of higher education'' has the meaning stated in the first sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

''law enforcement position'' means employment as an officer in a State or local police force, or correctional institution.

''State'' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

**SEC. 1143. ALLOTMENT.**

From amounts appropriated under section 1150, the Director shall allot—

(1) 80 percent of such amounts to States on the basis of the number of law enforcement officers in each State compared to the number of law enforcement officers in all States; and

(2) 20 percent of such amounts to States on the basis of the shortage of law enforcement personnel and the need for assistance under this title in the State compared to the shortage of law enforcement personnel and the need for assistance under this title in all States.

**SEC. 1144. ESTABLISHMENT OF PROGRAM.**

(a) USE OF ALLOTMENT.—

(1) IN GENERAL.—A State that receives an allotment pursuant to section 1143 shall use the allotment to pay the Federal share of the costs of—

(A) awarding scholarships to in-service law enforcement personnel to enable such personnel to seek further education; and

(B) providing—

(i) full-time employment in summer; or

(ii) part-time (not to exceed 20 hours per week) employment for a period not to exceed 1 year.

(2) EMPLOYMENT.—The employment described in paragraph (1)(B)—

(A) shall be provided by State and local law enforcement agencies for students who are juniors or seniors in high school or are enrolled in an institution of higher education and who demonstrate an interest in undertaking a career in law enforcement;

(B) shall not be in a law enforcement position; and

(C) shall consist of performing meaningful tasks that inform students of the nature of the tasks performed by law enforcement agencies.

(b) PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.—

(1) PAYMENTS.—The Secretary shall pay to each State that receives an allotment under section 1143 the Federal share of the cost of the activities described in the application submitted pursuant to section 1147.

(2) FEDERAL SHARE.—The Federal share shall not exceed 60 percent.

(3) NON-FEDERAL SHARE.—The non-Federal share of the cost of scholarships and student employment provided under this chapter shall be supplied from sources other than the Federal Government.

(c) RESPONSIBILITIES OF DIRECTOR.—The Director shall be responsible for the administration of the programs conducted pursuant to this title and shall, in consultation with the Assistant Secretary for Postsecondary Education, issue rules to implement this title.

(d) ADMINISTRATIVE EXPENSES.—A State that receives an allotment under section 1143 may reserve not more than 8 percent of the allotment for administrative expenses.

(e) SPECIAL RULE.—A State that receives an allotment under section 1143 shall ensure that each scholar-

ship recipient under this title be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other law enforcement personnel of the same rank and tenure in the office of which the scholarship recipient is a member.

(f) SUPPLEMENTATION OF FUNDING.—Funds received under this chapter shall only be used to supplement, and not to supplant, Federal, State, or local efforts for recruitment and education of law enforcement personnel.

**SEC. 1145. SCHOLARSHIPS.**

(a) PERIOD OF AWARD.—Scholarships awarded under this chapter shall be for a period of 1 academic year.

(b) USE OF SCHOLARSHIPS.—Each individual awarded a scholarship under this chapter may use the scholarship for educational expenses at an institution of higher education.

**SEC. 1146. ELIGIBILITY.**

(a) SCHOLARSHIPS.—A person shall be eligible to receive a scholarship under this chapter if the person has been employed in law enforcement for the 2-year period immediately preceding the date on which assistance is sought.

(b) INELIGIBILITY FOR STUDENT EMPLOYMENT.—A person who has been employed as a law enforcement officer is ineligible to participate in a student employment program carried out under this chapter.

**SEC. 1147. STATE APPLICATION.**

(a) IN GENERAL.—Each State desiring an allotment under section 1143 shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require.

(b) CONTENTS.—An application under subsection (a) shall—

(1) describe the scholarship program and the student employment program for which assistance under this title is sought;

(2) contain assurances that the lead agency will work in cooperation with the local law enforcement liaisons, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies to develop and implement interagency agreements designed to carry out this chapter;

(3) contain assurances that the State will advertise the scholarship assistance and student employment it will provide under this chapter and that

the State will use such programs to enhance recruitment efforts;

(4) contain assurances that the State will screen and select law enforcement personnel for participation in the scholarship program under this chapter;

(5) contain assurances that under such student employment program the State will screen and select, for participation in such program, students who have an interest in undertaking a career in law enforcement;

(6) contain assurances that under such scholarship program the State will make scholarship payments to institutions of higher education on behalf of persons who receive scholarships under this chapter;

(7) with respect to such student employment program, identify—

(A) the employment tasks that students will be assigned to perform;

(B) the compensation that students will be paid to perform such tasks; and

(C) the training that students will receive as part of their participation in the program;

(8) identify model curriculum and existing programs designed to meet the educational and professional needs of law enforcement personnel; and

(9) contain assurances that the State will promote cooperative agreements with educational and law enforcement agencies to enhance law enforcement personnel recruitment efforts in institutions of higher education.

**SEC. 1148. LOCAL APPLICATION.**

(a) IN GENERAL.—A person who desires a scholarship or employment under this chapter shall submit an application to the State at such time, in such manner, and accompanied by such information as the State may reasonably require.

(b) CONTENTS.—An application under subsection (a) shall describe—

(1) the academic courses for which a scholarship is sought; or

(2) the location and duration of employment that is sought.

(c) PRIORITY.—In awarding scholarships and providing student employment under this chapter, each State shall give priority to applications from persons who are—

(1) members of racial, ethnic, or gender groups whose representation in the law enforcement agen-

cies within the State is substantially less than in the population eligible for employment in law enforcement in the State;

(2) pursuing an undergraduate degree; and

(3) not receiving financial assistance under the Higher Education Act of 1965.

**SEC. 1149. SCHOLARSHIP AGREEMENT.**

(a) IN GENERAL.—A person who receives a scholarship under this chapter shall enter into an agreement with the Director.

(b) CONTENTS.—An agreement described in subsection (a) shall—

(1) provide assurances that the scholarship recipient will work in a law enforcement position in the State that awarded the scholarship in accordance with the service obligation described in subsection (c) after completion of the scholarship recipient's academic courses leading to an associate, bachelor, or graduate degree;

(2) provide assurances that the scholarship recipient will repay the entire scholarship in accordance with such terms and conditions as the Director shall prescribe if the requirements of the agreement are not complied with, unless the scholarship recipient—

(A) dies;

(B) becomes physically or emotionally disabled, as established by the sworn affidavit of a qualified physician; or

(C) has been discharged in bankruptcy; and

(3) set forth the terms and conditions under which the scholarship recipient may seek employment in the field of law enforcement in a State other than the State that awarded the scholarship.

(c) SERVICE OBLIGATION.—

(1) IN GENERAL.— Except as provided in paragraph (2), a person who receives a scholarship under this title shall work in a law enforcement position in the State that awarded the scholarship for a period of 1 month for each credit hour for which funds are received under the scholarship.

(2) SPECIAL RULE.—For purposes of satisfying the requirement of paragraph (1), a scholarship recipient shall work in a law enforcement position in the State that awarded the scholarship for not less than 6 months but shall not be required to work in such a position for more than 2 years.

**SEC. 1150. AUTHORIZATION OF APPROPRIATIONS.**

(a) GENERAL AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this chapter $30,000,000 for each of fiscal years 1995, 1996, 1997, 1998, and 1999.

(b) USES OF FUNDS.—Of the funds appropriated under subsection (a) for a fiscal year—

(1) 80 percent shall be available to provide scholarships described in section 1144(a)(1)(A); and

(2) 20 percent shall be available to provide employment described in sections 1144(a)(1)(B) and 1144(a)(2).

# Subtitle D—Study Rights of Police Officers

**SEC. 1161. STUDY ON OFFICERS' RIGHTS.**

The Attorney General, through the National Institute of Justice, shall conduct a study of the procedures followed in internal, noncriminal investigations of State and local law enforcement officers to determine if such investigations are conducted fairly and effectively. The study shall examine the adequacy of the rights available to law enforcement officers and members of the public in cases involving the performance of a law enforcement officer, including—

(1) notice;

(2) conduct of questioning;

(3) counsel;

(4) hearings;

(5) appeal; and

(6) sanctions.

Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to the Congress a report on the results of the study, along with findings and recommendations on strategies to guarantee fair and effective internal affairs investigations.

# TITLE XII—DRUG COURT PROGRAMS

**SEC. 1201. COORDINATED ADMINISTRATION OF PROGRAMS.**

(a) APPLICATION.—The Attorney General may establish a unified or coordinated process for applying for grants under this title. In addition to any other requirements that may be specified by the Attorney General, an application for a grant under any provision of this title shall—

(1) include a long-term strategy and detailed implementation plan;

(2) explain the applicant's inability to fund the program adequately without Federal assistance;

(3) certify that the Federal support provided will be used to supplement, and not supplant, State

and local sources of funding that would otherwise be available;

(4) identify related governmental and community initiatives which complement or will be coordinated with the proposal;

(5) certify that there has been appropriate coordination with all affected agencies; and

(6) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support.

(b) REGULATORY AUTHORITY.—The Attorney General may issue regulations and guidelines to carry out the programs authorized by this title, including specifications concerning application requirements, selection criteria, duration and renewal of grants, evaluation requirements, matching funds, limitation of administrative expenses, submission of reports by grantees, recordkeeping by grantees, and access to books, records, and documents maintained by grantees or other persons for purposes of audit or examination.

(c) TECHNICAL ASSISTANCE AND EVALUATION.—The Attorney General may provide technical assistance to grantees under the programs authorized by this title. The Attorney General may carry out, or arrange by grant or contract or otherwise for the carrying out of, evaluations

of programs receiving assistance under the programs authorized by this title, in addition to any evaluations that grantees may be required to carry out pursuant to subsection (b).

(d) USE OF COMPONENTS.—The Attorney General may utilize any component or components of the Department of Justice in carrying out this section or other provisions of this title, or in coordinating activities under the programs authorized by this title.

**SEC. 1202. DRUG TESTING UPON ARREST.**

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1101(a), is amended—

(1) by redesignating part T as part U;

(2) by redesignating section 2001 as section 2101; and

(3) by inserting after part S the following new part:

**"PART T—DRUG TESTING UPON ARREST**

**"SEC. 2001. GRANT AUTHORIZATION.**

''The Director of the Bureau of Justice Assistance may make grants under this part to States, for the use by States and units of local government in the States, for the purpose of developing, implementing, or continuing a

drug testing project when individuals are arrested and during the pretrial period.

**"SEC. 2002. STATE APPLICATIONS.**

''(a) GENERAL REQUIREMENTS.—To request a grant under this part the chief executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

''(b) MANDATORY ASSURANCES.—To be eligible to receive funds under this part, a State shall agree to develop or maintain programs of urinalysis or similar drug testing of individuals upon arrest and on a regular basis pending trial for the purpose of making pretrial detention decisions.

''(c) CENTRAL OFFICE.—The office designated under section 507—

''(1) shall prepare the application as required under subsection (a); and

''(2) shall administer grant funds received under this part, including, review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

**"SEC. 2003. LOCAL APPLICATIONS.**

''(a) IN GENERAL.—(1) To request funds under this part from a State, the chief executive of a unit of local

government shall submit an application to the office designated under section 2002(c).

''(2) An application under paragraph (1) shall be considered approved, in whole or in part, by the State not later than 90 days after such application is first received unless the State informs the applicant in writing of specific reasons for disapproval.

''(3) The State shall not disapprove any application submitted to the State without first affording the applicant reasonable notice and an opportunity for reconsideration.

''(4) If such application is approved, the unit of local government is eligible to receive such funds.

''(b) DISTRIBUTION TO UNITS OF LOCAL GOVERNMENT.—A State that receives funds under section 2001 in a fiscal year shall make such funds available to units of local government with an application that has been submitted and approved by the State within 90 days after the Bureau has approved the application submitted by the State and has made funds available to the State. The Director shall have the authority to waive the 90-day requirement in this section upon a finding that the State is unable to satisfy such requirement under State statutes.

**"SEC. 2004. ALLOCATION AND DISTRIBUTION OF FUNDS.**

''(a) STATE DISTRIBUTION.—Of the total amount appropriated under this part in any fiscal year—

''(1) 0.4 percent shall be allocated to each of the participating States; and

''(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the number of individuals arrested in such State bears to the number of individuals arrested in all the participating States.

''(b) LOCAL DISTRIBUTION.—(1) A State that receives funds under this part in a fiscal year shall distribute to units of local government in such State the portion of such funds that bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for criminal justice in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in the State for criminal justice in the preceding fiscal year.

''(2) Any funds not distributed to units of local government under paragraph (1) shall be available for ex-

1 penditure by such State for purposes specified in such
2 State's application.

3 ''(3) If the Director determines, on the basis of infor-
4 mation available during any fiscal year, that a portion of
5 the funds allocated to a State for such fiscal year will not
6 be used by such State or that a State is not eligible to
7 receive funds under section 2001, the Director shall award
8 such funds to units of local government in such State giv-
9 ing priority to the units of local government that the Di-
10 rector considers to have the greatest need.

11 ''(c) FEDERAL SHARE.—The Federal share of a
12 grant made under this part may not exceed 75 percent
13 of the total costs of the projects described in the applica-
14 tion submitted under section 2002 for the fiscal year for
15 which the projects receive assistance under this part.

16 ''(d) GEOGRAPHIC DISTRIBUTION.—The Director
17 shall attempt, to the extent practicable, to achieve an equi-
18 table geographic distribution of grant awards.

19 **''SEC. 2005. REPORT.**

20 ''A State or unit of local government that receives
21 funds under this part shall submit to the Director a report
22 in March of each fiscal year that funds are received under
23 this part regarding the effectiveness of the drug testing
24 project.''.

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1101(b), is amended by striking the matter relating to part T and inserting the following:

''PART T—DRUG TESTING UPON ARREST

''Sec. 2001. Grant authorization.
''Sec. 2002. State applications.
''Sec. 2003. Local applications.
''Sec. 2004. Allocation and distribution of funds.
''Sec. 2005. Report.

''PART U—TRANSITION; EFFECTIVE DATE; REPEALER

''Sec. 2101. Continuation of rules, authorities, and proceedings.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), as amended by section 1101(c), is amended—

(1) in paragraph (3) by striking ''and S'' and inserting ''S, and T''; and

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

''(14) There are authorized to be appropriated to carry out the projects under part T $100,000,000 for each of fiscal years 1995, 1996, and 1997.''.

**SEC. 1203. CERTAINTY OF PUNISHMENT FOR YOUNG OFFENDERS.**

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1202(a), is amended—

(1) by redesignating part U as part V;

(2) by redesignating section 2101 as section 2201; and

(3) by inserting after part T the following new part:

**"PART U—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS**

**"SEC. 2101. GRANT AUTHORIZATION.**

''(a) IN GENERAL.—The Director of the Bureau of Justice Assistance (referred to in this part as the 'Director') may make grants under this part to States, for the use by States and units of local government in the States, for the purpose of developing alternative methods of punishment for young offenders to traditional forms of incarceration and probation.

''(b) ALTERNATIVE METHODS.—The alternative methods of punishment referred to in subsection (a) should ensure certainty of punishment for young offenders and promote reduced recidivism, crime prevention, and assistance to victims, particularly for young offenders who

can be punished more effectively in an environment other than a traditional correctional facility, including—

''(1) alternative sanctions that create accountability and certainty of punishment for young offenders;

''(2) boot camp prison programs;

''(3) technical training and support for the implementation and maintenance of State and local restitution programs for young offenders;

''(4) innovative projects;

''(5) correctional options, such as community-based incarceration, weekend incarceration, and electric monitoring of offenders;

''(6) community service programs that provide work service placement for young offenders at non-profit, private organizations and community organizations;

''(7) demonstration restitution projects that are evaluated for effectiveness; and

''(8) innovative methods that address the problems of young offenders convicted of serious substance abuse, including alcohol abuse, and gang-related offenses, including technical assistance and training to counsel and treat such offenders.

**"SEC. 2102. STATE APPLICATIONS.**

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

''(b) ASSURANCES.—An application under subsection (a) shall include assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

''(c) STATE OFFICE.—The office designated under section 507 shall—

''(1) prepare the application as required under subsection (a); and

''(2) administer grant funds received under this part, including review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

**"SEC. 2103. REVIEW OF STATE APPLICATIONS.**

''(a) IN GENERAL.—The Director shall make a grant under section 2101(a) to carry out the projects described in the application submitted by an applicant under section 2102 upon determining that—

''(1) the application is consistent with the requirements of this part; and

''(2) before the approval of the application, the Director has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

''(b) APPROVAL.—An application submitted under section 2102 shall be considered approved, in whole or in part, by the Director not later than 45 days after it is first received unless the Director informs the applicant of specific reasons for disapproval.

''(c) RESTRICTION.—Grant funds received under this part shall not be used for land acquisition or construction projects other than alternative facilities described in section 2102(b) for young offenders.

''(d) DISAPPROVAL NOTICE AND RECONSIDERATION.—The Director shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

**"SEC. 2104. LOCAL APPLICATIONS.**

''(a) IN GENERAL.—To request funds under this part from a State, the chief executive of a unit of local government shall submit an application to the office designated under section 507.

''(b) APPROVAL.—An application under paragraph (1) shall be considered approved, in whole or in part, by the State not later than 45 days after the application is

first received unless the State informs the applicant in writing of specific reasons for disapproval.

''(c) DISAPPROVAL.—The State shall not disapprove any application submitted to the State without first affording the applicant reasonable notice and an opportunity for reconsideration.

''(d) EFFECT OF APPROVAL.—If an application under paragraph (1) is approved, the unit of local government is eligible to receive the requested funds.

''(e) DISTRIBUTION TO UNITS OF LOCAL GOVERNMENT.—

''(1) IN GENERAL.—A State that receives funds under section 2101 in a fiscal year shall make such funds available to units of local government with an application that has been submitted and approved by the State within 45 days after the Director has approved the application submitted by the State and has made funds available to the State.

''(2) WAIVER.—The Director may waive the 45-day requirement of paragraph (1) upon a finding that the State is unable to satisfy the requirement under State statutes.

**''SEC. 2105. ALLOCATION AND DISTRIBUTION OF FUNDS.**

''(a) STATE DISTRIBUTION.—Of the total amount appropriated under this part in any fiscal year—

''(1) 0.4 percent shall be allocated to each of the participating States; and

''(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount that bears the same ratio to the amount of remaining funds described in this paragraph as the number of young offenders of the State bears to the number of young offenders in all the participating States.

''(b) LOCAL DISTRIBUTION.—

''(1) IN GENERAL.—A State that receives funds under this part in a fiscal year shall distribute to units of local government in the State for the purposes specified in section 2101 the portion of such funds that bears the same ratio to the aggregate amount of such funds as the amount of funds expended by all units of local government for criminal justice in the preceding fiscal year bears to the aggregate amount of funds expended by the State and all units of local government in the State for criminal justice in such preceding fiscal year.

''(2) UNDISTRIBUTED FUNDS.—Any funds not distributed to units of local government under paragraph (1) shall be available for expenditure by the State for purposes specified in section 2101.

"(3) AWARD OF FUNDS BY THE DIRECTOR.—If the Director determines, on the basis of information available during any fiscal year, that a portion of the funds allocated to a State for a fiscal year will not be used by the State or that a State is not eligible to receive funds under section 2101, the Director shall award such funds to units of local government in the State, giving priority to the units of local government that the Director considers to have the greatest need.

"(c) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 2102(a) for the fiscal year for which the projects receive assistance under this part.

**"SEC. 2106. EVALUATION.**

"(a) SUBMISSION.—

"(1) IN GENERAL.—Each State and local unit of government that receives a grant under this part shall submit to the Director an evaluation not later than March 1 of each year in accordance with guidelines issued by the Director and in consultation with the National Institute of Justice.

"(2) WAIVER.—The Director may waive the requirement specified in paragraph (1) if the Director

determines that an evaluation is not warranted in the case of a particular State or unit of local government.

''(b) DISTRIBUTION.—The Director shall make available to the public on a timely basis evaluations received under subsection (a).

''(c) ADMINISTRATIVE COSTS.—A State and local unit of government may use not more than 5 percent of funds it receives under this part to develop an evaluation program under this section.''.

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1202(b), is amended by striking the matter relating to part U and inserting the following:

''PART U—ALTERNATIVE PUNISHMENTS FOR YOUNG OFFENDERS

''Sec. 2101. Grant authorization.
''Sec. 2102. State applications.
''Sec. 2103. Review of State applications.
''Sec. 2104. Local applications.
''Sec. 2105. Allocation and distribution of funds.
''Sec. 2106. Evaluation.

''PART V—TRANSITION; EFFECTIVE DATE; REPEALER

''Sec. 2201. Continuation of rules, authorities, and proceedings.''.

(c) DEFINITION.—Section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)) is amended by adding at the end the following new paragraph:

''(24) 'young offender' means an individual 28 years of age or younger.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), as amended by section 1202(c), is amended—

(1) in paragraph (3) by striking ''and T'' and inserting ''T, and U''; and

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

''(15) There are authorized to be appropriated to carry out the projects under part U $200,000,000 for each of fiscal years 1995, 1996, and 1997.''.

**SEC. 1204. RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS.**

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1203(a), is amended—

(1) by redesignating part V as part W;

(2) by redesignating section 2201 as section 2301; and

(3) by inserting after part U the following new part:

## "PART V—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS

### "SEC. 2201. GRANT AUTHORIZATION.

''The Director of the Bureau of Justice Assistance (referred to in this part as the 'Director') may make grants under this part to States, for the use by States for the purpose of developing and implementing residential substance abuse treatment programs within State correctional facilities.

### "SEC. 2202. STATE APPLICATIONS.

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

''(2) Such application shall include assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

''(3) Such application shall coordinate the design and implementation of treatment programs between State correctional representatives and the State alcohol and drug abuse agency.

''(b) DRUG TESTING REQUIREMENT.—To be eligible to receive funds under this part, a State must agree to implement or continue to require urinalysis or similar testing of individuals in correctional residential substance

abuse treatment programs. Such testing shall include individuals released from residential substance abuse treatment programs who remain in the custody of the State.

''(c) ELIGIBILITY FOR PREFERENCE WITH AFTER CARE COMPONENT.—

''(1) To be eligible for a preference under this part, a State must ensure that individuals who participate in the drug treatment program established or implemented with assistance provided under this part will be provided with aftercare services.

''(2) State aftercare services must involve the coordination of the prison treatment program with other human service and rehabilitation programs, such as educational and job training programs, parole supervision programs, half-way house programs, and participation in self-help and peer group programs, that may aid in the rehabilitation of individuals in the drug treatment program.

''(3) To qualify as an aftercare program, the head of the drug treatment program, in conjunction with State and local authorities and organizations involved in drug treatment, shall assist in placement of drug treatment program participants with appropriate community drug treatment facilities when

such individuals leave prison at the end of a sentence or on parole.

''(d) STATE OFFICE.—The office designated under section 507—

''(1) shall prepare the application as required under this section; and

''(2) shall administer grant funds received under this part, including, review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

**"SEC. 2203. REVIEW OF STATE APPLICATIONS.**

''(a) IN GENERAL.—The Bureau shall make a grant under section 2201 to carry out the projects described in the application submitted under section 2202 upon determining that—

''(1) the application is consistent with the requirements of this part; and

''(2) before the approval of the application the Bureau has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

''(b) APPROVAL.—Each application submitted under section 2202 shall be considered approved, in whole or in part, by the Bureau not later than 45 days after first re-

ceived unless the Bureau informs the applicant of specific reasons for disapproval.

''(c) RESTRICTION.—Grant funds received under this part shall not be used for land acquisition or construction projects.

''(d) DISAPPROVAL NOTICE AND RECONSIDERATION.—The Bureau shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

**''SEC. 2204. ALLOCATION AND DISTRIBUTION OF FUNDS.**

''(a) ALLOCATION.—Of the total amount appropriated under this part in any fiscal year—

''(1) 0.4 percent shall be allocated to each of the participating States; and

''(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount that bears the same ratio to the amount of remaining funds described in this paragraph as the State prison population of the State bears to the total prison population of all of the participating States.

''(b) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the applica-

tion submitted under section 2202 for the fiscal year for which the projects receive assistance under this part.

**"SEC. 2205. EVALUATION.**

''Each State that receives a grant under this part shall submit to the Director an evaluation not later than March 1 of each year in such form and containing such information as the Director may reasonably require.''.

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1203(b), is amended by striking the matter relating to part V and inserting the following:

''PART V—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS

''Sec. 2201. Grant authorization.
''Sec. 2202. State applications.
''Sec. 2203. Review of State applications.
''Sec. 2204. Allocation and distribution of funds.
''Sec. 2205. Evaluation.

''PART W—TRANSITION; EFFECTIVE DATE; REPEALER

''Sec. 2301. Continuation of rules, authorities, and proceedings.''.

(c) DEFINITIONS.—Section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)), as amended by section 2102(c), is amended by adding at the end the following new paragraph:

''(25) 'residential substance abuse treatment program' means a course of individual and group activities, lasting between 9 and 12 months, in residen-

tial treatment facilities set apart from the general prison population—

''(A) directed at the substance abuse problems of the prisoner; and

''(B) intended to develop the prisoner's cognitive, behavioral, social, vocational, and other skills so as to solve the prisoner's substance abuse and related problems.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), as amended by section 2202(d), is amended—

(1) in paragraph (3) by striking ''and U'' and inserting ''U, and V''; and

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

''(16) There are authorized to be appropriated to carry out projects under part V $100,000,000 for each of fiscal years 1995, 1996, and 1997.''.

# TITLE XIII—PRISONS

## Subtitle A—Federal Prisons

### SEC. 1301. PRISONER'S PLACE OF IMPRISONMENT.

Paragraph (b) of section 3621 of title 18, United States Code, is amended by inserting after subsection (5) the following: ''In designating the place of imprisonment

or making transfers under this subsection, there shall be no favoritism given to prisoners of high social or economic status.''.

**SEC. 1302. PRISON IMPACT ASSESSMENTS.**

(a) IN GENERAL.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following new section:

**"§ 4047. Prison impact assessments**

''(a) Any submission of legislation by the Judicial or Executive branch which could increase or decrease the number of persons incarcerated or in Federal penal institutions shall be accompanied by a prison impact statement, as defined in subsection (b) of this section.

''(b) The Attorney General shall, in consultation with the Sentencing Commission and the Administrative Office of the United States Courts, prepare and furnish prison impact assessments under subsection (c) of this section, and in response to requests from Congress for information relating to a pending measure or matter that might affect the number of defendants processed through the Federal criminal justice system. A prison impact assessment on pending legislation must be supplied within 7 days of any request. A prison impact assessment shall include—

''(1) projections of the impact on prison, probation, and post prison supervision populations;

''(2) an estimate of the fiscal impact of such population changes on Federal expenditures, including those for construction and operation of correctional facilities for the current fiscal year and 5 succeeding fiscal years;

''(3) an analysis of any other significant factor affecting the cost of the measure and its impact on the operations of components of the criminal justice system; and

''(4) a statement of the methodologies and assumptions utilized in preparing the assessment.

''(c) The Attorney General shall prepare and transmit to the Congress, by March 1 of each year, a prison impact assessment reflecting the cumulative effect of all relevant changes in the law taking effect during the preceding calendar year.''.

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 303 is amended by adding at the end the following new item:

''4047. Prison impact assessments.''.

**SEC. 1303. FEDERAL PRISONER DRUG TESTING.**

(a) SHORT TITLE.—This title may be cited as the ''Federal Prisoner Drug Testing Act of 1993''.

(b) DRUG TESTING PROGRAM.—(1) Chapter 229 of title 18, United States Code, is amended by adding at the end the following new section:

**"§ 3608. Drug testing of Federal offenders on post-conviction release**

''The Director of the Administrative Office of the United States Courts, in consultation with the Attorney General and the Secretary of Health and Human Services, shall establish a program of drug testing of Federal offenders on post-conviction release. The program shall include such standards and guidelines as the Director may determine necessary to ensure the reliability and accuracy of the drug testing programs. In each judicial district the chief probation officer shall arrange for the drug testing of defendants on post-conviction release pursuant to a conviction for a felony or other offense described in section 3563(a)(4) of this title. There are authorized to be appropriated for each fiscal year such sums as are necessary to carry out this section.''.

(2) The table of sections at the beginning of chapter 229 of title 18, United States Code, is amended by adding at the end the following:

''3608. Drug testing of Federal offenders on post-conviction release.''.

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

(1) in paragraph (2) by striking ''and'' after the semicolon;

(2) in paragraph (3) by striking the period and inserting ''; and'';

(3) by adding at the end the following new paragraph:

''(4) for a felony, a misdemeanor, or an infraction, that the defendant refrain from any unlawful use of a controlled substance and submit to one drug test within 15 days of release on probation and at least 2 periodic drug tests thereafter (as determined by the court) for use of a controlled substance, but the condition stated in this paragraph may be ameliorated or suspended by the court for any individual defendant if the defendant's presentence report or other reliable sentencing information indicates a low risk of future substance abuse by the defendant.''; and

(4) by adding at the end the following: ''The results of a drug test administered in accordance with paragraph (4) shall be subject to confirmation only if the results are positive, the defendant is subject to possible imprisonment for such failure, and either the defendant denies the accuracy of such test or there is some other reason to question the results of the test. A defendant who tests positive may be detained pending verification of a positive drug test result. A drug test confirmation shall be a urine drug test confirmed using gas chromatography/mass spec-

trometry techniques or such test as the Director of the Administrative Office of the United States Courts after consultation with the Secretary of Health and Human Services may determine to be of equivalent accuracy. Notwithstanding the requirements of section 3565(b), the court shall consider the availability of appropriate substance abuse treatment programs when considering any action against a defendant who fails a drug test administered in accordance with paragraph (4).''.

(d) CONDITIONS ON SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended by inserting after the first sentence the following: ''The court shall also order, as an explicit condition of supervised release, that the defendant refrain from any unlawful use of a controlled substance and submit to a drug test within 15 days of release on supervised release and at least 2 periodic drug tests thereafter (as determined by the court) for use of a controlled substance. The condition stated in the preceding sentence may be ameliorated or suspended by the court as provided in section 3563(a)(4). The results of a drug test administered in accordance with the preceding subsection shall be subject to confirmation only if the results are positive, the defendant is subject to possible imprisonment for such failure, and either the

1 defendant denies the accuracy of such test or there is some
2 other reason to question the results of the test. A drug
3 test confirmation shall be a urine drug test confirmed
4 using gas chromatography/mass spectrometry techniques
5 or such test as the Director of the Administrative Office
6 of the United States Courts after consultation with the
7 Secretary of Health and Human Services may determine
8 to be of equivalent accuracy. Notwithstanding the require-
9 ments of section 3583(g), the court shall consider the
10 availability of appropriate substance abuse treatment pro-
11 grams when considering any action against a defendant
12 who fails a drug test.''.

13 (e) CONDITIONS OF PAROLE.—Section 4209(a) of
14 title 18, United States Code, is amended by inserting after
15 the first sentence the following: ''In every case, the Com-
16 mission shall also impose as a condition of parole that the
17 parolee pass a drug test prior to release and refrain from
18 any unlawful use of a controlled substance and submit to
19 at least 2 periodic drug tests (as determined by the Com-
20 mission) for use of a controlled substance. The condition
21 stated in the preceding sentence may be ameliorated or
22 suspended by the Commission for any individual parolee
23 if it determines that there is good cause for doing so. The
24 results of a drug test administered in accordance with the
25 provisions of the preceding sentence shall be subject to

confirmation only if the results are positive, the defendant is subject to possible imprisonment for such failure, and either the defendant denies the accuracy of such test or there is some other reason to question the results of the test. A drug test confirmation shall be a urine drug test confirmed using gas chromatography/mass spectrometry techniques or such test as the Director of the Administrative Office of the United States Courts after consultation with the Secretary of Health and Human Services may determine to be of equivalent accuracy. Notwithstanding the requirements of section 4214(f), the Commission shall consider the availability of appropriate substance abuse treatment programs when considering any action against a defendant who fails a drug test.''.

**SEC. 1304. DRUG TREATMENT IN FEDERAL PRISONS.**

(a) SHORT TITLE.—This section may be cited as the ''Drug Treatment in Federal Prisons Act of 1993''.

(b) DEFINITIONS.—As used in this section—

(1) the term ''residential substance abuse treatment'' means a course of individual and group activities, lasting between 9 and 12 months, in residential treatment facilities set apart from the general prison population—

(A) directed at the substance abuse problems of the prisoner; and

(B) intended to develop the prisoner's cognitive, behavioral, social, vocational, and other skills so as to solve the prisoner's substance abuse and related problems; and

(2) the term ''eligible prisoner'' means a prisoner who is—

(A) determined by the Bureau of Prisons to have a substance abuse problem; and

(B) willing to participate in a residential substance abuse treatment program.

(c) IMPLEMENTATION OF SUBSTANCE ABUSE TREATMENT REQUIREMENT.—

(1) In order to carry out the requirement of the last sentence of section 3621(b) of title 18, United States Code, that every prisoner with a substance abuse problem have the opportunity to participate in appropriate substance abuse treatment, the Bureau of Prisons shall provide residential substance abuse treatment—

(A) for not less than 50 percent of eligible prisoners by the end of fiscal year 1995;

(B) for not less than 75 percent of eligible prisoners by the end of fiscal year 1996; and

(C) for all eligible prisoners by the end of fiscal year 1997 and thereafter.

(2) Section 3621 of title 18, United States Code, is amended by adding at the end the following:

''(d) INCENTIVE FOR PRISONERS' SUCCESSFUL COMPLETION OF TREATMENT PROGRAM.—

''(1) GENERALLY.—Any prisoner who, in the judgment of the Director of the Bureau of Prisons, has successfully completed a program of residential substance abuse treatment provided under subsection (b) of this section, shall remain in the custody of the Bureau for such time (as limited by paragraph (2) of this subsection) and under such conditions, as the Bureau deems appropriate. If the conditions of confinement are different from those the prisoner would have experienced absent the successful completion of the treatment, the Bureau shall periodically test the prisoner for drug abuse and discontinue such conditions on determining that drug abuse has recurred.

''(2) PERIOD OF CUSTODY.—The period the prisoner remains in custody after successfully completing a treatment program shall not exceed the prison term the law would otherwise require such prisoner to serve, but may not be less than such term minus one year.''.

(d) REPORT.—The Bureau of Prisons shall transmit to the Congress on January 1, 1993, and on January 1 of each year thereafter, a report. Such report shall contain—

(1) a detailed quantitative and qualitative description of each substance abuse treatment program, residential or not, operated by the Bureau;

(2) a full explanation of how eligibility for such programs is determined, with complete information on what proportion of prisoners with substance abuse problems are eligible; and

(3) a complete statement of to what extent the Bureau has achieved compliance with the requirements of this title.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 1995 and each fiscal year thereafter such sums as may be necessary to carry out this title.

## Subtitle B—State Prisons

### SEC. 1321. BOOT CAMPS AND REGIONAL PRISONS FOR VIOLENT DRUG OFFENDERS.

(a) DEFINITION.—In this section, ''boot camp prison program'' means a correctional program of not more than 6 months' duration involving—

(1) assignment for participation in the program, in conformity with State law, by prisoners other than prisoners who have been convicted at any time of a violent felony;

(2) adherence by inmates to a highly regimented schedule that involves strict discipline, physical training, and work;

(3) participation by inmates in appropriate education, job training, and substance abuse counseling or treatment; and

(4) aftercare services for inmates following release that are coordinated with the program carried out during the period of imprisonment.

(b) ESTABLISHMENT OF GRANT AND TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Attorney General may make grants to States and to multi-State compact associations for the purposes of—

(A) developing, constructing, expanding, and improving boot camp prison programs;

(B) developing, constructing, and operating regional prisons that house and provide treatment for violent offenders with serious substance abuse problems; and

(C) assisting in activating existing boot camp or prison facilities that are unutilized or underutilized because of lack of funding.

(2) TECHNICAL ASSISTANCE.—The Attorney General may provide technical assistance to grantees under this section.

(3) UTILIZATION OF COMPONENTS.—The Attorney General may utilize any component or components of the Department of Justice in carrying out this section.

(c) STATE AND MULTI-STATE COMPACT APPLICATIONS.—

(1) IN GENERAL.—To request a grant under this section, the chief executive of a State or the coordinator of a multi-State compact association shall submit an application to the Attorney General in such form and containing such information as the Attorney General may prescribe by regulation or guidelines.

(2) CONTENT OF APPLICATION.—In accordance with the regulations or guidelines established by the Attorney General, an application for a grant under this section shall—

(A) include a long-term strategy and detailed implementation plan;

(B) include evidence of the existence of, and describe the terms of, a multi-State compact for any multiple-State plan;

(C) provide a description of any construction activities, including cost estimates, that will be a part of any plan;

(D) provide a description of the criteria for selection of prisoners for participating in a boot camp prison program or assignment to a regional prison or activated prison or boot camp facility that is to be funded;

(E) provide assurances that the boot camp prison program, regional prison, or activated prison or boot camp facility that receives funding will provide work programs, education, job training, and appropriate drug treatment for inmates;

(F) provide assurances that—

(i) prisoners who participate in a boot camp prison program or are assigned to a regional prison or activated prison or boot camp facility that receives funding will be provided with aftercare services; and

(ii) a substantial proportion of the population of any regional prison that re-

ceives funds under this section will be violent offenders with serious substance abuse problems, and provision of treatment for such offenders will be a priority element of the prison's mission;

(G) provide assurances that aftercare services will involve the coordination of the boot camp prison program, regional prison, or activated prison or boot camp facility, with other human service and rehabilitation programs (such as educational and job training programs, drug counseling or treatment, parole or other post-release supervision programs, halfway house programs, job placement programs, and participation in self-help and peer group programs) that reduce the likelihood of further criminality by prisoners who participate in a boot camp program or are assigned to a regional prison or activated prison or boot camp facility following release;

(H) explain the applicant's inability to fund the program adequately without Federal assistance;

(I) identify related governmental and community initiatives that complement or will be coordinated with the proposal;

(J) certify that there has been appropriate coordination with all affected agencies; and

(K) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support.

(d) LIMITATIONS ON FUNDS.—

(1) NONSUPPLANTING REQUIREMENT.—Funds made available under this section shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources.

(2) ADMINISTRATIVE COSTS.—No more than 5 percent of the funds available under this section may be used for administrative costs.

(3) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under this section may not exceed 75 percent of the total cost of the program as described in the application.

(4) DURATION OF GRANTS.—

(A) IN GENERAL.—A grant under this section may be renewed for up to 3 years beyond

the initial year of funding if the applicant demonstrates satisfactory progress toward achievement of the objectives set out in an approved application.

(B) MULTIYEAR GRANTS.—A multiyear grant may be made under this section so long as the total duration of the grant, including any renewals, does not exceed 4 years.

(e) CONVERSION OF PROPERTY AND FACILITIES AT CLOSED OR REALIGNED MILITARY INSTALLATIONS INTO BOOT CAMP PRISONS AND REGIONAL PRISONS.—

(1) DEFINITION.—In this subsection, ''base closure law'' means—

(A) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note);

(B) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note);

(C) section 2687 of title 10, United States Code; and

(D) any other similar law.

(2) DETERMINATION OF SUITABILITY FOR CONVERSION.—Notwithstanding any base closure law, the Secretary of Defense may not take any action to

dispose of or transfer any real property or facility located at a military installation to be closed or realigned under a base closure law until the Secretary notifies the Attorney General of any property or facility at that installation that is suitable for use as a boot camp prison or regional prison.

(3) TRANSFER.—The Secretary shall, upon the request of the Attorney General, transfer to the Attorney General, without reimbursement, the property or facilities covered by the notification referred to in paragraph (2) in order to permit the Attorney General to utilize the property or facilities as a boot camp prison or regional prison.

(4) APPLICABILITY.—This subsection shall apply with respect to property or facilities located at military installations the closure or realignment of which commences after the date of enactment of this Act.

(f) PERFORMANCE EVALUATION.—

(1) EVALUATION COMPONENTS.—

(A) IN GENERAL.—Each boot camp prison, regional prison, and activated prison or boot camp facility program funded under this section shall contain an evaluation component devel-

oped pursuant to guidelines established by the Attorney General.

(B) OUTCOME MEASURES.—The evaluations required by this paragraph shall include outcome measures that can be used to determine the effectiveness of the funded programs, including the effectiveness of such programs in comparison with other correctional programs or dispositions in reducing the incidence of recidivism.

(2) PERIODIC REVIEW AND REPORTS.—

(A) REVIEW.—The Attorney General shall review the performance of each grant recipient under this section.

(B) REPORTS.—The Attorney General may require a grant recipient to submit to the Attorney General the results of the evaluations required under paragraph (1) and such other data and information as the Attorney General deems reasonably necessary to carry out the Attorney General's responsibilities under this section.

(3) REPORT TO CONGRESS.—The Attorney General shall submit an annual report to Congress describing the grants awarded under this section

and providing an assessment of the operations of the programs receiving grants.

(g) REVOCATION OR SUSPENSION OF FUNDING.—If the Attorney General determines, as a result of the reviews required by subsection (f), or otherwise, that a grant recipient under this section is not in substantial compliance with the terms and requirements of an approved grant application, the Attorney General may revoke or suspend funding of the grant in whole or in part.

(h) ACCESS TO DOCUMENTS.—The Attorney General and the Comptroller General shall have access for the purpose of audit and examination to—

(1) the pertinent books, documents, papers, or records of a grant recipient under this section; and

(2) the pertinent books, documents, papers, or records of other persons and entities that are involved in programs for which assistance is provided under this section.

(i) GENERAL REGULATORY AUTHORITY.—The Attorney General may issue regulations and guidelines to carry out this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $200,000,000, to remain available until expended.

(2) USE OF APPROPRIATED FUNDS.—No more than one-third of the amounts appropriated under paragraph (1) may be used to make grants for the construction, development, and operation of regional prisons under subsection (b)(1)(B).

**SEC. 1322. NATIONAL INSTITUTE OF JUSTICE STUDY.**

(a) FEASIBILITY STUDY.—The National Institute of Justice shall study the feasibility of establishing a clearinghouse to provide information to interested persons to facilitate the transfer of prisoners in State correctional institutions to other such correctional institutions, pursuant to the Interstate Corrections Compact or other applicable interstate compact, for the purpose of allowing prisoners to serve their prison sentences at correctional institutions in close proximity to their families.

(b) REPORT TO CONGRESS.—The National Institute of Justice shall, not later than 1 year after the date of the enactment of this Act, submit to the Committees on the Judiciary of the House of Representatives and the Senate a report containing the results of the study conducted under subsection (a), together with any recommendations the Institute may have on establishing a clearinghouse described in such subsection.

(c) DEFINITION.—For purposes of this section, the term ''State'' includes the District of Columbia and any territory or possession of the United States.

**SEC. 1323. STUDY AND ASSESSMENT OF ALCOHOL USE AND TREATMENT.**

The Director of the National Institute of Justice shall—

(1) conduct a study to compare the recidivism rates of individuals under the influence of alcohol or alcohol in combination with other drugs at the time of their offense—

(A) who participated in a residential treatment program while in the custody of the State; and

(B) who did not participate in a residential treatment program while in the custody of the State.

(2) conduct a nationwide assessment regarding the use of alcohol and alcohol in combination with other drugs as a factor in violent, domestic, and general criminal activity.

**SEC. 1324. NOTIFICATION OF RELEASE OF PRISONERS.**

Section 4042 of title 18, United States Code, is amended—

(1) by striking ''The Bureau'' and inserting ''(a) IN GENERAL.—The Bureau'';

(2) by striking ''This section'' and inserting ''(c) Application of Section.—This section'';

(3) in paragraph (4) of subsection (a), as designated by paragraph (1) of this subsection—

(A) by striking ''Provide'' and inserting ''provide''; and

(B) by striking the period at the end and inserting ''; and'';

(4) by inserting after paragraph (4) of subsection (a), as designated by paragraph (1) of this subsection, the following new paragraph:

''(5) provide notice of release of prisoners in accordance with subsection (b).''; and

(5) by inserting after subsection (a), as designated by paragraph (1) of this subsection, the following new subsection:

''(b) NOTICE OF RELEASE OF PRISONERS.—(1) Except in the case of a prisoner being protected under chapter 224, the Bureau of Prisons shall, at least 5 days prior to the date on which a prisoner described in paragraph (3) is to be released on supervised release, or, in the case of a prisoner on supervised release, at least 5 days prior to the date on which the prisoner changes residence to

a new jurisdiction, cause written notice of the release or change of residence to be made to the chief law enforcement officer of the State and of the local jurisdiction in which the prisoner will reside.

''(2) A notice under paragraph (1) shall disclose—

''(A) the prisoner's name;

''(B) the prisoner's criminal history, including a description of the offense of which the prisoner was convicted; and

''(C) any restrictions on conduct or other conditions to the release of the prisoner that are imposed by law, the sentencing court, or the Bureau of Prisons or any other Federal agency.

''(3) A prisoner is described in this paragraph if the prisoner was convicted of—

''(A) a drug trafficking crime, as that term is defined in section 924(c)(2); or

''(B) a crime of violence, as that term is defined in section 924(c)(3).

''(4) The notice provided under this section shall be used solely for law enforcement purposes.''.

**SEC. 1325. APPLICATION TO PRISONERS TO WHICH PRIOR LAW APPLIES.**

In the case of a prisoner convicted of an offense committed prior to November 1, 1987, the reference to super-

vised release in section 4042(b) of title 18, United States Code, shall be deemed to be a reference to probation or parole.

# TITLE XIV—RURAL CRIME

## Subtitle A—Fighting Drug Trafficking in Rural Areas

### SEC. 1401. AUTHORIZATIONS FOR RURAL LAW ENFORCEMENT AGENCIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(9) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(9)) is amended by striking ''and such'' and all that follows through ''part O'' and inserting ''$50,000,000 for fiscal year 1995 and such sums as are necessary for fiscal years 1996 and 1997 to carry out part O''.

(b) AMENDMENT TO BASE ALLOCATION.—Section 1501(a)(2)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking ''$100,000'' and inserting ''$250,000''.

### SEC. 1402. RURAL DRUG ENFORCEMENT TASK FORCES.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Attorney General, in consultation with the Governors, mayors, and chief executive officers of State and local law enforcement agencies, shall establish a Rural Drug Enforcement Task

Force in each of the Federal judicial districts which encompass significant rural lands.

(b) TASK FORCE MEMBERSHIP.—The task forces established under subsection (a) shall be chaired by the United States Attorney for the respective Federal judicial district. The task forces shall include representatives from—

(1) State and local law enforcement agencies;

(2) the Drug Enforcement Administration;

(3) the Federal Bureau of Investigation;

(4) the Immigration and Naturalization Service; and

(5) law enforcement officers from the United States Park Police, United States Forest Service and Bureau of Land Management, and such other Federal law enforcement agencies as the Attorney General may direct.

**SEC. 1403. CROSS-DESIGNATION OF FEDERAL OFFICERS.**

The Attorney General may cross-designate up to 100 law enforcement officers from each of the agencies specified under section 1402(b)(5) with jurisdiction to enforce the provisions of the Controlled Substances Act on non-Federal lands to the extent necessary to effect the purposes of this title.

**SEC. 1404. RURAL DRUG ENFORCEMENT TRAINING.**

(a) SPECIALIZED TRAINING FOR RURAL OFFICERS.—The Director of the Federal Law Enforcement Training Center shall develop a specialized course of instruction devoted to training law enforcement officers from rural agencies in the investigation of drug trafficking and related crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a) $1,000,000 for each of fiscal years 1995, 1996, and 1997.

## Subtitle B—Drug Free Truck Stops and Safety Rest Areas

**SEC. 1411. DRUG FREE TRUCK STOPS AND SAFETY REST AREAS.**

(a) SHORT TITLE.—This section may be cited as the ''Drug Free Truck Stop Act''.

(b) AMENDMENT TO CONTROLLED SUBSTANCES ACT.—

(1) IN GENERAL.—Part D of the Controlled Substances Act (21 U.S.C. 801 et seq.) is amended by inserting after section 408 the following new section:

''TRANSPORTATION SAFETY OFFENSES

''SEC. 409. (a) DEFINITIONS.—In this section—

"'safety rest area' means a roadside facility with parking facilities for the rest or other needs of motorists.

"'truck stop' means a facility (including any parking lot appurtenant thereto) that—

"(A) has the capacity to provide fuel or service, or both, to any commercial motor vehicle (as defined under section 12019 of the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2716)) operating in commerce (as defined in that section); and

"(B) is located within 2,500 feet of the National System of Interstate and Defense Highways or the Federal-Aid Primary System.

"(b) FIRST OFFENSE.—A person who violates section 401(a)(1) or section 416 by distributing or possessing with intent to distribute a controlled substance in or on, or within 1,000 feet of, a truck stop or safety rest area is (except as provided in subsection (b)) subject to—

"(1) twice the maximum punishment authorized by section 401(b); and

"(2) twice any term of supervised release authorized by section 401(b) for a first offense.

"(c) SUBSEQUENT OFFENSE.—A person who violates section 401(a)(1) or section 416 by distributing or pos-

sessing with intent to distribute a controlled substance in or on, or within 1,000 feet of, a truck stop or a safety rest area after a prior conviction or convictions under subsection (a) have become final is subject to—

''(1) 3 times the maximum punishment authorized by section 401(b); and

''(2) 3 times any term of supervised release authorized by section 401(b) for a first offense.''.

(2) TECHNICAL AMENDMENTS.—

(A) CROSS REFERENCE.—Section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended by inserting ''409,'' before ''418,'' each place it appears.

(B) TABLE OF CONTENTS.—The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by striking the item relating to section 409 and inserting the following new item:

''Sec. 409. Transportation safety offenses.''.

(c) SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, and section 21 of the Sentencing Act of 1987 (28 U.S.C. 994 note), the United States Sentencing Commission shall promulgate guidelines, or shall amend existing guidelines, to provide an appropriate enhancement of punishment for

a defendant convicted of violating section 409 of the Controlled Substances Act, as added by subsection (b).

# TITLE XV—DRUG CONTROL

## Subtitle A—Increased Penalties

### SEC. 1501. ENHANCEMENT OF PENALTIES FOR DRUG TRAFFICKING IN PRISONS.

Section 1791 of title 18, United States Code, is amended—

(1) in subsection (c), by inserting before ''Any'' the following new sentence: ''Any punishment imposed under subsection (b) for a violation of this section involving a controlled substance shall be consecutive to any other sentence imposed by any court for an offense involving such a controlled substance.'';

(2) in subsection (d)(1)(A), by inserting after ''a firearm or destructive device'' the following: ''or a controlled substance in schedule I or II, other than marijuana or a controlled substance referred to in subparagraph (C) of this subsection'';

(3) in subsection (d)(1)(B), by inserting before ''ammunition,'' the following: ''marijuana or a controlled substance in schedule III, other than a controlled substance referred to in subparagraph (C) of this subsection,'';

(4) in subsection (d)(1)(C), by inserting ''methamphetamine, its salts, isomers, and salts of its isomers,'' after ''a narcotic drug,'';

(5) in subsection (d)(1)(D), by inserting ''(A), (B), or'' before ''(C)''; and

(6) in subsection (b), by striking ''(c)'' each place it appears and inserting ''(d)''.

**SEC. 1502. CLOSING OF LOOPHOLE FOR ILLEGAL IMPORTATION OF SMALL DRUG QUANTITIES.**

Section 497(a)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1497(a)(2)(A)) is amended by adding ''or $500, whichever is greater'' after ''value of the article''.

**SEC. 1503. PENALTIES FOR DRUG DEALING IN PUBLIC HOUSING AUTHORITY FACILITIES.**

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) in subsection (a) by striking ''playground, or within'' and inserting ''playground, or housing facility owned by a public housing authority, or within''; and

(2) in subsection (b) by striking ''playground, or within'' and inserting ''playground, or housing facility owned by a public housing authority, or within''.

**SEC. 1504. ANABOLIC STEROIDS PENALTIES.**

Section 404 of the Controlled Substances Act (21 U.S.C. 844) is amended by inserting after subsection (a) the following:

''(b)(1) Whoever, being a physical trainer or adviser to an individual, endeavors to persuade or induce that individual to possess or use anabolic steroids in violation of subsection (a), shall be fined under title 18, United States Code, or imprisoned not more than 2 years, or both. If such individual has not attained the age of 18 years, the maximum imprisonment shall be 5 years.

''(2) As used in this subsection, the term 'physical trainer or adviser' means any professional or amateur coach, manager, trainer, instructor, or other such person, who provides any athletic or physical instruction, training, advice, assistance, or other such service to any person.''.

**SEC. 1505. INCREASED PENALTIES FOR DRUG-DEALING IN "DRUG-FREE" ZONES.**

Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall amend existing guidelines to provide that a defendant convicted of violating section 419 of the Controlled Substances Act (21 U.S.C. 860) shall be assigned an offense level under chapter 2 of the sentencing guidelines that is no less than level 20.

**SEC. 1506. ENHANCED PENALTIES FOR ILLEGAL DRUG USE IN FEDERAL PRISONS.**

(a) DECLARATION OF POLICY.—It is the policy of the Federal Government that the use or distribution of illegal drugs in the Nation's Federal prisons will not be tolerated and that such crimes shall be prosecuted to the fullest extent of the law.

(b) SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall amend its sentencing guidelines to appropriately enhance the penalty for a person convicted of an offense—

(1) under section 404 of the Controlled Substances Act involving simple possession of a controlled substance within a Federal prison or other Federal detention facility; or

(2) under section 401(b) of the Controlled Substances Act involving the smuggling of a controlled substance into a Federal prison or other Federal detention facility or the distribution or intended distribution of a controlled substance within a Federal prison or other Federal detention facility.

(c) NO PROBATION OR SUSPENSION OF SENTENCE.—Notwithstanding any other law, the court shall not place on probation or suspend the sentence of a person convicted of an offense described in subsection (b).

# Subtitle B—Precursor Chemicals Act

**SEC. 1511. SHORT TITLE.**

This title may be cited as the ''Chemical Control Amendments Act of 1993''.

**SEC. 1512. DEFINITION AMENDMENTS.**

(a) DEFINITIONS.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (33) by striking ''any listed precursor chemical or listed essential chemical'' and inserting ''any list I chemical or any list II chemical'';

(2) in paragraph (34)—

(A) by striking ''listed precursor chemical'' and inserting ''list I chemical''; and

(B) by striking ''critical to the creation'' and inserting ''important to the manufacturer'';

(3) in paragraph (34) (A), (F), and (H), by inserting '', its esters'' before ''and'';

(4) in paragraph (35)—

(A) by striking ''listed essential chemical'' and inserting ''list II chemical'';

(B) by inserting ''(other than a list I chemical)'' before ''specified'';

(C) by striking ''as a solvent, reagent, or catalyst''; and

(5) in paragraph (38) by inserting ''or who acts as a broker or trader for an international transaction involving a listed chemical, a tableting machine, or an encapsulating machine'' before the period;

(6) in paragraph (39)(A)—

(A) by striking ''importation or exportation of'' and inserting ''importation, or exportation of, or an international transaction involving shipment of,'';

(B) in clause (iii) by inserting ''or any category of transaction for a specific listed chemical or chemicals'' after ''transaction'';

(C) by amending clause (iv) to read as follows:

''(iv) any transaction in a listed chemical that is contained in a drug that may be marketed or distributed lawfully in the United States under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) unless—

''(I)(aa) the drug contains ephedrine or its salts, optical isomers, or salts of optical isomers as the only active medicinal

ingredient or contains ephedrine and therapeutically insignificant quantities of another active medicinal ingredient; or

''(bb) the Attorney General has determined under section 204 that the drug or group of drugs is being diverted to obtain the listed chemical for use in the illicit production of a controlled substance; and

''(II) the quantity of ephedrine or other listed chemical contained in the drug included in the transaction or multiple transactions equals or exceeds the threshold established for that chemical by the Attorney General.''; and

(D) in clause (v) by striking the semicolon and inserting ''which the Attorney General has by regulation designated as exempt from the application of this title and title II based on a finding that the mixture is formulated in such a way that it cannot be easily used in the illicit production of a controlled substance and that the listed chemical or chemicals contained in the mixture cannot be readily recovered;'';

(7) in paragraph (40) by striking ''listed precursor chemical or a listed essential chemical'' each

place it appears and inserting ''list I chemical or a list II chemical''; and

(8) by adding at the end the following new paragraphs:

''(43) The term 'international transaction' means a transaction involving the shipment of a listed chemical across an international border (other than a United States border) in which a broker or trader located in the United States participates.

''(44) The terms 'broker' and 'trader' mean a person that assists in arranging an international transaction in a listed chemical by—

''(A) negotiating contracts;

''(B) serving as an agent or intermediary; or

''(C) bringing together a buyer and seller, buyer, and transporter, or a seller and transporter.''.

(b) REMOVAL OF EXEMPTION OF CERTAIN DRUGS.—

(1) PROCEDURE.—Part B of the Controlled Substances Act (21 U.S.C. 811 et seq.) is amended by adding at the end the following new section:

''REMOVAL OF EXEMPTION OF CERTAIN DRUGS

''SEC. 204. (a) REMOVAL OF EXEMPTION.—The Attorney General shall by regulation remove from exemption under section 102(39)(A)(iv)(II) a drug or group of drugs that the Attorney General finds is being diverted to obtain

a listed chemical for use in the illicit production of a controlled substance.

''(b) FACTORS TO BE CONSIDERED.—In removing a drug or group of drugs from exemption under subsection (a), the Attorney General shall consider, with respect to a drug or group of drugs that is proposed to be removed from exemption—

''(1) the scope, duration, and significance of the diversion;

''(2) whether the drug or group of drugs is formulated in such a way that it cannot be easily used in the illicit production of a controlled substance; and

''(3) whether the listed chemical can be readily recovered from the drug or group of drugs.

''(c) SPECIFICITY OF DESIGNATION.—The Attorney General shall limit the designation of a drug or a group of drugs removed from exemption under subsection (a) to the most particularly identifiable type of drug or group of drugs for which evidence of diversion exists unless there is evidence, based on the pattern of diversion and other relevant factors, that the diversion will not be limited to that particular drug or group of drugs.

''(d) REINSTATEMENT OF EXEMPTION WITH RESPECT TO PARTICULAR DRUG PRODUCTS.—

"(1) REINSTATEMENT.—On application by a manufacturer of a particular drug product that has been removed from exemption under subsection (a), the Attorney General shall by regulation reinstate the exemption with respect to that particular drug product if the Attorney General determines that the particular drug product is manufactured and distributed in a manner that prevents diversion.

"(2) FACTORS TO BE CONSIDERED.—In deciding whether to reinstate the exemption with respect to a particular drug product under paragraph (1), the Attorney General shall consider—

"(A) the package sizes and manner of packaging of the drug product;

"(B) the manner of distribution and advertising of the drug product;

"(C) evidence of diversion of the drug product;

"(D) any actions taken by the manufacturer to prevent diversion of the drug product; and

"(E) such other factors as are relevant to and consistent with the public health and safety, including the factors described in subsection (b) as applied to the drug product.

"(3) STATUS PENDING APPLICATION FOR REINSTATEMENT.—A transaction involving a particular drug product that is the subject of a bona fide pending application for reinstatement of exemption filed with the Attorney General not later than 60 days after a regulation removing the exemption is issued pursuant to subsection (a) shall not be considered to be a regulated transaction if the transaction occurs during the pendency of the application and, if the Attorney General denies the application, during the period of 60 days following the date on which the Attorney General denies the application, unless—

"(A) the Attorney General has evidence that, applying the factors described in subsection (b) to the drug product, the drug product is being diverted; and

"(B) the Attorney General so notifies the applicant.

"(4) AMENDMENT AND MODIFICATION.—A regulation reinstating an exemption under paragraph (1) may be modified or revoked with respect to a particular drug product upon a finding that—

"(A) applying the factors described in subsection (b) to the drug product, the drug product is being diverted; or

"(B) there is a significant change in the data that led to the issuance of the regulation.".

(2) TECHNICAL AMENDMENT.—The table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1236) is amended by adding at the end of the section relating to part B of title II the following new item:

"Sec. 204. Removal of exemption of certain drugs.".

(c) REGULATION OF LISTED CHEMICALS.—Section 310 of the Controlled Substances Act (21 U.S.C. 830) is amended—

(1) in subsection (a)(1)—

(A) by striking "precursor chemical" and inserting "list I chemical"; and

(B) in subparagraph (B) by striking "an essential chemical" and inserting "a list II chemical"; and

(2) in subsection (c)(2)(D) by striking "precursor chemical" and inserting "chemical control".

**SEC. 1513. REGISTRATION REQUIREMENTS.**

(a) RULES AND REGULATIONS.—Section 301 of the Controlled Substances Act (21 U.S.C. 821) is amended by striking the period and inserting "and to the registration and control of regulated persons and of regulated transactions.".

(b) PERSONS REQUIRED TO REGISTER UNDER SECTION 302.—Section 302 of the Controlled Substances Act (21 U.S.C. 822) is amended—

(1) in subsection (a)(1) by inserting ''or list I chemical'' after ''controlled substance'' each place it appears;

(2) in subsection (b)—

(A) by inserting ''or list I chemicals'' after ''controlled substances''; and

(B) by inserting ''or chemicals'' after ''such substances'';

(3) in subsection (c) by inserting ''or list I chemical'' after ''controlled substance'' each place it appears; and

(4) in subsection (e) by inserting ''or list I chemicals'' after ''controlled substances''.

(c) REGISTRATION REQUIREMENTS UNDER SECTION 303.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following new subsection:

''(h) The Attorney General shall register an applicant to distribute a list I chemical unless the Attorney General determines that registration of the applicant is inconsistent with the public interest. Registration under this subsection shall not be required for the distribution of a drug

product that is exempted under section 102(39)(A)(iv). In determining the public interest for the purposes of this subsection, the Attorney General shall consider—

''(1) maintenance by the applicant of effective controls against diversion of listed chemicals into other than legitimate channels;

''(2) compliance by the applicant with applicable Federal, State and local law;

''(3) any prior conviction record of the applicant under Federal or State laws relating to controlled substances or to chemicals controlled under Federal or State law;

''(4) any past experience of the applicant in the manufacture and distribution of chemicals; and

''(5) such other factors as are relevant to and consistent with the public health and safety.''.

(d) DENIAL, REVOCATION, OR SUSPENSION OF REGISTRATION.—Section 304 of the Controlled Substances Act (21 U.S.C. 824) is amended—

(1) in subsection (a)—

(A) by inserting ''or a list I chemical'' after ''controlled substance'' each place it appears; and

(B) by inserting ''or list I chemicals'' after ''controlled substances'';

(2) in subsection (b) by inserting ''or list I chemical'' after ''controlled substance'';

(3) in subsection (f) by inserting ''or list I chemicals'' after ''controlled substances'' each place it appears; and

(4) in subsection (g)—

(A) by inserting ''or list I chemicals'' after ''controlled substances'' each place it appears; and

(B) by inserting ''or list I chemical'' after ''controlled substance'' each place it appears.

(e) PERSONS REQUIRED TO REGISTER UNDER SECTION 1007.—Section 1007 of the Controlled Substances Import and Export Act (21 U.S.C. 957) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by inserting ''or list I chemical'' after ''controlled substance''; and

(B) in paragraph (2) by striking ''in schedule I, II, III, IV, or V,'' and inserting ''or list I chemical,''; and

(2) in subsection (b)—

(A) in paragraph (1) by inserting ''or list I chemical'' after ''controlled substance'' each place it appears; and

(B) in paragraph (2) by inserting ''or list I chemicals'' after ''controlled substances''.

(f) REGISTRATION REQUIREMENTS UNDER SECTION 1008.—Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958) is amended—

(1) in subsection (c)—

(A) by inserting ''(1)'' after ''(c)''; and

(B) by adding at the end the following new paragraph:

''(2)(A) The Attorney General shall register an applicant to import or export a list I chemical unless the Attorney General determines that registration of the applicant is inconsistent with the public interest. Registration under this subsection shall not be required for the import or export of a drug product that is exempted under section 102(39)(A)(iv).

''(B) In determining the public interest for the purposes of subparagraph (A), the Attorney General shall consider the factors specified in section 303(h).'';

(2) in subsection (d)—

(A) in paragraph (3) by inserting ''or list I chemical or chemicals,'' after ''substances,''; and

(B) in paragraph (6) by inserting ''or list I chemicals'' after ''controlled substances'' each place it appears;

(3) in subsection (e) by striking ''and 307'' and inserting ''307, and 310''; and

(4) in subsections (f), (g), and (h) by inserting ''or list I chemicals'' after ''controlled substances'' each place it appears.

(g) PROHIBITED ACTS C.—Section 403(a) of the Controlled Substances Act (21 U.S.C. 843(a)) is amended—

(1) by striking ''or'' at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(9) if the person is a regulated person, to distribute, import, or export a list I chemical without the registration required by this Act.''.

**SEC. 1514. REPORTING OF LISTED CHEMICAL MANUFACTURING.**

Section 310(b) of the Controlled Substances Act (21 U.S.C. 830(b)) is amended—

(1) by inserting ''(1)'' after ''(b)'';

(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(3) by striking ''paragraph (1)'' each place it appears and inserting ''subparagraph (A)'';

(4) by striking ''paragraph (2)'' and inserting ''subparagraph (B)'';

(5) by striking ''paragraph (3)'' and inserting ''subparagraph (C)''; and

(6) by adding at the end the following new paragraph:

''(2) A regulated person that manufactures a listed chemical shall report annually to the Attorney General, in such form and manner and containing such specific data as the Attorney General shall prescribe by regulation, information concerning listed chemicals manufactured by the person. The requirement of the preceding sentence shall not apply to the manufacture of a drug product that is exempted under section 102(39)(A)(iv).''.

**SEC. 1515. REPORTS BY BROKERS AND TRADERS; CRIMINAL PENALTIES.**

(a) NOTIFICATION, SUSPENSION OF SHIPMENT, AND PENALTIES WITH RESPECT TO IMPORTATION AND EXPORTATION OF LISTED CHEMICALS.—Section 1018 of the

Controlled Substances Import and Export Act (21 U.S.C. 971) is amended by adding at the end the following new subsection:

''(d) A person located in the United States who is a broker or trader for an international transaction in a listed chemical that is a regulated transaction solely because of that person's involvement as a broker or trader shall, with respect to that transaction, be subject to all of the notification, reporting, recordkeeping, and other requirements placed upon exporters of listed chemicals by this title and title II.''.

(b) PROHIBITED ACTS A.—Section 1010(d) of the Controlled Substances Import and Export Act (21 U.S.C. 960(d)) is amended to read as follows:

''(d) A person who knowingly or intentionally—

''(1) imports or exports a listed chemical with intent to manufacture a controlled substance in violation of this title or title II;

''(2) exports a listed chemical in violation of the laws of the country to which the chemical is exported or serves as a broker or trader for an international transaction involving a listed chemical, if the transaction is in violation of the laws of the country to which the chemical is exported;

''(3) imports or exports a listed chemical knowing, or having reasonable cause to believe, that the chemical will be used to manufacture a controlled substance in violation of this title or title II; or

''(4) exports a listed chemical, or serves as a broker or trader for an international transaction involving a listed chemical, knowing, or having reasonable cause to believe, that the chemical will be used to manufacture a controlled substance in violation of the laws of the country to which the chemical is exported,

shall be fined in accordance with title 18, imprisoned not more than 10 years, or both.''.

**SEC. 1516. EXEMPTION AUTHORITY; ADDITIONAL PENALTIES.**

(a) NOTIFICATION REQUIREMENT.—Section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971), as amended by section 5(a), is amended by adding at the end the following new subsection:

''(e)(1) The Attorney General may by regulation require that the 15-day notification requirement of subsection (a) apply to all exports of a listed chemical to a specified country, regardless of the status of certain customers in such country as regular customers, if the Attorney General finds that such notification is necessary to

support effective chemical diversion control programs or is required by treaty or other international agreement to which the United States is a party.

''(2) The Attorney General may by regulation waive the 15-day notification requirement for exports of a listed chemical to a specified country if the Attorney General determines that such notification is not required for effective chemical diversion control. If the notification requirement is waived, exporters of the listed chemical shall be required to submit to the Attorney General reports of individual exportations or periodic reports of such exportation of the listed chemical, at such time or times and containing such information as the Attorney General shall establish by regulation.

''(3) The Attorney General may by regulation waive the 15-day notification requirement for the importation of a listed chemical if the Attorney General determines that such notification is not necessary for effective chemical diversion control. If the notification requirement is waived, importers of the listed chemical shall be required to submit to the Attorney General reports of individual importations or periodic reports of the importation of the listed chemical, at such time or times and containing such information as the Attorney General shall establish by regulation.''.

(b) PROHIBITED ACTS A.—Section 1010(d) of the Controlled Substances Import and Export Act (21 U.S.C. 960(d)), as amended by section 5(b), is amended—

(1) by striking ''or'' at the end of paragraph (3);

(2) by striking the comma at the end of paragraph (4) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(5) imports or exports a listed chemical, with the intent to evade the reporting or recordkeeping requirements of section 1018 applicable to such importation or exportation by falsely representing to the Attorney General that the importation or exportation qualifies for a waiver of the 15-day notification requirement granted pursuant to section 1018(e) (2) or (3) by misrepresenting the actual country of final destination of the listed chemical or the actual listed chemical being imported or exported; or

''(6) imports or exports a listed chemical in violation of section 1007 or 1018,''.

**SEC. 1517. AMENDMENTS TO LIST I.**

Section 102(34) of the Controlled Substances Act (21 U.S.C. 802(34)) is amended—

(1) by striking subparagraphs (O), (U), and (W);

(2) by redesignating subparagraphs (P) through (T) as (O) through (S), subparagraph (V) as (T), and subparagraphs (X) and (Y) as (U) and (X), respectively;

(3) in subparagraph (X), as redesignated by paragraph (2), by striking ''(X)'' and inserting ''(U)''; and

(4) by inserting after subparagraph (U), as redesignated by paragraph (2), the following new subparagraphs:

''(V) benzaldehyde.

''(W) nitroethane.''.

**SEC. 1518. ELIMINATION OF REGULAR SUPPLIER STATUS AND CREATION OF REGULAR IMPORTER STATUS.**

(a) DEFINITION.—Section 102(37) of the Controlled Substances Act (21 U.S.C. 802(37)) is amended to read as follows:

''(37) The term 'regular importer' means, with respect to a listed chemical, a person that has an established record as an importer of that listed chemical that is reported to the Attorney General.''.

(b) NOTIFICATION.—Section 1018 of the Controlled Substances Act (21 U.S.C. 971) is amended—

(1) in subsection (b)—

(A) in paragraph (1) by striking ''regular supplier of the regulated person'' and inserting ''to an importation by a regular importer''; and

(B) in paragraph (2)—

(i) by striking ''a customer or supplier of a regulated person'' and inserting ''a customer of a regulated person or to an importer''; and

(ii) by striking ''regular supplier'' and inserting ''the importer as a regular importer''; and

(2) in subsection (c)(1) by striking ''regular supplier'' and inserting ''regular importer''.

**SEC. 1519. ADMINISTRATIVE INSPECTIONS AND AUTHORITY.**

Section 510 of the Controlled Substances Act (21 U.S.C. 880) is amended—

(1) by amending subsection (a)(2) to read as follows:

''(2) places, including factories, warehouses, and other establishments, and conveyances, where persons registered under section 303 (or exempt

from registration under section 302(d) or by regulation of the Attorney General) or regulated persons may lawfully hold, manufacture, distribute, dispense, administer, or otherwise dispose of controlled substances or listed chemicals or where records relating to those activities are maintained.''; and

(2) in subsection (b)(3)—

(A) in subparagraph (B) by inserting '', listed chemicals,'' after ''unfinished drugs''; and

(B) in subparagraph (C) by inserting ''or listed chemical'' after ''controlled substance'' and inserting ''or chemical'' after ''such substance''.

**SEC. 1520. THRESHOLD AMOUNTS.**

Section 102(39)(A) of the Controlled Substances Act (21 U.S.C. 802(39)(A)), as amended by section 2, is amended by inserting ''of a listed chemical, or if the Attorney General establishes a threshold amount for a specific listed chemical,'' before ''a threshold amount, including a cumulative threshold amount for multiple transactions''.

**SEC. 1521. MANAGEMENT OF LISTED CHEMICALS.**

(a) IN GENERAL.—Part C of the Controlled Substances Act (21 U.S.C. 821 et seq.) is amended by adding at the end the following new section:

''MANAGEMENT OF LISTED CHEMICALS

''SEC. 311. (a) OFFENSE.—It is unlawful for a person who possesses a listed chemical with the intent that it be used in the illegal manufacture of a controlled substance to manage the listed chemical or waste from the manufacture of a controlled substance otherwise than as required by regulations issued under sections 3001, 3002, 3003, 3004, and 3005 of the Solid Waste Disposal Act (42 U.S.C. 6921, 6922, 6923, 6924, and 6925).

''(b) ENHANCED PENALTY.—(1) In addition to a penalty that may be imposed for the illegal manufacture, possession, or distribution of a listed chemical or toxic residue of a clandestine laboratory, a person who violates subsection (a) shall be assessed the costs described in paragraph (2) and shall be imprisoned as described in paragraph (3).

''(2) Pursuant to paragraph (1) a defendant shall be assessed the following costs to the United States, a State, or another authority or person that undertakes to correct the results of the improper management of a listed chemical:

''(A) The cost of initial cleanup and disposal of the listed chemical and contaminated property.

"(B) The cost of restoring property that is damaged by exposure to a listed chemical for rehabilitation under Federal, State, and local standards.

"(3)(A) A violation of subsection (a) shall be punished as a class D felony, or in the case of a willful violation, as a class C felony.

"(B) Pursuant to its authority under section 944 of title 28, United States Code, the United States Sentencing Commission shall amend its sentencing guidelines to provide for an appropriate enhancement of punishment for a willful violation of subsection (a).

"(4) A court may order that all or a portion of the earnings from work performed by a defendant in prison be withheld for payment of costs assessed under paragraph (2).

"(c) USE OF FORFEITED ASSETS.—The Attorney General may direct that assets forfeited under section 511 in connection with a prosecution under this section be shared with State agencies that participated in the seizure or cleaning up of a contaminated site.".

(b) EXCEPTION TO DISCHARGE IN BANKRUPTCY.—Section 523(a) of title 11, United States Code, is amended—

(1) by striking "or" at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(13) for costs assessed under section 311(b) of the Controlled Substances Act.''.

**SEC. 1522. FORFEITURE EXPANSION.**

Section 511(a) of the Controlled Substances Act (21 U.S.C. 881(a)) is amended—

(1) in paragraph (6) by inserting ''or listed chemical'' after ''controlled substance''; and

(2) in paragraph (9) by striking ''a felony provision of''.

**SEC. 1523. REGULATIONS AND EFFECTIVE DATE.**

(a) REGULATIONS.—The Attorney General shall, not later than 90 days after the date of enactment of this Act, issue regulations necessary to carry out this title.

(b) EFFECTIVE DATE.—This title and the amendments made by this title shall become effective on the date that is 120 days after the date of enactment of this Act.

## Subtitle C—General Provisions

**SEC. 1531. CLARIFICATION OF NARCOTIC OR OTHER DANGEROUS DRUGS UNDER RICO.**

Section 1961(1) of title 18, United States Code, is amended by striking ''narcotic or other dangerous drugs''

each place it appears and inserting ''a controlled substance or listed chemical, as defined in section 102 of the Controlled Substances Act''.

**SEC. 1532. CONFORMING AMENDMENTS TO RECIDIVIST PENALTY PROVISIONS OF THE CONTROLLED SUBSTANCES ACT AND THE CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.**

(a) Sections 401(b)(1) (B), (C), and (D) of the Controlled Substances Act (21 U.S.C. 841(b)(1) (B), (C), and (D)) and sections 1010(b) (1), (2), and (3) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b) (1), (2), and (3)) are each amended in the sentence or sentences beginning ''If any person commits'' by striking ''one or more prior convictions'' through ''have become final'' and inserting ''a prior conviction for a felony drug offense has become final''.

(b) Section 1012(b) of the Controlled Substances Import and Export Act (21 U.S.C. 962(b)) is amended by striking ''one or more prior convictions of him for a felony under any provision of this title or title II or other law of a State, the United States, or a foreign country relating to narcotic drugs, marihuana, or depressant or stimulant drugs, have become final'' and inserting ''one or more prior convictions of such person for a felony for a felony drug offense have become final''.

(c) Section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) is amended by striking the sentence beginning ''For purposes of this subparagraph, the term 'felony drug offense' means''.

(d) Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended by adding at the end the following new paragraph:

''(43) The term 'felony drug offense' means an offense that is punishable by imprisonment for more than one year under any law of the United States or of a State or foreign country that prohibits or restricts conduct relating to narcotic drugs, marihuana, or depressant or stimulant substances.''.

**SEC. 1533. PROGRAM TO PROVIDE PUBLIC AWARENESS OF THE PROVISION OF PUBLIC LAW 101–516 THAT CONDITIONS PORTIONS OF A STATE'S FEDERAL HIGHWAY FUNDING ON THE STATE'S ENACTMENT OF LEGISLATION REQUIRING THE REVOCATION OF THE DRIVER'S LICENSES OF CONVICTED DRUG ABUSERS.**

The Attorney General, in consultation with the Secretary of Transportation, shall implement a program of national awareness of section 333 of Public Law 101–516. The program shall notify the Governors and State Representatives of the requirements of that section.

**SEC. 1534. ADVERTISING.**

Section 403 of the Controlled Substances Act (21 U.S.C. 843) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

''(c) It shall be unlawful for any person to print, publish, place, or otherwise cause to appear in any newspaper, magazine, handbill, or other publications, any written advertisement knowing that it has the purpose of seeking or offering illegally to receive, buy, or distribute a Schedule I controlled substance. As used in this section the term 'advertisement' includes, in addition to its ordinary meaning, such advertisements as those for a catalog of Schedule I controlled substances and any similar written advertisement that has the purpose of seeking or offering illegally to receive, buy, or distribute a Schedule I controlled substance. The term 'advertisement' does not include material which merely advocates the use of a similar material, which advocates a position or practice, and does not attempt to propose or facilitate an actual transaction in a Schedule I controlled substance.''.

**SEC. 1535. NATIONAL DRUG CONTROL STRATEGY.**

(a) IN GENERAL.—Section 1005(a) of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1504(a)) is

amended by adding at the end the following new paragraph:

''(5) Beginning with the first submission of a National Drug Control Strategy to Congress after the date of the enactment of the Violent Crime Control and Law Enforcement Act of 1993, the goals, objectives, and priorities of such Strategy shall include a goal for expanding the availability of treatment for drug addiction.''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that among the long-term goals of the National Drug Control Strategy should be the availability of drug treatment to all who are in need of such treatment.

**SEC. 1536. NOTIFICATION OF LAW ENFORCEMENT OFFICERS OF DISCOVERIES OF CONTROLLED SUBSTANCES OR LARGE SUMS OF CASH IN EXCESS OF $10,000 IN WEAPON SCREENING.**

Section 315 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1356) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

''(c) DISCOVERIES OF CONTROLLED SUBSTANCES OR CASH IN EXCESS OF $10,000.—Not later than 90 days after the date of the enactment of this section, the Admin-

istrator shall issue regulations requiring employees and agents referred to in subsection (a) to report to appropriate Federal and State law enforcement officers any incident in which the employee or agent, in the course of conducting screening procedures pursuant to subsection (a), discovers a controlled substance the possession of which may be a violation of Federal or State law, or any sizable sums of cash in excess of $10,000 the possession of which may be a violation of Federal or State law.''.

# TITLE XVI—DRUNK DRIVING PROVISIONS

**SEC. 1601. SHORT TITLE.**

This title may be cited as the ''Drunk Driving Child Protection Act of 1993''.

**SEC. 1602. STATE LAWS APPLIED IN AREAS OF FEDERAL JURISDICTION.**

Section 13(b) of title 18, United States Code, is amended—

(1) by striking ''For purposes'' and inserting ''(1) Subject to paragraph (2) and for purposes''; and

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

''(2)(A) In addition to any term of imprisonment provided for operating a motor vehicle under the influence

of a drug or alcohol imposed under the law of a State, territory, possession, or district, the punishment for such an offense under this section shall include an additional term of imprisonment of not more than 1 year, or if serious bodily injury of a minor is caused, 5 years, or if death of a minor is caused, 10 years, and an additional fine of not more than $1,000, or both, if—

''(i) a minor (other than the offender) was present in the motor vehicle when the offense was committed; and

''(ii) the law of the State, territory, possession, or district in which the offense occurred does not provide an additional term of imprisonment under the circumstances described in clause (i).

''(B) For the purposes of subparagraph (A), the term 'minor' means a person less than 18 years of age.''.

**SEC. 1603. SENSE OF CONGRESS CONCERNING CHILD CUSTODY AND VISITATION RIGHTS.**

It is the sense of the Congress that in determining child custody and visitation rights, the courts should take into consideration the history of drunk driving that any person involved in the determination may have.

# TITLE XVII—COMMISSIONS

## Subtitle A—Commission on Crime and Violence

### SEC. 1701. ESTABLISHMENT OF COMMISSION ON CRIME AND VIOLENCE.

There is established a commission to be known as the ''National Commission on Crime and Violence in America''. The Commission shall be composed of 22 members, appointed as follows:

(1) 6 persons by the President;

(2) 8 persons by the Speaker of the House of Representatives, two of whom shall be appointed on the recommendation of the minority leader; and

(3) 8 persons by the President pro tempore of the Senate, six of whom shall be appointed on the recommendation of the majority leader of the Senate and two of whom shall be appointed on the recommendation of the minority leader of the Senate.

### SEC. 1702. PURPOSE.

The purposes of the Commission are as follows:

(1) To develop a comprehensive and effective crime control plan which will serve as a ''blueprint'' for action in the 1990's. The report shall include an estimated cost for implementing any recommendations made by the Commission.

(2) To bring attention to successful models and programs in crime prevention and crime control.

(3) To reach out beyond the traditional criminal justice community for ideas when developing the comprehensive crime control plan.

(4) To recommend improvements in the coordination of local, State, Federal, and international border crime control efforts.

(5) To make a comprehensive study of the economic and social factors leading to or contributing to crime and specific proposals for legislative and administrative actions to reduce crime and the elements that contribute to it.

(6) To recommend means of targeting finite correctional facility space and resources to the most serious and violent offenders, with the goal of achieving the most cost-effective possible crime control and protection of the community and public safety, with particular emphasis on examining the issue of possible disproportionate incarceration rates among black males and any other minority group disproportionately represented in State and Federal correctional populations, and to consider increased use of alternatives to incarceration which offer a

reasonable prospect of equal or better crime control at equal or less cost.

**SEC. 1703. RESPONSIBILITIES OF THE COMMISSION.**

The commission shall be responsible for the following:

(1) Reviewing the effectiveness of traditional criminal justice approaches in preventing and controlling crime and violence.

(2) Examining the impact that changes to state and Federal law have had in controlling crime and violence.

(3) Examining the impact of changes in Federal immigration laws and policies and increased development and growth along United States international borders on crime and violence in the United States, particularly among our Nation's youth.

(4) Examining the problem of youth gangs and provide recommendations as to how to reduce youth involvement in violent crime.

(5) Examining the extent to which assault weapons and high power firearms have contributed to violence and murder in America.

(6) Convening field hearings in various regions of the country to receive testimony from a cross section of criminal justice professionals, business lead-

ers, elected officials, medical doctors, and other citizens that wish to participate.

(7) Reviewing all segments of our criminal justice system, including the law enforcement, prosecution, defense, judicial, corrections components in developing the crime control plan.

## Subtitle B—National Commission to Study the Causes of the Demand for Drugs in the United States

**SEC. 1711. SHORT TITLE.**

This subtitle may be cited as the ''National Commission to Study the Causes of the Demand for Drugs in the United States''.

**SEC. 1712. ESTABLISHMENT.**

There is established a National Commission to Study the Causes of the Demand for Drugs in the United States (referred to in this subtitle as the ''Commission'').

**SEC. 1713. DUTIES.**

(a) IN GENERAL.—The Commission shall—

(1) examine the root causes of illicit drug use and abuse in the United States, including by compiling existing research regarding those root causes;

(2) evaluate the efforts being made to prevent drug abuse;

(3) identify the existing gaps in drug abuse policy that result from the lack of attention to the root causes of drug abuse;

(4) assess the needs of Government at all levels for resources and policies for reducing the overall desire of individuals to experiment with and abuse illicit drugs; and

(5) make recommendations regarding necessary improvements in policies for reducing the use of illicit drugs in the United States.

(b) EXAMINATION.—Matters examined by the Commission under this section shall include the following:

(1) CHARACTERISTICS.—The characteristics of potential illicit drug users and abusers or drug traffickers, including age and social, economic, and educational backgrounds.

(2) ENVIRONMENT.—Environmental factors that contribute to illicit drug use and abuse, including the correlation between unemployment, poverty, and homelessness on drug experimentation and abuse.

(3) ASSOCIATIONS AND SOCIAL RELATIONSHIPS.—The effects of substance use and abuse by a relative or friend in contributing to the likelihood

and desire of an individual to experiment with illicit drugs.

(4) CULTURE.—Aspects of, and changes in, philosophical or religious beliefs, cultural values, attitudes toward authority, status of basic social units (such as families), and traditions that contribute to illicit drug use and abuse.

(5) PHYSIOLOGICAL AND PSYCHOLOGICAL FACTORS.—The physiological and psychological factors that contribute to the desire for illicit drugs.

(6) EFFORTS OF GOVERNMENTS.—The current status of Federal, State, and local efforts regarding the causes of illicit drug use and abuse, including a review of drug strategies being promoted by Federal, State, and local authorities to address the causes of illicit drug use and abuse.

**SEC. 1714. MEMBERSHIP.**

(a) NUMBER AND APPOINTMENT.—

(1) IN GENERAL.—The Commission shall consist of 13 members, as follows:

(A) PRESIDENT.—Three individuals appointed by the President.

(B) SENATE.—Five individuals appointed jointly by the majority and minority leaders of the Senate. Not more than 3 members ap-

pointed under this paragraph may be of the same political party. At least 1 member appointed under this paragraph shall be a recovering drug user.

(C) HOUSE OF REPRESENTATIVES.—Five individuals appointed jointly by the Speaker, majority leader, and minority leader of the House of Representatives. Not more than 3 members appointed under this paragraph may be of the same political party. At least 1 member appointed under this paragraph shall be a recovering drug abuser.

(2) GOALS IN MAKING APPOINTMENTS.—In appointing individuals as members of the Commission, the President and the majority and minority leaders of the House of Representatives and the Senate shall seek to ensure that—

(A) the membership of the Commission reflects the racial, ethnic, and gender diversity of the United States; and

(B) members are specially qualified to serve on the Commission by reason of their education, training, expertise, or experience in—

(i) sociology;

(ii) psychology;

(iii) law;

(iv) bio-medicine;

(v) addiction; and

(vi) ethnography and urban poverty, including health care, housing, education, and employment.

(b) PROHIBITION AGAINST OFFICER OR EMPLOYEE.—Each individual appointed under subsection (a) shall not be an officer or employee of any government and shall be qualified to serve the Commission by virtue of education, training, or experience.

(c) DEADLINE FOR APPOINTMENT.—Members of the Commission shall be appointed within 60 days after the date of the enactment of this Act for the life of the Commission.

(d) MEETINGS.—The Commission shall have its headquarters in the District of Columbia, and shall meet at least once each month for a business session that shall be conducted by the Chairperson.

(e) QUORUM.—Seven members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(f) CHAIRPERSON AND VICE CHAIRPERSON.—No later than 15 days after the members of the Commission

are appointed, such members shall designate a Chairperson and Vice Chairperson of the Commission.

(g) CONTINUATION OF MEMBERSHIP.—If a member of the Commission later becomes an officer or employee of any government, the individual may continue as a member until a successor is appointed.

(h) VACANCIES.—A vacancy in the Commission shall be filled not later than 30 days after the Commission is informed of the vacancy in the manner in which the original appointment was made.

(i) COMPENSATION.—

(1) NO PAY, ALLOWANCE, OR BENEFIT.—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(2) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

**SEC. 1715. STAFF AND SUPPORT SERVICES.**

(a) DIRECTOR.—The Chairperson shall appoint a director after consultation with the members of the Commission, who shall be paid the rate of basic pay for level V of the Executive Schedule.

(b) STAFF.—With the approval of the Commission, the director may appoint personnel as the director considers appropriate.

(c) APPLICABILITY OF CIVIL SERVICE LAWS.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(d) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(e) STAFF OF FEDERAL AGENCIES.—Upon the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of that agency to the Commission to assist in carrying out its duties under this Act.

(f) OTHER RESOURCES.—The Commission shall have reasonable access to materials, resources, statistical data, and other information from the Library of Congress, as well as agencies and elected representatives of the executive and legislative branches of government. The Chair-

person of the Commission shall make requests in writing where necessary.

(g) PHYSICAL FACILITIES.—The General Services Administration shall find suitable office space for the operation of the Commission. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for proper functioning.

**SEC. 1716. POWERS OF COMMISSION.**

(a) HEARINGS.—The Commission may conduct public hearings or forums at its discretion, at any time and place it is able to secure facilities and witnesses, for the purpose of carrying out its duties.

(b) DELEGATION OF AUTHORITY.—Any member or agent of the Commission may, if authorized by the Commission, take any action the Commission is authorized to take by this section.

(c) INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this Act. Upon request of the Chairperson or Vice Chairperson of the Commission, the head of a Federal agency shall furnish the information to the Commission to the extent permitted by law.

(d) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or

devices of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devices shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

**SEC. 1717. REPORTS.**

(a) MONTHLY REPORTS.—The Commission shall submit monthly activity reports to the President and the Congress.

(b) REPORTS.—

(1) INTERIM REPORT.—The Commission shall submit an interim report to the President and the Congress not later than 1 year before the termination of the Commission. The interim report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for legislative and administrative action based on the Commission's activities to date. A strategy for disseminating the report to Federal, State, and local authorities shall be formulated and

submitted with the formal presentation of the report to the President and the Congress.

(2) FINAL REPORT.—Not later than the date of the termination of the Commission, the Commission shall submit to the Congress and the President a final report with a detailed statement of final findings, conclusions, and recommendations, including an assessment of the extent to which recommendations of the Commission included in the interim report under paragraph (1) have been implemented.

(c) PRINTING AND PUBLIC DISTRIBUTION.—Upon receipt of each report of the Commission under this section, the President shall—

(1) order the report to be printed; and

(2) make the report available to the public upon request.

**SEC. 1718. TERMINATION.**

The Commission shall terminate on the date which is 2 years after the Members of the Commission have met and designated a Chairperson and Vice Chairperson.

## Subtitle C—National Commission to Support Law Enforcement

**SEC. 1721. SHORT TITLE.**

This subtitle may be cited as the ''National Commission to Support Law Enforcement Act''.

**SEC. 1722. CONGRESSIONAL FINDINGS.**

The Congress finds that—

(1) law enforcement officers risk their lives daily to protect citizens, for modest rewards and too little recognition;

(2) a significant shift has occurred in the problems that law enforcement officers face without a corresponding change in the support from the Federal Government;

(3) law enforcement officers are on the front line in the war against drugs and crime;

(4) the rate of violent crime continues to increase along with the increase in drug use;

(5) a large percentage of individuals arrested test positive for drug usage;

(6) the Presidential Commission on Law Enforcement and the Administration of Justice of 1965 focused attention on many issues affecting law enforcement, and a review twenty-five years later would help to evaluate current problems, including drug-related crime, violence, racial conflict, and decreased funding; and

(7) a comprehensive study of law enforcement issues, including the role of the Federal Government in supporting law enforcement officers, working conditions, and responsibility for crime control would

assist in redefining the relationships between the Federal Government, the public, and law enforcement officials.

**SEC. 1723. ESTABLISHMENT.**

There is established a national commission to be known as the ''National Commission to Support Law Enforcement'' (referred to in this subtitle as the ''Commission'').

**SEC. 1724. DUTIES.**

(a) IN GENERAL.—The Commission shall study and recommend changes regarding law enforcement agencies and law enforcement issues on the Federal, State, and local levels, including the following:

(1) FUNDING.—The sufficiency of funding, including a review of grant programs at the Federal level.

(2) EMPLOYMENT.—The conditions of law enforcement employment.

(3) INFORMATION.—The effectiveness of information-sharing systems, intelligence, infrastructure, and procedures among law enforcement agencies of Federal, State, and local governments.

(4) RESEARCH AND TRAINING.—The status of law enforcement research and education and training.

(5) EQUIPMENT AND RESOURCES.—The adequacy of equipment, physical resources, and human resources.

(6) COOPERATION.—The cooperation among Federal, State, and local law enforcement agencies.

(7) RESPONSIBILITY.—The responsibility of governments and law enforcement agencies in solving the crime problem.

(8) IMPACT.—The impact of the criminal justice system, including court schedules and prison overcrowding, on law enforcement.

(b) CONSULTATION.—The Commission shall conduct surveys and consult with focus groups of law enforcement officers, local officials, and community leaders across the Nation to obtain information and seek advice on important law enforcement issues.

**SEC. 1725. MEMBERSHIP.**

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 23 members as follows:

(1) Seven individuals from national law enforcement organizations representing law enforcement officers, of whom—

(A) Two shall be appointed by the Speaker of the House of Representatives;

(B) Two shall be appointed by the majority leader of the Senate;

(C) One shall be appointed by the minority leader of the House of Representatives;

(D) One shall be appointed by the minority leader of the Senate; and

(E) One shall be appointed by the President.

(2) Seven individuals from national law enforcement organizations representing law enforcement management, of whom—

(A) Two shall be appointed by the Speaker of the House of Representatives;

(B) Two shall be appointed by the majority leader of the Senate;

(C) One shall be appointed by the minority leader of the House of Representatives;

(D) One shall be appointed by the minority leader of the Senate; and

(E) One shall be appointed by the President.

(3) Two individuals with academic expertise regarding law enforcement issues, of whom—

(A) One shall be appointed by the Speaker of the House of Representatives and the majority leader of the Senate.

(B) One shall be appointed by the minority leader of the Senate and the minority leader of the House of Representatives.

(4) Two Members of the House of Representatives, appointed by the Speaker and the minority leader of the House of Representatives.

(5) Two Members of the Senate, appointed by the majority leader and the minority leader of the Senate.

(6) One individual involved in Federal law enforcement from the Department of the Treasury, appointed by the President.

(7) One individual from the Department of Justice, appointed by the President.

(8) One individual representing a State or local governmental entity, such as a Governor, mayor, or State Attorney General, to be appointed by the Majority Leader of the Senate.

(9) One individual representing a State or local governmental entity, such as a Governor, mayor, or State Attorney General, to be appointed by the Speaker of the House of Representatives.

(10) One individual representing a State or local governmental entity, such as a governor, mayor, or State attorney general, to be appointed by the President.

(b) COMPTROLLER GENERAL.—The Comptroller General shall serve in an advisory capacity and shall oversee the methodology and approach of the Commission's study.

(c) CHAIRPERSON.—Upon their appointment the members of the Commission shall select one of their number to act as chairperson.

(d) COMPENSATION.—

(1) IN GENERAL.—Members of the Commission shall receive no additional pay, allowance, or benefit by reason of service on the Commission.

(2) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(e) APPOINTMENT DATES.—Members of the Commission shall be appointed no later than 90 days after the enactment of this Act.

**SEC. 1726. EXPERTS AND CONSULTANTS.**

(a) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(b) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of that agency to the Commission to assist the Commission in carrying out its duties under this title.

(c) ADMINISTRATIVE SUPPORT.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, administrative support services as the Commission may request.

**SEC. 1727. POWERS OF COMMISSION.**

(a) HEARINGS.—The Commission may, for purposes of this title, hold hearings, sit and act at the times and places, take testimony, and receive evidence, as the Commission considers appropriate.

(b) DELEGATION OF AUTHORITY.—Any member or agent of the Commission may, if authorized by the Commission, take any action the Commission is authorized to take by this section.

(c) INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this title. Upon request of the chairperson of the Commission, the head of an agency shall

furnish the information to the Commission to the extent permitted by law.

(d) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

**SEC. 1728. REPORT.**

Not later than the expiration of the eighteen-month period beginning on the date of the appointment of the members of the Commission, a report containing the findings of the Commission and specific proposals for legislation and administrative actions that the Commission has determined to be appropriate shall be submitted to Congress.

**SEC. 1729. TERMINATION.**

The Commission shall cease to exist upon the expiration of the 60-day period beginning on the date on which the Commission submits its report under section 1738.

**SEC. 1730. REPEALS.**

Title XXXIV of the Crime Control Act of 1990 (Public Law 101–647; 104 Stat. 4918) and title II, section 211B of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations

Act, 1991 (Public Law 101–515; 104 Stat. 2122) are repealed.

# TITLE XVIII—BAIL POSTING REPORTING

**SEC. 1801. SHORT TITLE.**

This title may be cited as the ''Illegal Drug Profits Act of 1993''.

**SEC. 1802. REQUIRED REPORTING BY CRIMINAL COURT CLERKS.**

(a) IN GENERAL.—Each clerk of a Federal or State criminal court shall report to the Internal Revenue Service, in a form and manner as prescribed by the Secretary of the Treasury, the name and taxpayer identification number of—

(1) any individual charged with any criminal offense who posts cash bail, or on whose behalf cash bail is posted, in an amount exceeding $10,000; and

(2) any individual or entity (other than a licensed bail bonding individual or entity) posting such cash bail for or on behalf of such individual.

(b) CRIMINAL OFFENSES.—For purposes of subsection (a), the term ''criminal offense'' means—

(1) any Federal criminal offense involving a controlled substance;

(2) racketeering (as defined in section 1951, 1952, or 1955 of title 18, United States Code);

(3) money laundering (as defined in section 1956 or 1957 of title 18, United States Code); and

(4) any violation of State criminal law involving an offense substantially similar to an offense described in paragraph (1), (2), or (3).

(c) COPY TO PROSECUTORS.—Each clerk shall submit a copy of each report of cash bail described in subsection (a) to—

(1) the office of the United States Attorney; and

(2) the office of the local prosecuting attorney, for the jurisdiction in which the defendant resides (and the jurisdiction in which the criminal offense occurred, if different).

(d) REGULATIONS.—The Secretary of the Treasury shall promulgate such regulations as are necessary within 90 days of the date of enactment of this Act.

(e) EFFECTIVE DATE.—This section shall become effective 60 days on the date of the promulgation of regulations under subsection (d).

# TITLE XIX—MOTOR VEHICLE THEFT PREVENTION

**SEC. 1901. SHORT TITLE.**

This title may be cited as the ''Motor Vehicle Theft Prevention Act''.

**SEC. 1902. MOTOR VEHICLE THEFT PREVENTION PROGRAM.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Attorney General shall develop, in cooperation with the States, a national voluntary motor vehicle theft prevention program (in this section referred to as the ''program'') under which—

(1) the owner of a motor vehicle may voluntarily sign a consent form with a participating State or locality in which the motor vehicle owner—

(A) states that the vehicle is not normally operated under certain specified conditions; and

(B) agrees to—

(i) display program decals or devices on the owner's vehicle; and

(ii) permit law enforcement officials in any State to stop the motor vehicle and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner, if the vehicle is

being operated under the specified conditions; and

(2) participating States and localities authorize law enforcement officials in the State or localities to stop motor vehicles displaying program decals or devices under specified conditions and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner.

(b) UNIFORM DECAL OR DEVICE DESIGNS.—

(1) IN GENERAL.—The motor vehicle theft prevention program developed pursuant to this section shall include a uniform design or designs for decals or other devices to be displayed by motor vehicles participating in the program.

(2) TYPE OF DESIGN.—The uniform design shall—

(A) be highly visible; and

(B) explicitly state that the motor vehicle to which it is affixed may be stopped under the specified conditions without additional grounds for establishing a reasonable suspicion that the vehicle is being operated unlawfully.

(c) VOLUNTARY CONSENT FORM.—The voluntary consent form used to enroll in the program shall—

(1) clearly state that participation in the program is voluntary;

(2) clearly explain that participation in the program means that, if the participating vehicle is being operated under the specified conditions, law enforcement officials may stop the vehicle and take reasonable steps to determine whether it is being operated by or with the consent of the owner, even if the law enforcement officials have no other basis for believing that the vehicle is being operated unlawfully;

(3) include an express statement that the vehicle is not normally operated under the specified conditions and that the operation of the vehicle under those conditions would provide sufficient grounds for a prudent law enforcement officer to reasonably believe that the vehicle was not being operated by or with the consent of the owner; and

(4) include any additional information that the Attorney General may reasonably require.

(d) SPECIFIED CONDITIONS UNDER WHICH STOPS MAY BE AUTHORIZED.—

(1) IN GENERAL.—The Attorney General shall promulgate rules establishing the conditions under which participating motor vehicles may be authorized to be stopped under this section. These condi-

tions may not be based on race, creed, color, national origin, gender, or age. These conditions may include—

(A) the operation of the vehicle during certain hours of the day; or

(B) the operation of the vehicle under other circumstances that would provide a sufficient basis for establishing a reasonable suspicion that the vehicle was not being operated by the owner, or with the consent of the owner.

(2) MORE THAN ONE SET OF CONDITIONS.—The Attorney General may establish more than one set of conditions under which participating motor vehicles may be stopped. If more than one set of conditions is established, a separate consent form and a separate design for program decals or devices shall be established for each set of conditions. The Attorney General may choose to satisfy the requirement of a separate design for program decals or devices under this paragraph by the use of a design color that is clearly distinguishable from other design colors.

(3) NO NEW CONDITIONS WITHOUT CONSENT.—After the program has begun, the conditions under which a vehicle may be stopped if affixed with

a certain decal or device design may not be expanded without the consent of the owner.

(4) LIMITED PARTICIPATION BY STATES AND LOCALITIES.—A State or locality need not authorize the stopping of motor vehicles under all sets of conditions specified under the program in order to participate in the program.

(e) MOTOR VEHICLES FOR HIRE.—

(1) NOTIFICATION TO LESSEES.—Any person who is in the business of renting or leasing motor vehicles and who rents or leases a motor vehicle on which a program decal or device is affixed shall, prior to transferring possession of the vehicle, notify the person to whom the motor vehicle is rented or leased about the program.

(2) TYPE OF NOTICE.—The notice required by this subsection shall—

(A) be in writing;

(B) be in a prominent format to be determined by the Attorney General; and

(C) explain the possibility that if the motor vehicle is operated under the specified conditions, the vehicle may be stopped by law enforcement officials even if the officials have no

other basis for believing that the vehicle is being operated unlawfully.

(3) FINE FOR FAILURE TO PROVIDE NOTICE.—Failure to provide proper notice under this subsection shall be punishable by a fine not to exceed $5,000.

(f) NOTIFICATION OF POLICE.—As a condition of participating in the program, a State or locality must agree to take reasonable steps to ensure that law enforcement officials throughout the State or locality are familiar with the program, and with the conditions under which motor vehicles may be stopped under the program.

(g) REGULATIONS.—The Attorney General shall promulgate regulations to implement this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized such sums as are necessary to carry out this section.

**SEC. 1903. ALTERING OR REMOVING MOTOR VEHICLE IDENTIFICATION NUMBERS.**

(a) BASIC OFFENSE.—Subsection (a) of section 511 of title 18, United States Code, is amended to read as follows:

''(a) A person who—

''(1) knowingly removes, obliterates, tampers with, or alters an identification number for a motor vehicle or motor vehicle part; or

''(2) with intent to further the theft of a motor vehicle, knowingly removes, obliterates, tampers with, or alters a decal or device affixed to a motor vehicle pursuant to the Motor Vehicle Theft Prevention Act,

shall be fined under this title, imprisoned not more than 5 years, or both.''.

(b) EXCEPTED PERSONS.—Paragraph (2) of section 511(b) of title 18, United States Code, is amended—

(1) by striking ''and'' after the semicolon in subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(D) a person who removes, obliterates, tampers with, or alters a decal or device affixed to a motor vehicle pursuant to the Motor Vehicle Theft Prevention Act, if that person is the owner of the motor vehicle, or is authorized to remove, obliterate, tamper with or alter the decal or device by—

''(i) the owner or his authorized agent;

''(ii) applicable State or local law; or

''(iii) regulations promulgated by the Attorney General to implement the Motor Vehicle Theft Prevention Act.''.

(c) DEFINITION.—Section 511 of title 18, United States Code, is amended by adding at the end thereof the following:

''(d) For purposes of subsection (a) of this section, the term 'tampers with' includes covering a program decal or device affixed to a motor vehicle pursuant to the Motor Vehicle Theft Prevention Act for the purpose of obstructing its visibility.''.

(d) UNAUTHORIZED APPLICATION OF A DECAL OR DEVICE.—

(1) IN GENERAL.—Chapter 25 of title 18, United States Code, is amended by adding after section 511 the following new section:

**"§ 511A. Unauthorized application of theft prevention decal or device**

''(a) Whoever affixes to a motor vehicle a theft prevention decal or other device, or a replica thereof, unless authorized to do so pursuant to the Motor Vehicle Theft

Prevention Act, shall be punished by a fine not to exceed $1,000.

''(b) For purposes of this section, the term 'theft prevention decal or device' means a decal or other device designed in accordance with a uniform design for such devices developed pursuant to the Motor Vehicle Theft Prevention Act.''.

(2) TECHNICAL AMENDMENT.—The chapter analysis for chapter 25 of title 18, United States Code, is amended by adding after the item relating to section 511 the following new item:

''511A. Unauthorized application of theft prevention decal or device.''.

# TITLE XX—PROTECTIONS FOR THE ELDERLY

## SEC. 2001. MISSING ALZHEIMER'S DISEASE PATIENT ALERT PROGRAM.

(a) GRANT.—The Attorney General shall award a grant to an eligible organization to assist the organization in paying for the costs of planning, designing, establishing, and operating a Missing Alzheimer's Disease Patient Alert Program, which shall be a locally based, proactive program to protect and locate missing patients with Alzheimer's disease and related dementias.

(b) APPLICATION.—To be eligible to receive a grant under subsection (a), an organization shall submit an application to the Attorney General at such time, in such

manner, and containing such information as the Attorney General may require, including, at a minimum, an assurance that the organization will obtain and use assistance from private nonprofit organizations to support the program.

(c) ELIGIBLE ORGANIZATION.—The Attorney General shall award the grant described in subsection (a) to a national voluntary organization that has a direct link to patients, and families of patients, with Alzheimer's disease and related dementias.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 1995, 1996, and 1997.

**SEC. 2002. CRIMES AGAINST THE ELDERLY.**

(a) IN GENERAL.—Pursuant to its authority under the Sentencing Reform Act of 1984 and section 21 of the Sentencing Act of 1987 (including its authority to amend the sentencing guidelines and policy statements) and its authority to make such amendments on an emergency basis, the United States Sentencing Commission shall ensure that the applicable guideline range for a defendant convicted of a crime of violence against an elderly victim is sufficiently stringent to deter such a crime, to protect the public from additional crimes of such a defendant, and

to adequately reflect the heinous nature of such an offense.

(b) CRITERIA.—In carrying out subsection (a), the United States Sentencing Commission shall ensure that—

(1) the guidelines provide for increasingly severe punishment for a defendant commensurate with the degree of physical harm caused to the elderly victim;

(2) the guidelines take appropriate account of the vulnerability of the victim; and

(3) the guidelines provide enhanced punishment for a defendant convicted of a crime of violence against an elderly victim who has previously been convicted of a crime of violence against an elderly victim, regardless of whether the conviction occurred in Federal or State court.

(c) DEFINITIONS.—In this section—

''crime of violence'' means an offense under section 113, 114, 1111, 1112, 1113, 1117, 2241, 2242, or 2244 of title 18, United States Code.

''elderly victim'' means a victim who is 65 years of age or older at the time of an offense.

# TITLE XXI—CONSUMER PROTECTION

## SEC. 2101. CRIMES BY OR AFFECTING PERSONS ENGAGED IN THE BUSINESS OF INSURANCE WHOSE ACTIVITIES AFFECT INTERSTATE COMMERCE.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following new sections:

### "§ 1033. Crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce

''(a)(1) Whoever is engaged in the business of insurance whose activities affect interstate commerce and, with the intent to deceive, knowingly makes any false material statement or report or willfully and materially overvalues any land, property or security—

''(A) in connection with any financial reports or documents presented to any insurance regulatory official or agency or an agent or examiner appointed by such official or agency to examine the affairs of such person, and

''(B) for the purpose of influencing the actions of such official or agency or such an appointed agent or examiner,

shall be punished as provided in paragraph (2).

''(2) The punishment for an offense under paragraph (1) is a fine as established under this title or imprisonment for not more than 10 years, or both, except that the term of imprisonment shall be not more than 15 years if the statement or report or overvaluing of land, property, or security jeopardizes the safety and soundness of an insurer.

''(b)(1) Whoever—

''(A) acting as, or being an officer, director, agent, or employee of, any person engaged in the business of insurance whose activities affect interstate commerce, or

''(B) is engaged in the business of insurance whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business,

willfully embezzles, abstracts, purloins, or misappropriates any of the moneys, funds, premiums, credits, or other property of such person so engaged shall be punished as provided in paragraph (2).

''(2) The punishment for an offense under paragraph (1) is a fine as provided under this title or imprisonment for not more than 10 years, or both, except that if such embezzlement, abstraction, purloining, or misappropria-

tion described in paragraph (1) jeopardizes the safety and soundness of an insurer, such imprisonment shall be not more than 15 years. If the amount or value so embezzled, abstracted, purloined, or misappropriated does not exceed $5,000, whoever violates paragraph (1) shall be fined as provided in this title or imprisoned not more than one year, or both.

''(c)(1) Whoever is engaged in the business of insurance and whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business, knowingly makes any false entry of material fact in any book, report, or statement of such person engaged in the business of insurance with intent to—

''(A) deceive any person about the financial condition or solvency of such business, or

''(B) deceive any officer, employee, or agent of such person engaged in the business of insurance, any insurance regulatory official or agency, or any agent or examiner appointed by such official or agency to examine the affairs of such person about the financial condition or solvency of such business, shall be punished as provided in paragraph (2).

''(2) The punishment for an offense under paragraph (1) is a fine as provided under this title or imprisonment for not more than 10 years, or both, except that if the false entry in any book, report, or statement of such person jeopardizes the safety and soundness of an insurer, such imprisonment shall be not more than 15 years.

''(d) Whoever, by threats or force or by any threatening letter or communication, corruptly influences, obstructs, or impedes or endeavors corruptly to influence, obstruct, or impede the due and proper administration of the law under which any proceeding involving the business of insurance whose activities affect interstate commerce is pending before any insurance regulatory official or agency or any agent or examiner appointed by such official or agency to examine the affairs of a person engaged in the business of insurance whose activities affect interstate commerce, shall be fined as provided in this title or imprisoned not more than 10 years, or both.

''(e)(1)(A) Any individual who has been convicted of any criminal felony involving dishonesty or a breach of trust, or who has been convicted of an offense under this section, and who willfully engages in the business of insurance whose activities affect interstate commerce or participates in such business, shall be fined as provided in this title or imprisoned not more than 5 years, or both.

''(B) Any individual who is engaged in the business of insurance whose activities affect interstate commerce and who willfully permits the participation described in subparagraph (A) shall be fined as provided in this title or imprisoned not more than 5 years, or both.

''(2) A person described in paragraph (1)(A) may engage in the business of insurance or participate in such business if such person has the written consent of any insurance regulatory official authorized to regulate the insurer, which consent specifically refers to this subsection.

''(f) As used in this section—

''(1) the term 'business of insurance' means—

''(A) the writing of insurance, or

''(B) the reinsuring of risks,

by an insurer, including all acts necessary or incidental to such writing or reinsuring and the activities of persons who act as, or are, officers, directors, agents, or employees of insurers or who are other persons authorized to act on behalf of such persons;

''(2) the term 'insurer' means any entity the business activity of which is the writing of insurance or the reinsuring of risks or any receiver or similar official or any liquidating agent for such an entity, in his or her capacity as such, and includes any per-

son who acts as, or is, an officer, director, agent, or employee of that business;

''(3) the term 'interstate commerce' means—

''(A) commerce within the District of Columbia, or any territory or possession of the United States;

''(B) all commerce between any point in the State, territory, possession, or the District of Columbia and any point outside thereof;

''(C) all commerce between points within the same State through any place outside such State; or

''(D) all other commerce over which the United States has jurisdiction; and

''(4) the term 'State' includes any State, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

**"§ 1034. Civil penalties and injunctions for violations of section 1033**

''(a) The Attorney General may bring a civil action in the appropriate United States district court against any person who engages in conduct constituting an offense under section 1033 and, upon proof of such conduct by

a preponderance of the evidence, such person shall be subject to a civil penalty of not more than $50,000 for each violation or the amount of compensation which the person received or offered for the prohibited conduct, whichever amount is greater. If the offense has contributed to the decision of a court of appropriate jurisdiction to issue an order directing the conservation, rehabilitation, or liquidation of an insurer, such penalty shall be remitted to the regulatory official for the benefit of the policyholders, claimants, and creditors of such insurer. The imposition of a civil penalty under this subsection does not preclude any other criminal or civil statutory, common law, or administrative remedy, which is available by law to the United States or any other person.

''(b) If the Attorney General has reason to believe that a person is engaged in conduct constituting an offense under section 1033, the Attorney General may petition an appropriate United States district court for an order prohibiting that person from engaging in such conduct. The court may issue an order prohibiting that person from engaging in such conduct if the court finds that the conduct constitutes such an offense. The filing of a petition under this section does not preclude any other remedy which is available by law to the United States or any other person.''.

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following new items:

''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.''.

(c) MISCELLANEOUS AMENDMENTS TO TITLE 18, UNITED STATES CODE.—

(1) TAMPERING WITH INSURANCE REGULATORY PROCEEDINGS.—Section 1515(a)(1) of title 18, United States Code, is amended—

(A) by striking ''or'' at the end of subparagraph (B);

(B) by inserting ''or'' at the end of subparagraph (C); and

(C) by adding at the end the following new subparagraph:

''(D) a proceeding involving the business of insurance whose activities affect interstate commerce before any insurance regulatory official or agency or any agent or examiner appointed by such official or agency to examine the affairs of any person engaged in the business of insurance whose activities affect interstate commerce;''.

(2) LIMITATIONS.—Section 3293 of title 18, United States Code, is amended by inserting ''1033,'' after ''1014,''.

(3) OBSTRUCTION OF CRIMINAL INVESTIGATIONS.—Section 1510 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) Whoever—

''(A) acting as, or being, an officer, director, agent or employee of a person engaged in the business of insurance whose activities affect interstate commerce, or

''(B) is engaged in the business of insurance whose activities affect interstate commerce or is involved (other than as an insured or beneficiary under a policy of insurance) in a transaction relating to the conduct of affairs of such a business,

with intent to obstruct a judicial proceeding, directly or indirectly notifies any other person about the existence or contents of a subpoena for records of that person engaged in such business or information that has been furnished to a Federal grand jury in response to that subpoena, shall be fined as provided by this title or imprisoned not more than 5 years, or both.

''(2) As used in paragraph (1), the term 'subpoena for records' means a Federal grand jury subpoena for records that has been served relating to a violation of, or a conspiracy to violate, section 1033 of this title.''.

**SEC. 2102. CONSUMER PROTECTION AGAINST CREDIT CARD FRAUD ACT OF 1993.**

(a) SHORT TITLE.—This section may be cited as the ''Consumer Protection Against Credit Card Fraud Act of 1993''.

(b) FRAUD AND RELATED ACTIVITY IN CONNECTION WITH ACCESS DEVICES.—Section 1029 of title 18, United States Code, is amended in subsection (a) by inserting after paragraph (4) the following new paragraphs:

''(5) knowingly and with intent to defraud effects transactions, with one or more access devices issued to another person or persons, to receive payment or any other thing of value during any one-year period the aggregate value of which is equal to or greater than $1,000;

''(6) without the authorization of the issuer of the access device, knowingly and with intent to defraud solicits a person for the purpose of—

''(A) offering an access device; or

''(B) selling information regarding or an application to obtain an access device; or

''(7) without the authorization of the credit card system member or its agent, knowingly and with intent to defraud causes or arranges for another person to present to the member or its agent, for payment, one or more evidences or records of transactions made by an access device;''.

(c) TECHNICAL AMENDMENTS.—Section 1029 of title 18, United States Code, as amended by subsection (b), is amended—

(1) in subsection (a) by striking ''or'' at the end of paragraph (3);

(2) in subsection (c)(1) by striking ''(a)(2) or (a)(3)'' and inserting ''(a) (2), (3), (5), (6), or (7)''; and

(3) in subsection (e) by—

(A) striking ''and'' at the end of paragraph (5);

(B) adding ''and'' at the end of paragraph (6); and

(C) adding at the end thereof the following new paragraph:

''(7) the term 'credit card system member' means a financial institution or other entity that is a member of a credit card system, including an entity, whether it is affiliated with or identical to the

credit card issuer, that is the sole member of a credit card system.''.

**SEC. 2103. MAIL FRAUD.**

Section 1341 of title 18, United States Code, is amended—

(1) by inserting ''or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier,'' after ''Postal Service,''; and

(2) by inserting ''or such carrier'' after ''causes to be delivered by mail''.

# TITLE XXII—FINANCIAL INSTITUTION FRAUD PROSECUTIONS

**SEC. 2201. SHORT TITLE.**

This title may be cited as the ''Financial Institutions Fraud Prosecution Act of 1991''.

**SEC. 2202. FEDERAL DEPOSIT INSURANCE ACT AMENDMENT.**

Section 19(a) of the Federal Deposit Insurance Act (12 U.S.C. 1829(a)) is amended in paragraph (2)(A)(i)(I)—

(1) by striking ''or 1956''; and

(2) by inserting ''1517, 1956, or 1957''.

**SEC. 2203. FEDERAL CREDIT UNION ACT AMENDMENTS.**

Section 205(d) of the Federal Credit Union Act (12 U.S.C. 1785(d)) is amended to read as follows:

''(d) PROHIBITION.—

''(1) IN GENERAL.—Except with prior written consent of the Board—

''(A) any person who has been convicted of any criminal offense involving dishonesty or a breach of trust, or has agreed to enter into a pretrial diversion or similar program in connection with a prosecution for such offense, may not—

''(i) become, or continue as, an institution-affiliated party with respect to any insured credit union; or

''(ii) otherwise participate, directly or indirectly, in the conduct of the affairs of any insured credit union; and

''(B) any insured credit union may not permit any person referred to in subparagraph (A) to engage in any conduct or continue any relationship prohibited under such subparagraph.

''(2) MINIMUM 10-YEAR PROHIBITION PERIOD FOR CERTAIN OFFENSES.—

"(A) IN GENERAL.—If the offense referred to in paragraph (1)(A) in connection with any person referred to in such paragraph is—

"(i) an offense under—

"(I) section 215, 656, 657, 1005, 1006, 1007, 1008, 1014, 1032, 1344, 1517, 1956, or 1957 of title 18, United States Code; or

"(II) section 1341 or 1343 of such title which affects any financial institution (as defined in section 20 of such title); or

"(ii) the offense of conspiring to commit any such offense,

the Board may not consent to any exception to the application of paragraph (1) to such person during the 10-year period beginning on the date the conviction or the agreement of the person becomes final.

"(B) EXCEPTION BY ORDER OF SENTENCING COURT.—

"(i) IN GENERAL.—On motion of the Board, the court in which the conviction or the agreement of a person referred to in subparagraph (A) has been entered may

grant an exception to the application of paragraph (1) to such person if granting the exception is in the interest of justice.

''(ii) PERIOD FOR FILING.—A motion may be filed under clause (i) at any time during the 10-year period described in subparagraph (A) with regard to the person on whose behalf such motion is made.

''(3) PENALTY.—Whoever knowingly violates paragraph (1) or (2) shall be fined not more than $1,000,000 for each day such prohibition is violated or imprisoned for not more than 5 years, or both.''.

**SEC. 2204. CRIME CONTROL ACT AMENDMENT.**

Section 2546 of the Crime Control Act of 1990 (Public Law 101–647, 104 Stat. 4885) is amended by adding at the end the following new subsection:

''(c) FRAUD TASK FORCES REPORT.—In addition to the reports required under subsection (a), the Attorney General is encouraged to submit a report to the Congress containing the findings of the financial institutions fraud task forces established under section 2539 as they relate to the collapse of private deposit insurance corporations, together with recommendations for any regulatory or legislative changes necessary to prevent such collapses in the future.''.

# TITLE XXIII—SAVINGS AND LOAN PROSECUTION TASK FORCE

**SEC. 2301. SAVINGS AND LOAN PROSECUTION TASK FORCE.**

The Attorney General shall establish within the Justice Department a savings and loan criminal fraud task force to prosecute in an aggressive manner those criminal cases involving savings and loan institutions.

# TITLE XXIV—SENTENCING PROVISIONS

**SEC. 2401. IMPOSITION OF SENTENCE.**

Section 3553(a)(4) of title 18, United States Code, is amended to read as follows:

''(4) the kinds of sentence and the sentencing range established for—

''(A) the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, and that are in effect on the date the defendant is sentenced; or

''(B) in the case of a violation of probation or supervised release, the applicable guidelines or policy statements issued by the Sentencing

Commission pursuant to section 994(a)(3) of title 28, United States Code;''.

**SEC. 2402. TECHNICAL AMENDMENT TO MANDATORY CONDITIONS OF PROBATION.**

Section 3563(a)(3) of title 18, United States Code, is amended by striking ''possess illegal controlled substances'' and inserting ''unlawfully possess a controlled substance''.

**SEC. 2403. SUPERVISED RELEASE AFTER IMPRISONMENT.**

Section 3583 of title 18, United States Code, is amended—

(1) in subsection (d), by striking ''possess illegal controlled substances'' and inserting ''unlawfully possess a controlled substance'';

(2) in subsection (e)—

(A) by striking ''person'' each place such term appears in such subsection and inserting ''defendant''; and

(B) by amending paragraph (3) to read as follows:

''(3) revoke a term of supervised release, and require the defendant to serve in prison all or part of the term of supervised release authorized by statute for the offense that resulted in such term of supervised release without credit for time previously

served on postrelease supervision, if the court, pursuant to the Federal Rules of Criminal Procedure applicable to revocation of probation or supervised release, finds by a preponderance of the evidence that the defendant violated a condition of supervised release, except that a defendant whose term is revoked under this paragraph may not be required to serve more than 5 years in prison if the offense that resulted in the term of supervised release is a class A felony, more than 3 years in prison if such offense is a class B felony, more than 2 years in prison if such offense is a class C or D felony, or more than one year in any other case; or''; and

(3) by adding at the end the following new subsections:

''(h) SUPERVISED RELEASE FOLLOWING REVOCATION.—When a term of supervised release is revoked and the defendant is required to serve a term of imprisonment that is less than the maximum term of imprisonment authorized under subsection (e)(3), the court may include a requirement that the defendant be placed on a term of supervised release after imprisonment. The length of such a term of supervised release shall not exceed the term of supervised release authorized by statute for the offense that resulted in the original term of supervised release,

less any term of imprisonment that was imposed upon revocation of supervised release.

''(i) DELAYED REVOCATION.—The power of the court to revoke a term of supervised release for violation of a condition of supervised release, and to order the defendant to serve a term of imprisonment and, subject to the limitations in subsection (h), a further term of supervised release, extends beyond the expiration of the term of supervised release for any period reasonably necessary for the adjudication of matters arising before its expiration if, before its expiration, a warrant or summons has been issued on the basis of an allegation of such a violation.''.

# TITLE XXV—SENTENCING AND MAGISTRATES AMENDMENTS

## SEC. 2501. AUTHORIZATION OF PROBATION FOR PETTY OFFENSES IN CERTAIN CASES.

Section 3561(a)(3) of title 18, United States Code, is amended by adding at the end: ''However, this paragraph does not preclude the imposition of a sentence to a term of probation for a petty offense if the defendant has been sentenced to a term of imprisonment at the same time for another such offense.''.

**SEC. 2502. TRIAL BY A MAGISTRATE IN PETTY OFFENSE CASES.**

Section 3401 of title 18, United States Code, is amended—

(1) in subsection (b) by adding ''other than a petty offense'' after ''misdemeanor''; and

(2) in subsection (g) by amending the first sentence to read as follows: ''The magistrate judge may, in a petty offense case involving a juvenile, exercise all powers granted to the district court under chapter 403 of this title.''.

# TITLE XXVI—COMPUTER CRIME

**SEC. 2601. COMPUTER ABUSE AMENDMENTS ACT OF 1993.**

(a) SHORT TITLE.—This title may be cited as the ''Computer Abuse Amendments Act of 1993''.

(b) PROHIBITION.—Section 1030(a)(5) of title 18, United States Code, is amended to read as follows:

''(5)(A) through means of a computer used in interstate commerce or communications, knowingly causes the transmission of a program, information, code, or command to a computer or computer system if—

''(i) the person causing the transmission intends that such transmission will—

''(I) damage, or cause damage to, a computer, computer system, network, information, data, or program; or

''(II) withhold or deny, or cause the withholding or denial, of the use of a computer, computer services, system or network, information, data or program; and

''(ii) the transmission of the harmful component of the program, information, code, or command—

''(I) occurred without the knowledge and authorization of the persons or entities who own or are responsible for the computer system receiving the program, information, code, or command; and

''(II)(aa) causes loss or damage to one or more other persons of value aggregating $1,000 or more during any 1-year period; or

''(bb) modifies or impairs, or potentially modifies or impairs, the medical examination, medical diagnosis, medical treatment, or medical care of one or more individuals; or

''(B) through means of a computer used in interstate commerce or communication, knowingly causes the transmission of a program, information, code, or command to a computer or computer system—

''(i) with reckless disregard of a substantial and unjustifiable risk that the transmission will—

''(I) damage, or cause damage to, a computer, computer system, network, information, data or program; or

''(II) withhold or deny or cause the withholding or denial of the use of a computer, computer services, system, network, information, data or program; and

''(ii) if the transmission of the harmful component of the program, information, code, or command—

''(I) occurred without the knowledge and authorization of the persons or entities who own or are responsible for the computer system receiving the program, information, code, or command; and

''(II)(aa) causes loss or damage to one or more other persons of a value aggregat-

ing $1,000 or more during any 1-year period; or

''(bb) modifies or impairs, or potentially modifies or impairs, the medical examination, medical diagnosis, medical treatment, or medical care of one or more individuals;''.

(c) PENALTY.—Section 1030(c) of title 18, United States Code is amended—

(1) in paragraph (2)(B) by striking ''and'' after the semicolon;

(2) in paragraph (3)(A) by inserting ''(A)'' after ''(a)(5)''; and

(3) in paragraph (3)(B) by striking the period at the end thereof and inserting ''; and''; and

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

''(4) a fine under this title or imprisonment for not more than 1 year, or both, in the case of an offense under subsection (a)(5)(B).''.

(d) CIVIL ACTION.—Section 1030 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

''(g) Any person who suffers damage or loss by reason of a violation of the section, other than a violation of subsection (a)(5)(B), may maintain a civil action

against the violator to obtain compensatory damages and injunctive relief or other equitable relief. Damages for violations of any subsection other than subsection (a)(5)(A)(ii)(II)(bb) or (a)(5)(B)(ii)(II)(bb) are limited to economic damages. No action may be brought under this subsection unless such action is begun within 2 years of the date of the act complained of or the date of the discovery of the damage.''.

(e) REPORTING REQUIREMENTS.—Section 1030 of title 18 United States Code, is amended by adding at the end thereof the following new subsection:

''(h) The Attorney General and the Secretary of the Treasury shall report to the Congress annually, during the first 3 years following the date of the enactment of this subsection, concerning investigations and prosecutions under section 1030(a)(5) of title 18, United States Code.''.

(f) PROHIBITION.—Section 1030(a)(3) of title 18 United States Code, is amended by inserting ''adversely'' before ''affects the use of the Government's operation of such computer''.

# TITLE XXVII—INTERNATIONAL PARENTAL KIDNAPPING

**SEC. 2701. SHORT TITLE.**

This subtitle may be cited as the ''International Parental Kidnapping Crime Act of 1993''.

**SEC. 2702. TITLE 18 AMENDMENT.**

(a) IN GENERAL.—Chapter 55 (relating to kidnapping) of title 18, United States Code, is amended by adding at the end the following new section:

**''§ 1204. International parental kidnapping**

''(a) DEFINITIONS.—In this section—

'' 'child' means a person who has not attained the age of 16 years.

'' 'parental rights', with respect to a child, means the right to physical custody of the child—

''(A) whether joint or sole (and includes visiting rights); and

''(B) whether arising by operation of law, court order, or legally binding agreement of the parties.

''(b) OFFENSE.—A person who removes a child from the United States or retains a child (who has been in the United States) outside the United States with intent to obstruct the lawful exercise of parental rights shall be

fined under this title, imprisoned not more than 3 years, or both.

''(c) AFFIRMATIVE DEFENSES.—It shall be an affirmative defense under this section that—

''(1) the defendant acted within the provisions of a valid court order granting the defendant legal custody or visitation rights, and that order was obtained pursuant to the Uniform Child Custody Jurisdiction Act and was in effect at the time of the offense;

''(2) the defendant was fleeing an incidence or pattern of domestic violence; or

''(3) the defendant had physical custody of the child pursuant to a court order granting legal custody or visitation rights and failed to return the child as a result of circumstances beyond the defendant's control, and the defendant notified or made reasonable attempts to notify the other parent or lawful custodian of the child of such circumstances within 24 hours after the visitation period had expired and returned the child as soon as possible.

''(d) RULE OF CONSTRUCTION.—This section does not detract from The Hague Convention on the Civil Aspects of International Parental Child Abduction, done at The Hague on October 25, 1980.''.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that, inasmuch as use of the procedures under the Hague Convention on the Civil Aspects of International Parental Child Abduction has resulted in the return of many children, those procedures, in circumstances in which they are applicable, should be the option of first choice for a parent who seeks the return of a child who has been removed from the parent.

(c) TECHNICAL AMENDMENT.—The chapter analysis for chapter 55 of title 18, United States Code, is amended by adding at the end the following new item:

''1204. International parental kidnapping.''.

**SEC. 2703. STATE COURT PROGRAMS REGARDING INTERSTATE AND INTERNATIONAL PARENTAL CHILD ABDUCTION.**

There is authorized to be appropriated $250,000 to carry out under the State Justice Institute Act of 1984 (42 U.S.C. 10701 et seq.) national, regional, and in-State training and educational programs dealing with criminal and civil aspects of interstate and international parental child abduction.

# TITLE XXVIII—SAFE SCHOOLS

**SEC. 2801. SHORT TITLE.**

This title may be cited as the ''Safe Schools Act of 1993''.

**SEC. 2802. SAFE SCHOOLS.**

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1204(a), is amended—

(1) by redesignating part W as part X;

(2) by redesignating section 2301 as section 2401; and

(3) by inserting after part V the following new part:

**"PART W—SAFE SCHOOLS ASSISTANCE**

**"SEC. 2301. GRANT AUTHORIZATION.**

''(a) IN GENERAL.—The Director of the Bureau of Justice Assistance, in consultation with the Secretary of Education, may make grants to local educational agencies for the purpose of providing assistance to such agencies most directly affected by crime and violence.

''(b) MODEL PROJECT.—The Director, in consultation with the Secretary of Education, shall develop a written safe schools model in English and in Spanish in a timely fashion and make such model available to any local educational agency that requests such information.

**"SEC. 2302. USE OF FUNDS.**

''Grants made by the Director under this part shall be used—

''(1) to fund anticrime and safety measures and to develop education and training programs for the

prevention of crime, violence, and illegal drugs and alcohol;

''(2) for counseling programs for victims of crime within schools;

''(3) for crime prevention equipment, including metal detectors and video-surveillance devices; and

''(4) for the prevention and reduction of the participation of young individuals in organized crime and drug and gang-related activities in schools.

**"SEC. 2303. APPLICATIONS.**

''(a) IN GENERAL.—In order to be eligible to receive a grant under this part for any fiscal year, a local educational agency shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

''(b) REQUIREMENTS.—Each application under subsection (a) shall include—

''(1) a request for funds for the purposes described in section 2302;

''(2) a description of the schools and communities to be served by the grant, including the nature of the crime and violence problems within such schools;

''(3) assurances that Federal funds received under this part shall be used to supplement, not

supplant, non-Federal funds that would otherwise be available for activities funded under this part; and

''(4) statistical information in such form and containing such information that the Director may require regarding crime within schools served by such local educational agency.

''(c) COMPREHENSIVE PLAN.—Each application shall include a comprehensive plan that shall contain—

''(1) a description of the crime problems within the schools targeted for assistance;

''(2) a description of the projects to be developed;

''(3) a description of the resources available in the community to implement the plan together with a description of the gaps in the plan that cannot be filed with existing resources;

''(4) an explanation of how the requested grant will be used to fill gaps;

''(5) a description of the system the applicant will establish to prevent and reduce crime problems; and

''(6) a description of educational materials to be developed in Spanish.

**"SEC. 2304. ALLOCATION OF FUNDS; LIMITATIONS ON GRANTS.**

''(a) ADMINISTRATIVE COST LIMITATION.—The Director shall use not more than 5 percent of the funds available under this part for the purposes of administration and technical assistance.

''(b) RENEWAL OF GRANTS.—A grant under this part may be renewed for up to 2 additional years after the first fiscal year during which the recipient receives its initial grant under this part, subject to the availability of funds, if—

''(1) the Director determines that the funds made available to the recipient during the previous year were used in a manner required under the approved application; and

''(2) the Director determines that an additional grant is necessary to implement the crime prevention program described in the comprehensive plan as required by section 2303(c).

**"SEC. 2305. AWARD OF GRANTS.**

''(a) SELECTION OF RECIPIENTS.—The Director, in consultation with the Secretary of Education, shall consider the following factors in awarding grants to local educational agencies:

''(1) CRIME PROBLEM.—The nature and scope of the crime problem in the targeted schools.

"(2) NEED AND ABILITY.—Demonstrated need and evidence of the ability to provide the services described in the plan required under section 2303(c).

"(3) POPULATION.—The number of students to be served by the plan required under section 2303(c).

"(b) GEOGRAPHIC DISTRIBUTION.—The Director shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

**"SEC. 2306. REPORTS.**

"(a) REPORT TO DIRECTOR.—Local educational agencies that receive funds under this part shall submit to the Director a report not later than March 1 of each year that describes progress achieved in carrying out the plan required under section 2303(c).

"(b) REPORT TO CONGRESS.—The Director shall submit to the Committee on Education and Labor and the Committee on the Judiciary a report by October 1 of each year in which grants are made available under this part which shall contain a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by applicants under 2303(b)(4), and an evaluation of programs established under this part.

**"SEC. 2307. DEFINITIONS.**

''For the purposes of this part:

''(1) The term 'Director' means the Director of the Bureau of Justice Assistance.

''(2) The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary and secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts of counties as are recognized in a State as an administrative agency for its public elementary and secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.''.

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 1204(b), is amended by striking the matter relating to part W and inserting the following:

''PART W—SAFE SCHOOLS ASSISTANCE

''Sec. 2301. Grant authorization.
''Sec. 2302. Use of funds.
''Sec. 2303. Applications.
''Sec. 2304. Allocation of funds; limitations on grants.
''Sec. 2305. Award of grants.
''Sec. 2306. Reports.

''Sec. 2307. Definitions.

''PART X—TRANSITION; EFFECTIVE DATE; REPEALER

''Sec. 2401. Continuation of rules, authorities, and proceedings.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), as amended by section 1204(d), is amended—

(1) in paragraph (3) by striking ''and V'' and inserting ''V, and W''; and

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

''(17) There are authorized to be appropriated to carry out projects under part U $100,000,000 for each of fiscal years 1994, 1995, and 1996.''.

# TITLE XXIX—MISCELLANEOUS

## Subtitle A—Increases in Penalties

### SEC. 2901. INCREASED PENALTIES FOR ASSAULT.

(a) CERTAIN OFFICERS AND EMPLOYEES.—Section 111 of title 18, United States Code, is amended—

(1) in subsection (a) by inserting '', where the acts in violation of this section constitute only simple assault, be fined under this title or imprisoned not more than one year, or both, and in all other cases,'' after ''shall'';

(2) in subsection (b) by inserting ''or inflicts bodily injury'' after ''weapon''.

(b) FOREIGN OFFICIALS, OFFICIAL GUESTS, AND INTERNATIONALLY PROTECTED PERSONS.—Section 112(a) of title 18, United States Code, is amended—

(1) by striking ''not more than $5,000'' and inserting ''under this title'';

(2) by inserting '', or inflicts bodily injury,'' after ''weapon''; and

(3) by striking ''not more than $10,000'' and inserting ''under this title''.

(c) MARITIME AND TERRITORIAL JURISDICTION.—Section 113 of title 18, United States Code, is amended—

(1) in subsection (c)—

(A) by striking ''of not more than $1,000'' and inserting ''under this title''; and

(B) by striking ''five'' and inserting ''ten''; and

(2) in subsection (e)—

(A) by striking ''of not more than $300'' and inserting ''under this title''; and

(B) by striking ''three'' and inserting ''six''.

(d) CONGRESS, CABINET, OR SUPREME COURT.—Section 351(e) of title 18, United States Code, is amended—

(1) by striking ''not more than $5,000,'' and inserting ''under this title,'';

(2) by inserting ''the assault involved in the use of a dangerous weapon, or'' after ''if'';

(3) by striking ''not more than $10,000'' and inserting ''under this title''; and

(4) by striking ''for''.

(e) PRESIDENT AND PRESIDENT'S STAFF.—Section 1751(e) of title 18, United States Code, is amended—

(1) by striking ''not more than $10,000,'' both places it appears and inserting ''under this title,'';

(2) by striking ''not more than $5,000,'' and inserting ''under this title,''; and

(3) by inserting ''the assault involved the use of a dangerous weapon, or'' after ''if''.

**SEC. 2902. INCREASED PENALTIES FOR MANSLAUGHTER.**

Section 1112 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) by inserting ''fined under this title or'' after ''shall be'' in the first undesignated paragraph; and

(B) by inserting '', or both'' after ''years'';

(2) by striking ''not more than $1,000'' and inserting ''under this title''; and

(3) by striking ''three'' and inserting ''six''.

**SEC. 2903. INCREASED PENALTIES FOR CIVIL RIGHTS VIOLATIONS.**

(a) CONSPIRACY AGAINST RIGHTS.—Section 241 of title 18, United States Code, is amended—

(1) by striking ''not more than $10,000'' and inserting ''under this title'';

(2) by inserting ''from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill'' after ''results'';

(3) by striking ''subject to imprisonment'' and inserting ''fined under this title or imprisoned''; and

(4) by inserting '', or both'' after ''life''.

(b) DEPRIVATION OF RIGHTS.—Section 242 of title 18, United States Code, is amended—

(1) by striking ''more more than $1,000'' and inserting ''under this title'';

(2) by inserting ''from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire,'' after ''bodily injury results'';

(3) by inserting ''from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or'' after ''death results'';

(4) by striking ''shall be subject to imprisonment'' and inserting ''imprisoned''; and

(5) by inserting '', or both'' after ''life''.

(c) FEDERALLY PROTECTED ACTIVITIES.—Section 245(b) of title 18, United States Code, is amended in the matter following paragraph (5)—

(1) by striking ''not more than $1,000'' and inserting ''under this title'';

(2) by inserting ''from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire'' after ''bodily injury results;

(3) by striking ''not more than $10,000'' and inserting ''under this title'';

(4) by inserting ''from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual

abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill,'' after ''death results'';

(5) by striking ''subject to imprisonment'' and inserting ''fined under this title or imprisoned''; and

(6) by inserting '', or both'' after ''life''.

(d) DAMAGE TO RELIGIOUS PROPERTY.—Section 247 of title 18, United States Code, is amended—

(1) in subsection (c)(1) by inserting ''from acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill'' after ''death results'';

(2) in subsection (c)(2)—

(A) by striking ''serious''; and

(B) by inserting ''from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire'' after ''bodily injury results''; and

(3) by amending subsection (e) to read as follows:

''(e) As used in this section, the term 'religious property' means any church, synagogue, mosque, religious cemetery, or other religious property.''.

(e) FAIR HOUSING ACT.—Section 901 of the Fair Housing Act (42 U.S.C. 3631) is amended—

(1) in the caption by striking ''bodily injury; death;'';

(2) by striking ''not more than $1,000,'' and inserting ''under this title'';

(3) by inserting ''from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire'' after ''bodily injury results'';

(4) by striking ''not more than $10,000,'' and inserting ''under this title'';

(5) by inserting ''from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill,'' after ''death results'';

(6) by striking ''subject to imprisonment'' and inserting ''fined under this title or imprisoned''; and

(7) by inserting '', or both'' after ''life''.

**SEC. 2904. INCREASED PENALTIES FOR TRAFFICKING IN COUNTERFEIT GOODS AND SERVICES.**

(a) IN GENERAL.—Section 2320(a) of title 18, United States Code, is amended—

(1) in the first sentence by striking ''imprisoned not more than five years'' and inserting ''imprisoned not more than 10 years''; and

(2) in the second sentence by striking ''imprisoned not more than fifteen years'' and inserting ''imprisoned not more than 20 years''.

(b) LAUNDERING MONETARY INSTRUMENTS.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by striking ''or section 2319 (relating to copyright infringement),'' and inserting ''section 2319 (relating to copyright infringement), or section 2320 (relating to trafficking in counterfeit goods and services),''.

**SEC. 2905. INCREASED PENALTY FOR CONSPIRACY TO COMMIT MURDER FOR HIRE.**

Section 1958(a) of title 18, United States Code, is amended by inserting ''or who conspires to do so'' before ''shall be fined'' the first place it appears.

**SEC. 2906. INCREASED PENALTIES FOR TRAVEL ACT VIOLATIONS.**

Section 1952(a) of title 18, United States Code, is amended by striking ''and thereafter performs or attempts to perform any of the acts specified in subparagraphs (1), (2), and (3), shall be fined not more than $10,000 or imprisoned for not more than 5 years, or both'' and inserting ''and thereafter performs or attempts to perform (A) any

of the acts described in paragraphs (1) and (3) shall be fined under this title, imprisoned for not more than 5 years, or both, or (B) any of the acts described in paragraph (2) shall be fined under this title, imprisoned for not more than 20 years, or both, and if death results shall be imprisoned for any term of years or for life''.

## Subtitle B—Extension of Protection of Civil Rights Statutes

### SEC. 2911. EXTENSION OF PROTECTION OF CIVIL RIGHTS STATUTES.

(a) CONSPIRACY AGAINST RIGHTS.—Section 241 of title 18, United States Code, is amended by striking ''inhabitant of'' and inserting ''person in''.

(b) DEPRIVATION OF RIGHTS UNDER COLOR OF LAW.—Section 242 of title 18, United States Code, is amended—

(1) by striking ''inhabitant of'' and inserting ''person in''; and

(2) by striking ''such inhabitant'' and inserting ''such person''.

# Subtitle C—Audit and Report

## SEC. 2921. AUDIT REQUIREMENT FOR STATE AND LOCAL LAW ENFORCEMENT AGENCIES RECEIVING FEDERAL ASSET FORFEITURE FUNDS.

(a) STATE REQUIREMENT.—Section 524(c)(7) of title 28, United States Code, is amended to read as follows:

''(7)(A) The Fund shall be subject to annual audit by the Comptroller General.

''(B) The Attorney General shall require that any State or local law enforcement agency receiving funds conduct an annual audit detailing the uses and expenses to which the funds were dedicated and the amount used for each use or expense and report the results of the audit to the Attorney General.''.

(b) INCLUSION IN ATTORNEY GENERAL'S REPORT.—Section 524(c)(6)(C) of title 28, United States Code, is amended by adding at the end the following flush sentence: ''The report should also contain all annual audit reports from State and local law enforcement agencies required to be reported to the Attorney General under subparagraph (B) of paragraph (7).''.

**SEC. 2922. REPORT TO CONGRESS ON ADMINISTRATIVE AND CONTRACTING EXPENSES.**

Section 524(c)(6) of title 28, United States Code, is amended—

(1) by striking ''and'' at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(D) a report for such fiscal year containing a description of the administrative and contracting expenses paid from the Fund under paragraph (1)(A).''.

# Subtitle D—Gambling

**SEC. 2931. CRIMINAL HISTORY RECORD INFORMATION FOR THE ENFORCEMENT OF LAWS RELATING TO GAMING.**

A State gaming enforcement office located within a State Attorney General's office may obtain from the Interstate Identification Index of the FBI criminal history record information for licensing purposes through an authorized criminal justice agency.

**SEC. 2932. CLARIFYING AMENDMENT REGARDING SCOPE OF PROHIBITION AGAINST GAMBLING ON SHIPS IN INTERNATIONAL WATERS.**

(a) The first paragraph of section 1081 of title 18, United States Code, is amended by adding at the end the following: ''Such term does not include a vessel with respect to gambling aboard such vessel beyond the territorial waters of the United States during a covered voyage (as defined in section 4472 of the Internal Revenue Code of 1986 in effect as of September 21, 1993).''.

# Subtitle E—White Collar Crime Amendments

**SEC. 2941. RECEIVING THE PROCEEDS OF EXTORTION OR KIDNAPPING.**

(a) PROCEEDS OF EXTORTION.—Chapter 41 of title 18, United States Code, is amended—

(1) by adding at the end the following new section:

**''§ 880. Receiving the proceeds of extortion**

''A person who receives, possesses, conceals, or disposes of any money or other property which was obtained from the commission of any offense under this chapter that is punishable by imprisonment for more than 1 year, knowing the same to have been unlawfully obtained, shall be imprisoned not more than 3 years, fined under this title, or both.''; and

(2) in the table of sections, by adding at the end the following new item:

''880. Receiving the proceeds of extortion.''.

(b) RANSOM MONEY.—Section 1202 of title 18, United States Code, is amended—

(1) by designating the existing matter as subsection ''(a)''; and

(2) by adding the following new subsections:

''(b) A person who transports, transmits, or transfers in interstate or foreign commerce any proceeds of a kidnapping punishable under State law by imprisonment for more than 1 year, or receives, possesses, conceals, or disposes of any such proceeds after they have crossed a State or United States boundary, knowing the proceeds to have been unlawfully obtained, shall be imprisoned not more than 10 years, fined under this title, or both.

''(c) For purposes of this section, the term 'State' has the meaning set forth in section 245(d) of this title.''.

**SEC. 2942. RECEIVING THE PROCEEDS OF A POSTAL ROBBERY.**

Section 2114 of title 18, United States Code, is amended—

(1) by designating the existing matter as subsection (a); and

(2) by adding at the end the following new subsection:

''(b) A person who receives, possesses, conceals, or disposes of any money or other property which has been obtained in violation of this section, knowing the same to have been unlawfully obtained, shall be imprisoned not more than 10 years, fined under this title, or both.''.

**SEC. 2943. CONFORMING ADDITION TO OBSTRUCTION OF CIVIL INVESTIGATIVE DEMAND STATUTE.**

Section 1505 of title 18, United States Code, is amended by inserting ''section 1968 of this title, section 3733 of title 31, United States Code or'' before ''the Antitrust Civil Process Act''.

**SEC. 2944. CONFORMING ADDITION OF PREDICATE OFFENSES TO FINANCIAL INSTITUTIONS REWARDS STATUTE.**

Section 3059A of title 18, United States Code, is amended—

(1) by inserting ''225,'' after ''215'';

(2) by striking ''or'' before ''1344''; and

(3) by inserting '', or 1517'' after ''1344''.

**SEC. 2945. DEFINITION OF SAVINGS AND LOAN ASSOCIATION IN BANK ROBBERY STATUTE.**

Section 2113 of title 18, United States Code, is amended by adding at the end the following:

''(h) As used in this section, the term 'savings and loan association' means (1) any Federal savings associa-

tion or State savings association (as defined in section 3(b) of the Federal Deposit Insurance Act, 12 U.S.C. 1813(b)) having accounts insured by the Federal Deposit Insurance Corporation, and (2) any corporation described in section 3(b)(1)(C) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(1)(C)) which is operating under the laws of the United States.''.

**SEC. 2946. CONFORMING DEFINITION OF "1-YEAR PERIOD" IN 18 U.S.C. 1516.**

Section 1516(b) of title 18, United States Code, is amended—

(1) by inserting ''(i)'' before ''the term''; and

(2) by inserting before the period the following: '', and (ii) the term 'in any 1 year period' has the meaning given to the term 'in any 1-year period' in section 666 of this title.''.

# Subtitle F—Safer Streets and Neighborhoods

**SEC. 2951. SHORT TITLE.**

This subtitle may be cited as the ''Safer Streets and Neighborhoods Act of 1993''.

**SEC. 2952. LIMITATION ON GRANT DISTRIBUTION.**

(a) AMENDMENT.—Section 510(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42

U.S.C. 3760(b)) is amended by inserting ''non-Federal'' after ''with''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1993.

# Subtitle G—Other Provisions

## SEC. 2961. OPTIONAL VENUE FOR ESPIONAGE AND RELATED OFFENSES.

(a) IN GENERAL.—Chapter 211 of title 18, United States Code, is amended by inserting after section 3238 the following new section:

### ''§ 3239. Optional venue for espionage and related offenses

''The trial for any offense involving a violation, begun or committed upon the high seas or elsewhere out of the jurisdiction of any particular State or district, of—

''(1) section 793, 794, 798, or section 1030(a)(1) of this title;

''(2) section 601 of the National Security Act of 1947 (50 U.S.C. 421); or

''(3) section 4(b) or 4(c) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783 (b) or (c));

may be in the District of Columbia or in any other district authorized by law.''.

(b) TECHNICAL AMENDMENT.—The item relating to section 3239 in the table of sections of chapter 211 of title 18, United States Code, is amended to read as follows:

''3239. Optional venue for espionage and related offense.''.

**SEC. 2962. UNDERCOVER OPERATIONS.**

(a) IN GENERAL.—Chapter 1 of title 18, United States Code, is amended by adding at the end the following new section:

**''§ 21. Stolen or counterfeit nature of property for certain crimes defined**

''(a) Wherever in this title it is an element of an offense that—

''(1) any property was embezzled, robbed, stolen, converted, taken, altered, counterfeited, falsely made, forged, or obliterated; and

''(2) the defendant knew that the property was of such character;

such element may be established by proof that the defendant, after or as a result of an official representation as to the nature of the property, believed the property to be embezzled, robbed, stolen, converted, taken, altered, counterfeited, falsely made, forged, or obliterated.

''(b) For purposes of this section, the term 'official representation' means any representation made by a Federal law enforcement officer (as defined in section 115)

or by another person at the direction or with the approval of such an officer.''.

(b) TECHNICAL AMENDMENT.—The table of sections of chapter 1 of title 18, United States Code, is amended by adding at the end the following new item:

''21. Stolen or counterfeit nature of property for certain crimes defined.''.

**SEC. 2963. UNDERCOVER OPERATIONS—CHURNING.**

Section 7601(c)(3) of the Anti-Drug Abuse Act of 1988 (relating to effective date) is amended to read as follows:

''(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act and shall cease to apply after December 31, 1994.''.

**SEC. 2964. REPORT ON BATTERED WOMEN'S SYNDROME.**

(a) REPORT.—Not less than 1 year after the date of enactment of this Act, the Attorney General and the Secretary of Health and Human Services shall transmit to the Congress a report on the medical and psychological basis of ''battered women's syndrome'' and on the extent to which evidence of the syndrome has been held to be admissible as evidence of guilt or as a defense in a criminal trial.

(b) COMPONENTS OF THE REPORT.—The report described in subsection (a) shall include—

(1) medical and psychological testimony on the validity of battered women's syndrome as a psychological condition;

(2) a compilation of State and Federal court cases that have admitted evidence of battered women's syndrome as evidence of guilt as a defense in criminal trials; and

(3) an assessment by State and Federal judges, prosecutors, and defense attorneys on the effects that evidence of battered women's syndrome may have in criminal trials.

**SEC. 2965. WIRETAPS.**

Section 2511(1) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (c);

(2) by inserting ''or'' at the end of paragraph (d); and

(3) by adding after paragraph (d) the following new paragraph:

''(e)(i) intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, oral, or electronic communication, intercepted by means authorized by sections 2511(2)(A)(ii), 2511(b)–(c), 2511(e), 2516, and 2518 of this sub-

chapter, (ii) knowing or having reason to know that the information was obtained through the interception of such a communication in connection with a criminal investigation, (iii) having obtained or received the information in connection with a criminal investigation, (iv) with intent to improperly obstruct, impede, or interfere with a duly authorized criminal investigation,''.

**SEC. 2966. THEFT OF MAJOR ARTWORK.**

(a) OFFENSE.—Chapter 31 of title 18, United States Code, is amended by adding at the end the following new section:

**''§ 668. Theft of major artwork**

''(a) DEFINITIONS.—In this section—

'' 'museum' means an organized and permanent institution, the activities of which affect interstate or foreign commerce, that—

''(A) is situated in the United States;

''(B) is established for an essentially educational or aesthetic purpose;

''(C) has a professional staff; and

''(D) owns, utilizes, and cares for tangible objects that are exhibited to the public on a regular schedule.

''‘object of cultural heritage’ means an object of art or cultural significance that is registered with the International Foundation for Art Research or an equivalent registry.''.

''(b) OFFENSES.—A person who—

''(1) steals or obtains by fraud from the care, custody, or control of a museum any object of cultural heritage; or

''(2) knowing that an object of cultural heritage has been stolen or obtained by fraud, if in fact the object was stolen or obtained from the care, custody, or control of a museum (whether or not that fact is known to the person), receives, conceals, exhibits, or disposes of the object,

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

(b) FORFEITURE.—

(1) CIVIL.—Section 981(a)(1)(C) of title 18, United States Code, is amended by inserting ''668,'' after ''657,''.

(2) CRIMINAL.—Section 982(a)(2) of title 18, United States Code, is amended by inserting ''668,'' after ''545''.

(c) PERIOD OF LIMITATION.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following new section:

**"§ 3294. Theft of major artwork**

''No person shall be prosecuted, tried, or punished for a violation of or conspiracy to violate section 668 unless the indictment is returned or the information is filed within 20 years after the commission of the offense.''.

(d) TECHNICAL AMENDMENTS.—

(1) CHAPTER 31.—The chapter analysis for chapter 31 of title 18, United States Code, is amended by adding at the end the following new item:

''668. Theft of major artwork.''.

(2) CHAPTER 213.—The chapter analysis for chapter 31 of title 18, United States Code, is amended by adding at the end the following new item:

''3294. Theft of major artwork.''.

**SEC. 2967. BALANCE IN THE CRIMINAL JUSTICE SYSTEM.**

(a) FINDINGS.—The Congress finds that—

(1) an adequately supported Federal judiciary is essential to the enforcement of law and order in the United States,

(2) section 331 of title 28 provides in pertinent part that the Chief Justice shall submit to Congress

an annual report of the proceedings of the Judicial Conference and its recommendations for legislation,

(3) in 1990, in response to the recommendations of the Judicial Conference for additional judgeships, Congress enacted legislation creating 85 additional judgeships with an effective date of December 1, 1990,

(4) only 1 of these vacancies has been filled,

(5) during the current administration, it has taken an average of 502 days from the time a judgeship becomes vacant until such vacancy is filled,

(6) the enactment of legislation providing additional funding for the investigation and prosecution facets of the criminal justice system has a direct and positive impact on the needs and workload of the Judiciary, which is already severely overloaded with criminal cases,

(7) recommendations by the Judicial Conference for the filling of judicial vacancies are currently made on the basis of historical data alone,

(8) the General Accounting Office, pursuant to the 1988 Anti-Drug Abuse Act, has developed a computer model that measures the potential effect of fiscal increases on one or more parts of the criminal justice system on the Judiciary,

(9) the General Accounting Office has established that an increase in the resources allocated to the investigative and prosecutorial parts of the criminal justice system, brings about an increase in the number of criminal cases filed, which in turn adds to the need for additional judgeships,

(10) the allocation of resources to portions of the Federal criminal justice system other than the Judiciary contributes to the need for additional judgeships that cannot be anticipated by the use of historical data alone, and

(11) the use of historical data alone, because of its inability to project the need for additional judgeships attributable to the increase in criminal caseload adds to the delay in meeting the needs of the Judiciary.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Judicial Conference should be encouraged to make its recommendations to Congress for additional judgeships utilizing historical data and a workload estimate model designed to anticipate an increase in criminal filings resulting from increased funding in one or more components of the Federal criminal justice system, and to take into account the time expended in the appointive and confirmation process.

**SEC. 2968. MISUSE OF INITIALS "DEA".**

(a) AMENDMENT.—Section 709 of title 18, United States Code, is amended—

(1) in the thirteenth unnumbered paragraph by striking ''words—'' and inserting ''words; or''; and

(2) by inserting after the thirteenth unnumbered paragraph the following new paragraph:

''A person who, except with the written permission of the Administrator of the Drug Enforcement Administration, knowingly uses the words 'Drug Enforcement Administration' or the initials 'DEA' or any colorable imitation of such words or initials, in connection with any advertisement, circular, book, pamphlet, software or other publication, play, motion picture, broadcast, telecast, or other production, in a manner reasonably calculated to convey the impression that such advertisement, circular, book, pamphlet, software or other publication, play, motion picture, broadcast, telecast, or other production is approved, endorsed, or authorized by the Drug Enforcement Administration;''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective on the date that is 90 days after the date of enactment of this Act.

**SEC. 2969. ADDITION OF ATTEMPTED ROBBERY, KIDNAPPING, SMUGGLING, AND PROPERTY DAMAGE OFFENSES TO ELIMINATE INCONSISTENCIES AND GAPS IN COVERAGE.**

(a) ROBBERY AND BURGLARY.—(1) Section 2111 of title 18, United States Code, is amended by inserting ''or attempts to take'' after ''takes''.

(2) Section 2112 of title 18, United States Code, is amended by inserting ''or attempts to rob'' after ''robs''.

(3) Section 2114 of title 18, United States Code, is amended by inserting ''or attempts to rob'' after ''robs''.

(b) KIDNAPPING.—Section 1201(d) of title 18, United States Code, is amended by striking ''Whoever attempts to violate subsection (a)(4) or (a)(5)'' and inserting ''Whoever attempts to violate subsection (a)''.

(c) SMUGGLING.—Section 545 of title 18, United States Code, is amended by inserting ''or attempts to smuggle or clandestinely introduce'' after ''smuggles, or clandestinely introduces''.

(d) MALICIOUS MISCHIEF.—(1) Section 1361 of title 18, United States Code, is amended—

(A) by inserting ''or attempts to commit any of the foregoing offenses'' before ''shall be punished'', and

(B) by inserting ''or attempted damage'' after ''damage'' each place it appears.

(2) Section 1362 of title 18, United States Code, is amended by inserting ''or attempts willfully or maliciously to injure or destroy'' after ''willfully or maliciously injures or destroys''.

(3) Section 1366 of title 18, United States Code, is amended—

(A) by inserting ''or attempts to damage'' after ''damages'' each place it appears;

(B) by inserting ''or attempts to cause'' after ''causes''; and

(C) by inserting ''or would if the attempted offense had been completed have exceeded'' after ''exceeds'' each place it appears.

**SEC. 2970. DEFINITION OF LIVESTOCK.**

Section 2311 of title 18, United States Code, is amended by inserting after the second paragraph relating to the definition of ''cattle'' the following new paragraph:

'' 'Livestock' means any domestic animals raised for home use, consumption, or profit, such as horses, pigs, goats, fowl, sheep, and cattle, or the carcasses thereof.''.

**SEC. 2971. EXTENSION OF STATUTE OF LIMITATIONS FOR ARSON.**

Section 844(i) of title 18, United States Code, is amended by adding at the end the following: ''No person shall be prosecuted, tried, or punished for any noncapital

offense under this subsection unless the indictment is found or the information is instituted within 10 years after the date on which the offense was committed.''.

# TITLE XXX—TECHNICAL CORRECTIONS

## SEC. 3001. AMENDMENTS RELATING TO FEDERAL FINANCIAL ASSISTANCE FOR LAW ENFORCEMENT.

(a) CROSS REFERENCE CORRECTIONS.—(1) Section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) is amended—

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

(2) in subsection (c) by striking ''subsections (b) and (c)'' and inserting ''subsection (b)'',

(3) in subsection (e) by striking ''or (e)'' and inserting ''or (f)'',

(4) in subsection (f)(1)—

(A) in subparagraph (A)—

(i) by striking '', taking into consideration subsection (e) but'', and

(ii) by striking ''this subsection,'' and inserting ''this subsection'', and

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

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

(A) by striking ''subsection (a)(1) and (2)'' and inserting ''paragraphs (1) and (2) of subsection (a)'', and

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

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

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

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

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

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

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

(1) in section 1201—

(A) in subsection (a) by striking ''subsection (g)'' and inserting ''subsection (h),'', and

(B) in subsection (b)—

(i) by striking ''subsection (g)'' and inserting ''subsection (h)'',

(ii) by striking ''personal'', and

(iii) in the first proviso by striking ''section'' and inserting ''subsection'', and

(2) in section 1204(3) by striking ''who was responding to a fire, rescue or police emergency''.

(f) HEADINGS.—(1) The heading for part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797) is amended to read as follows:

''PART M—REGIONAL INFORMATION SHARING SYSTEMS''.

(2) The heading for part O of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797) is amended to read as follows:

''PART O—RURAL DRUG ENFORCEMENT''.

(g) TABLE OF CONTENTS.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in the item relating to section 501 by striking ''Drug Control and System Improvement Grant'' and inserting ''drug control and system improvement grant'',

(2) in the item relating to section 1403 by striking ''Application'' and inserting ''Applications'', and

(3) in the items relating to part O by redesignating sections 1401 and 1402 as sections 1501 and 1502, respectively.

(h) OTHER TECHNICAL AMENDMENTS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in section 202(c)(2)(E) by striking ''crime,,'' and inserting ''crime,'',

(2) in section 302(c)(19) by striking a period at the end and inserting a semicolon,

(3) in section 602(a)(1) by striking ''chapter 315'' and inserting ''chapter 319'',

(4) in section 603(a)(6) by striking ''605'' and inserting ''606'',

(5) in section 605 by striking ''this section'' and inserting ''this part'',

(6) in section 606(b) by striking ''and Statistics'' and inserting ''Statistics'',

(7) in section 801(b)—

(A) by striking ''parts D,'' and inserting ''parts'',

(B) by striking ''part D'' each place it appears and inserting ''subpart 1 of part E'',

(C) by striking ''403(a)'' and inserting ''501'', and

(D) by striking ''403'' and inserting ''503'',

(8) in the first sentence of section 802(b) by striking ''part D,'' and inserting ''subpart 1 of part E or under part'',

(9) in the second sentence of section 804(b) by striking ''Prevention or'' and inserting ''Prevention, or'',

(10) in section 808 by striking ''408, 1308,'' and inserting ''507'',

(11) in section 809(c)(2)(H) by striking ''805'' and inserting ''804'',

(12) in section 811(e) by striking ''Law Enforcement Assistance Administration'' and inserting ''Bureau of Justice Assistance'',

(13) in section 901(a)(3) by striking ''and,'' and inserting '', and'',

(14) in section 1001(c) by striking ''parts'' and inserting ''part''.

(i) CONFORMING AMENDMENT TO OTHER LAW.—Section 4351(b) of title 18, United States Code, is amended by striking ''Administrator of the Law Enforcement Assistance Administration'' and inserting ''Director of the Bureau of Justice Assistance''.

**SEC. 3002. GENERAL TITLE 18 CORRECTIONS.**

(a) SECTION 1031.—Section 1031(g)(2) of title 18, United States Code, is amended by striking ''a government'' and inserting ''a Government''.

(b) SECTION 208.—Section 208(c)(1) of title 18, United States Code, is amended by striking ''Banks'' and inserting ''banks''.

(c) SECTION 1007.—The heading for section 1007 of title 18, United States Code, is amended by striking ''Transactions'' and inserting ''transactions'' in lieu thereof.

(d) SECTION 1014.—Section 1014 of title 18, United States Code, is amended by striking the comma which follows a comma.

(e) ELIMINATION OF OBSOLETE CROSS REFERENCE.—Section 3293 of title 18, United States Code, is amended by striking ''1008,''.

(f) ELIMINATION OF DUPLICATE SUBSECTION DESIGNATION.—Section 1031 of title 18, United States Code, is amended by redesignating the second subsection (g) as subsection (h).

(g) CLERICAL AMENDMENT TO PART I TABLE OF CHAPTERS.—The item relating to chapter 33 in the table of chapters for part I of title 18, United States Code, is amended by striking ''701'' and inserting ''700''.

(h) AMENDMENT TO SECTION 924(a)(1)(b).—Section 924(a)(1)(B) of title 18, United States Code, is amended by striking ''(q)'' and inserting ''(r)''.

(i) AMENDMENT TO SECTION 3143.—The last sentence of section 3143(b) of title 18, United States Code, is amended by striking ''(b)(2)(D)'' and inserting ''(1)(B)(iv)''.

(j) AMENDMENT TO TABLE OF CHAPTERS.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by striking the item relating to the chapter 113A added by section 132 of Public Law 102–27, but subsequently repealed.

(k) PUNCTUATION CORRECTION.—Section 207(c)(2)(A)(ii) of title 18, United States Code, is amended by striking the semicolon at the end and inserting a comma.

(l) TABLE OF CONTENTS CORRECTION.—The table of contents for chapter 223 of title 18, United States Code, is amended by adding at the end the following:

''3509. Child Victims' and child witnesses' rights.''.

(m) ELIMINATION OF SUPERFLUOUS COMMA.—Section 3742(b) of title 18, United States Code, is amended by striking ''Government,'' and inserting ''Government''.

**SEC. 3003. CORRECTIONS OF ERRONEOUS CROSS REFERENCES AND MISDESIGNATIONS.**

(a) SECTION 1791 OF TITLE 18.—Section 1791(b) of title 18, United States Code, is amended by striking ''(c)'' each place it appears and inserting ''(d)''.

(b) SECTION 1956 OF TITLE 18.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by striking ''section 1822 of the Mail Order Drug Paraphernalia Control Act (100 Stat. 3207–51; 21 U.S.C. 857)'' and inserting ''section 422 of the Controlled Substances Act (21 U.S.C. 863)''.

(c) SECTION 2703 OF TITLE 18.—Section 2703(d) of title 18, United States Code, is amended by striking ''section 3126(2)(A)'' and inserting ''section 3127(2)(A)''.

(d) SECTION 666 OF TITLE 18.—Section 666(d) of title 18, United States Code, is amended—

(1) by redesignating the second paragraph (4) as paragraph (5);

(2) by striking ''and'' at the end of paragraph (3); and

(3) by striking the period at the end of paragraph (4) and inserting ''; and''.

(e) SECTION 4247 OF TITLE 18.—Section 4247(h) of title 18, United States Code, is amended by striking ''subsection (e) of section 4241, 4243, 4244, 4245, or 4246,'' and inserting ''subsection (e) of section 4241, 4244, 4245, or 4246, or subsection (f) of section 4243,''.

(f) SECTION 408 OF THE CONTROLLED SUBSTANCE ACT.—Section 408(b)(2)(A) of the Controlled Substances Act (21 U.S.C. 848(b)(2)(A)) is amended by striking ''subsection (d)(1)'' and inserting ''subsection (c)(1)''.

(g) MARITIME DRUG LAW ENFORCEMENT ACT.—(1) Section 994(h) of title 28, United States Code, is amended by striking ''section 1 of the Act of September 15, 1980 (21 U.S.C. 955a)'' each place it appears and inserting ''the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.)''.

(2) Section 924(e) of title 18, United States Code, is amended by striking ''the first section or section 3 of Public Law 96–350 (21 U.S.C. 955a et seq.)'' and inserting ''the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.)''.

(h) SECTION 2596 OF THE CRIME CONTROL ACT OF 1990.—Section 2596(d) of the Crime Control Act of 1990 is amended, effective retroactively to the date of enactment of such Act, by striking ''951(c)(1)'' and inserting ''951(c)(2)''.

(i) SECTION 3143 OF TITLE 18.—The last sentence of section 3143(b)(1) of title 18, United States Code, is amended by striking ''(b)(2)(D)'' and inserting ''(1)(B)(iv)''.

**SEC. 3004. REPEAL OF OBSOLETE PROVISIONS IN TITLE 18.**

Title 18, United States Code, is amended—

(1) in section 212, by striking ''or of any National Agricultural Credit Corporation,'' and by striking ''or National Agricultural Credit Corporations,'';

(2) in section 213, by striking ''or examiner of National Agricultural Credit Corporations'';

(3) in section 709, by striking the seventh and thirteenth paragraphs;

(4) in section 711, by striking the second paragraph;

(5) by striking section 754, and amending the table of sections for chapter 35 by striking the item relating to section 754;

(6) in sections 657 and 1006, by striking ''Reconstruction Finance Corporation,'', and by striking ''Farmers' Home Corporation,'';

(7) in section 658, by striking ''Farmers' Home Corporation,'';

(8) in section 1013, by striking '', or by any National Agricultural Credit Corporation'';

(9) in section 1160, by striking ''white person'' and inserting ''non-Indian'';

(10) in section 1698, by striking the second paragraph;

(11) by striking sections 1904 and 1908, and amending the table of sections for chapter 93 by striking the items relating to such sections;

(12) in section 1909, by inserting ''or'' before ''farm credit examiner'' and by striking ''or an examiner of National Agricultural Credit Corporations,'';

(13) by striking sections 2157 and 2391, and amending the table of sections for chapters 105 and 115, respectively, by striking the items relating to such sections;

(14) in section 2257 by striking the subsections (f) and (g) that were enacted by Public Law 100–690;

(15) in section 3113, by striking the third paragraph;

(16) in section 3281, by striking ''except for offenses barred by the provisions of law existing on August 4, 1939'';

(17) in section 443, by striking ''or (3) 5 years after 12 o'clock noon of December 31, 1946,''; and

(18) in sections 542, 544, and 545, by striking ''the Philippine Islands,''.

**SEC. 3005. CORRECTION OF DRAFTING ERROR IN THE FOREIGN CORRUPT PRACTICES ACT.**

Section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2) is amended, in subsection (a)(3), by striking ''issuer'' and inserting in lieu thereof ''domestic concern''.

**SEC. 3006. ELIMINATION OF REDUNDANT PENALTY PROVISION IN 18 U.S.C. 1116.**

Section 1116(a) of title 18, United States Code, is amended by striking '', and any such person who is found guilty of attempted murder shall be imprisoned for not more than 20 years''.

**SEC. 3007. ELIMINATION OF REDUNDANT PENALTY.**

Section 1864(c) of title 18, United States Code, is amended by striking ''(b) (3), (4), or (5)'' and inserting in lieu thereof ''(b)(5)''.

**SEC. 3008. CORRECTIONS OF MISSPELLINGS AND GRAMMATICAL ERRORS.**

Title 18, United States Code, is amended—

(1) in section 513(c)(4), by striking ''association or persons'' and inserting in lieu thereof ''association of persons'';

(2) in section 1956(e), by striking ''Evironmental'' and inserting in lieu thereof ''Environmental'';

(3) in section 3125, by striking the quotation marks in paragraph (a)(2), and by striking ''provider for'' and inserting in lieu thereof ''provider of'' in subsection (d);

(4) in section 3731, by striking ''order of a district courts'' and inserting in lieu thereof ''order of a district court'' in the second undesignated paragraph; and

(5) in section 151, by striking ''mean'' and inserting ''means''.

(6) in section 208(b), by inserting ''if'' after ''(4)'';

(7) in section 209(d), by striking ''under the terms of the chapter 41'' and inserting ''under the terms of chapter 41'';

(8) in section 1014, by inserting a comma after ''National Credit Union Administration Board''; and

(9) in section 3291, by striking ''the afore-mentioned'' and inserting ''such''.

**SEC. 3009. OTHER TECHNICAL AMENDMENTS.**

(a) SECTION 419 OF CONTROLLED SUBSTANCES ACT.—Section 419(b) of the Controlled Substances Act (21 U.S.C. 860(b)) is amended by striking ''years Penalties'' and inserting ''years. Penalties''.

(b) SECTION 667.—Section 667 of title 18, United States Code, is amended by adding at the end the following: ''The term 'livestock' has the meaning set forth in section 2311 of this title.''.

(c) SECTION 1114.—Section 1114 of title 18, United States Code, is amended by striking ''or any other officer, agency, or employee of the United States'' and inserting ''or any other officer or employee of the United States or any agency thereof''.

(d) SECTION 408 OF CONTROLLED SUBSTANCES ACT.—Section 408(q)(8) of the Controlled Substances Act (21 U.S.C. 848(q)(8)) is amended by striking ''applications, for writ'' and inserting ''applications for writ''.

**SEC. 3010. CORRECTIONS OF ERRORS FOUND DURING CODIFICATION.**

Title 18, United States Code, is amended—

(1) in section 212, by striking ''218'' and inserting ''213'';

(2) in section 1917—

(A) by striking ''Civil Service Commission'' and inserting ''Office of Personnel Management''; and

(B) by striking ''the Commission'' in paragraph (1) and inserting ''such Office'';

(3) by transferring the table of sections for each subchapter of each of chapters 227 and 229 to follow the heading of that subchapter;

(4) so that the heading of section 1170 reads as follows:

**''§ 1170. Illegal trafficking in Native American human remains and cultural items'';**

(5) so that the item relating to section 1170 in the table of sections at the beginning of chapter 53 reads as follows:

''1170. Illegal trafficking in Native American human remains and cultural items.'';

(6) in section 3509(a), by striking paragraph (11) and redesignating paragraphs (12) and (13) as paragraphs (11) and (12), respectively;

(7) in section 3509—

(A) by striking out ''subdivision'' each place it appears and inserting ''subsection''; and

(B) by striking out ''government'' each place it appears and inserting ''Government'';

(8) in section 2252(a)(3)(B), by striking ''materails'' and inserting '' materials'';

(9) in section 14, by striking ''45,'' and ''608, 611, 612,'';

(10) in section 3059A—

(A) in subsection (b), by striking ''this subsection'' and inserting ''subsection''; and

(B) in subsection (c), by striking ''this subsection'' and inserting ''subsection'';

(11) in section 1761(c)—

(A) by striking ''and'' at the end of paragraph (1);

(B) by inserting ''and'' at the end of paragraph (3); and

(C) by striking the period at the end of paragraph (2)(B) and inserting a semicolon;

(12) in the table of sections at the beginning of chapter 11—

(A) in the item relating to section 203, by inserting a comma after ''officers'' and by striking the comma after ''others''; and

(B) in the item relating to section 204, by inserting ''the'' before ''United States Court of Appeals for the Federal Circuit'';

(13) in the table of sections at the beginning of chapter 23, in the item relating to section 437, by striking the period immediately following ''Indians'';

(14) in the table of sections at the beginning of chapter 25, in the item relating to section 491, by striking the period immediately following ''paper used as money'';

(15) in section 207(a)(3), by striking ''Clarification of Restrictions'' and inserting ''Clarification of restrictions'';

(16) in section 176, by striking ''the government'' and inserting ''the Government'';

(17) in section 3059A(e)(2)(iii), by striking ''backpay'' and inserting ''back pay''; and

(18) by adding a period at the end of the item relating to section 3059A in the table of sections at the beginning of chapter 203.

**SEC. 3011. PROBLEMS RELATED TO EXECUTION OF PRIOR AMENDMENTS.**

(a) INCORRECT REFERENCE AND PUNCTUATION CORRECTION.—(1) Section 2587(b) of the Crime Control Act of 1990 is repealed, effective on the date such section took effect.

(2) Section 2587(b) of Public Law 101–647 is amended, effective the date such section took effect, by

striking ''The chapter heading for'' and inserting ''The table of sections at the beginning of''.

(3) The item relating to section 3059A in the table of sections at the beginning of chapter 203 of title 18, United States Code, is amended by adding a period at the end.

(b) LACK OF PUNCTUATION IN STRICKEN LANGUAGE.—Section 46(b) of Public Law 99–646 is amended, effective on the date such section took effect, so that—

(A) in paragraph (1), the matter proposed to be stricken from the beginning of section 201(b) of title 18, United States Code, reads ''(b) Whoever, directly''; and

(B) in paragraph (2), a comma, rather than a semicolon, appears after ''his lawful duty'' in the matter to be stricken from paragraph (3) of section 201(b) of such title.

(c) BIOLOGICAL WEAPONS.—(1) Section 3 of the Biological Weapons Anti-Terrorism Act of 1989 is amended, effective on the date such section took effect in subsection (b), by striking ''2516(c)'' and inserting ''2516(1)(c)''.

(2) The item in the table of chapters for part I of title 18, United States Code, that relates to chapter 10 is amended by striking ''Weapons'' and inserting ''weapons''.

(d) PLACEMENT OF NEW SECTION.—Section 404(a) of Public Law 101–630 is amended, effective on the date such section took effect, by striking ''adding at the end thereof'' each place it appears and inserting ''inserting after section 1169''.

(e) ELIMINATION OF ERRONEOUS CHARACTERIZATION OF MATTER INSERTED.—Section 225(a) of Public Law 101–674 is amended, effective on the date such section took effect, by striking ''new rule''.

(f) CLARIFICATION OF PLACEMENT OF AMENDMENT.—Section 1205(c) of Public Law 101–647 is amended, effective the date such section took effect, by inserting ''at the end'' after ''adding''.

(g) ELIMINATION OF DUPLICATE AMENDMENT.—Section 1606 of Public Law 101–647 (amending section 1114 of title 18, United States Code) is repealed effective the date of the enactment of such section.

(h) ERROR IN AMENDMENT PHRASING.—Section 3502 of Public Law 101–647 is amended, effective the date such section took effect, by striking ''10'' and inserting ''ten''.

(i) CLARIFICATION THAT AMENDMENTS WERE TO TITLE 18.—Sections 3524, 3525, and 3528 of Public Law 101–647 are each amended, effective the date such sec-

tions took effect, by inserting ''of title 18, United States Code'' before ''is amended''.

(j) CORRECTION OF PARAGRAPH REFERENCE.—Section 3527 of Public Law 101–647 is amended, effective the date such section took effect, by striking ''4th'' and inserting ''5th''.

(k) REPEAL OF OBSOLETE TECHNICAL CORRECTION TO SECTION 1345.—Section 3542 of Public Law 101–647 is repealed, effective the date of enactment of such Public Law.

(l) REPEAL OF OBSOLETE TECHNICAL CORRECTION TO SECTION 1956.—Section 3557(2)(E) of Public Law 101–647 is repealed, effective the date of enactment of such Public Law.

(m) CLARIFICATION OF PLACEMENT OF AMENDMENTS.—Public Law 101–647 is amended, effective the date of the enactment of such Public Law—

(1) in section 3564(1), by inserting ''each place it appears'' after the quotation mark following ''2251'' the first place it appears; and

(2) in section 3565(3)(A), by inserting ''each place it appears'' after the quotation mark following ''subchapter''.

(n) CORRECTION OF WORD QUOTED IN AMENDMENT.—Section 3586(1) of Public Law 101–647 is

amended, effective the date such section took effect, by striking ''fines'' and inserting ''fine''.

(o) ELIMINATION OF OBSOLETE TECHNICAL AMENDMENT TO SECTION 4013.—Section 3599 of Public Law 101–647 is repealed, effective the date of the enactment of such Public Law.

(p) CORRECTION OF DIRECTORY LANGUAGE.—Section 3550 of Public Law 101–647 is amended, effective the date such section took effect, by striking ''not more than''.

(q) REPEAL OF DUPLICATE PROVISIONS.—(1) Section 3568 of Public Law 101–647 is repealed, effective the date such section took effect.

(2) Section 1213 of Public Law 101–647 is repealed, effective the date such section took effect.

(r) CORRECTION OF WORDS QUOTED IN AMENDMENT.—Section 2531(3) of Public Law 101–647 is amended, effective the date such section took effect, by striking ''1679(c)(2)'' and inserting ''1679a(c)(2)''.

(s) FORFEITURE.—(1) Section 1401 of Public Law 101–647 is amended, effective the date such section took effect—

(A) by inserting a comma after '', 5316''; and

(B) by inserting ''the first place it appears'' after the quotation mark following ''5313(a)''.

(2) Section 2525(a)(2) of Public Law 101–647 is amended, effective the date such section took effect, by striking ''108(3)'' and inserting ''2508(3)''.

(t) INCORRECT SECTION REFERENCE.—Section 1402(d)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(3)) is amended by striking ''1404(a)'' and inserting ''1404A''.

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

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

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

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

**SEC. 3012. AMENDMENTS TO SECTION 1956 OF TITLE 18 TO ELIMINATE DUPLICATE PREDICATE CRIMES.**

Section 1956 of title 18, United States Code, is amended—

(1) in subsection (c)(7)(D), by striking ''section 1341 (relating to mail fraud) or section 1343 (relating to wire fraud) affecting a financial institution, section 1344 (relating to bank fraud),'';

(2) in subsection (a)(2) and in subsection (b), by striking ''transportation'' each place it appears and inserting ''transportation, transmission, or transfer'';

(3) in subsection (a)(3), by striking ''represented by a law enforcement officer'' and inserting ''represented''; and

(4) in subsection (c)(7)(E), by striking the period that follows a period.

**SEC. 3013. AMENDMENTS TO PART V OF TITLE 18.**

Part V of title 18, United States Code, is amended—

(1) by inserting after the heading for such part the following:

## ''CHAPTER 601—IMMUNITY OF WITNESSES'';

(2) in section 6001(1)—

(A) by striking ''Atomic Energy Commission'' and inserting ''Nuclear Regulatory Commission''; and

(B) by striking ''the Subversive Activities Control Board,''

(3) by striking ''part'' the first place it appears and inserting ''chapter''; and

(4) by striking ''part'' each other place it appears and inserting ''title''.

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