

104<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 735**

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**AMENDMENTS**

***In the House of Representatives, U. S.,***

*March 14, 1996.*

*Resolved,* That the bill from the Senate (S. 735) entitled “An Act to prevent and punish acts of terrorism, and for other purposes”, do pass with the following

**AMENDMENTS:**

Strike out all after the enacting clause, and insert:

1 **SECTION 1. SHORT TITLE.**

2       *This Act may be cited as the “Effective Death Penalty*  
 3 *and Public Safety Act of 1996”.*

4 **SEC. 2. TABLE OF CONTENTS.**

5       *The table of contents for this Act is as follows:*

*Sec. 1. Short title.*

*Sec. 2. Table of contents.*

**TITLE I—CRIMINAL ACTS**

*Sec. 101. Protection of Federal employees.*

*Sec. 102. Prohibiting material support to terrorist organizations.*

*Sec. 103. Modification of material support provision.*

*Sec. 104. Acts of terrorism transcending national boundaries.*

*Sec. 105. Conspiracy to harm people and property overseas.*

*Sec. 106. Clarification and extension of criminal jurisdiction over certain terrorism offenses overseas.*

*Sec. 107. Expansion and modification of weapons of mass destruction statute.*

*Sec. 108. Addition of offenses to the money laundering statute.*

*Sec. 109. Expansion of Federal jurisdiction over bomb threats.*

*Sec. 110. Clarification of maritime violence jurisdiction.*

*Sec. 111. Possession of stolen explosives prohibited.*

*Sec. 112. Study and recommendations for assessing and reducing the threat to law enforcement officers from the criminal use of firearms and ammunition.*

**TITLE II—INCREASED PENALTIES**

*Sec. 201. Mandatory minimum for certain explosives offenses.*

*Sec. 202. Increased penalty for explosive conspiracies.*

*Sec. 203. Increased and alternate conspiracy penalties for terrorism offenses.*

*Sec. 204. Mandatory penalty for transferring a firearm knowing that it will be used to commit a crime of violence.*

*Sec. 205. Mandatory penalty for transferring an explosive material knowing that it will be used to commit a crime of violence.*

*Sec. 206. Directions to Sentencing Commission.*

*Sec. 207. Amendment of sentencing guidelines to provide for enhanced penalties for a defendant who commits a crime while in possession of a firearm with a laser sighting device.*

**TITLE III—INVESTIGATIVE TOOLS**

*Sec. 301. Study of tagging explosive materials, detection of explosives and explosive materials, rendering explosive components inert, and imposing controls of precursors of explosives.*

*Sec. 302. Exclusion of certain types of information from wiretap-related definitions.*

*Sec. 303. Requirement to preserve record evidence.*

*Sec. 304. Detention hearing.*

*Sec. 305. Protection of Federal Government buildings in the District of Columbia.*

*Sec. 306. Study of thefts from armories; report to the Congress.*

TITLE IV—NUCLEAR MATERIALS

*Sec. 401. Expansion of nuclear materials prohibitions.*

TITLE V—CONVENTION ON THE MARKING OF PLASTIC EXPLOSIVES

*Sec. 501. Definitions.*

*Sec. 502. Requirement of detection agents for plastic explosives.*

*Sec. 503. Criminal sanctions.*

*Sec. 504. Exceptions.*

*Sec. 505. Effective date.*

TITLE VI—IMMIGRATION-RELATED PROVISIONS

*Subtitle A—Removal of Alien Terrorists*

PART 1—REMOVAL PROCEDURES FOR ALIEN TERRORISTS

*Sec. 601. Funding for detention and removal of alien terrorists.*

PART 2—EXCLUSION AND DENIAL OF ASYLUM FOR ALIEN TERRORISTS

*Sec. 611. Denial of asylum to alien terrorists.*

*Sec. 612. Denial of other relief for alien terrorists.*

*Subtitle B—Expedited Exclusion*

*Sec. 621. Inspection and exclusion by immigration officers.*

*Sec. 622. Judicial review.*

*Sec. 623. Exclusion of aliens who have not been inspected and admitted.*

*Subtitle C—Improved Information and Processing*

PART 1—IMMIGRATION PROCEDURES

*Sec. 631. Access to certain confidential INS files through court order.*

*Sec. 632. Waiver authority concerning notice of denial of application for visas.*

PART 2—ASSET FORFEITURE FOR PASSPORT AND VISA OFFENSES

*Sec. 641. Criminal forfeiture for passport and visa related offenses.*

*Sec. 642. Subpoenas for bank records.*

*Sec. 643. Effective date.*

*Subtitle D—Employee Verification by Security Services Companies*

*Sec. 651. Permitting security services companies to request additional documentation.*

*Subtitle E—Criminal Alien Deportation Improvements*

*Sec. 661. Short title.*

*Sec. 662. Additional expansion of definition of aggravated felony.*

*Sec. 663. Deportation procedures for certain criminal aliens who are not permanent residents.*

*Sec. 664. Restricting the defense to exclusion based on 7 years permanent residence for certain criminal aliens.*

*Sec. 665. Limitation on collateral attacks on underlying deportation order.*

*Sec. 666. Criminal alien identification system.*

- Sec. 667. Establishing certain alien smuggling-related crimes as RICO-predicate offenses.*
- Sec. 668. Authority for alien smuggling investigations.*
- Sec. 669. Expansion of criteria for deportation for crimes of moral turpitude.*
- Sec. 670. Miscellaneous provisions.*
- Sec. 671. Construction of expedited deportation requirements.*
- Sec. 672. Study of prisoner transfer treaty with Mexico.*
- Sec. 673. Justice Department assistance in bringing to justice aliens who flee prosecution for crimes in the United States.*
- Sec. 674. Prisoner transfer treaties.*
- Sec. 675. Interior repatriation program.*
- Sec. 676. Deportation of nonviolent offenders prior to completion of sentence of imprisonment.*
- Sec. 677. Authorizing state and local law enforcement officials to arrest and detain certain illegal aliens.*

#### TITLE VII—AUTHORIZATION AND FUNDING

- Sec. 701. Firefighter and emergency services training.*
- Sec. 702. Assistance to foreign countries to procure explosive detection devices and other counter-terrorism technology.*
- Sec. 703. Research and development to support counter-terrorism technologies.*
- Sec. 704. Sense of Congress.*

#### TITLE VIII—MISCELLANEOUS

- Sec. 801. Study of State licensing requirements for the purchase and use of high explosives.*
- Sec. 802. Compensation of victims of terrorism.*
- Sec. 803. Jurisdiction for lawsuits against terrorist states.*
- Sec. 804. Study of publicly available instructional material on the making of bombs, destructive devices, and weapons of mass destruction.*
- Sec. 805. Compilation of statistics relating to intimidation of Government employees.*
- Sec. 806. Victim Restitution Act of 1995.*
- Sec. 807. Overseas law enforcement training activities.*
- Sec. 808. Closed circuit televised court proceedings for victims of crime.*
- Sec. 809. Authorization of appropriations.*

#### TITLE IX—HABEAS CORPUS REFORM

- Sec. 901. Filing deadlines.*
- Sec. 902. Appeal.*
- Sec. 903. Amendment of Federal rules of appellate procedure.*
- Sec. 904. Section 2254 amendments.*
- Sec. 905. Section 2255 amendments.*
- Sec. 906. Limits on second or successive applications.*
- Sec. 907. Death penalty litigation procedures.*
- Sec. 908. Technical amendment.*
- Sec. 909. Severability.*

#### TITLE X—INTERNATIONAL COUNTERFEITING

- Sec. 1001. Short title.*
- Sec. 1002. Audits of international counterfeiting of United States currency.*
- Sec. 1003. Law enforcement and sentencing provisions relating to international counterfeiting of United States currency.*

*TITLE XI—BIOLOGICAL WEAPONS RESTRICTIONS*

- Sec. 1101. Short title.*  
*Sec. 1102. Attempts to acquire under false pretenses.*  
*Sec. 1103. Inclusion of recombinant molecules.*  
*Sec. 1104. Definitions.*  
*Sec. 1105. Threatening use of certain weapons.*  
*Sec. 1106. Inclusions of recombinant molecules and biological organisms in definition.*

*TITLE XII—COMMISSION ON THE ADVANCEMENT OF FEDERAL LAW ENFORCEMENT*

- Sec. 1201. Establishment.*  
*Sec. 1202. Duties.*  
*Sec. 1203. Membership and administrative provisions.*  
*Sec. 1204. Staffing and support functions.*  
*Sec. 1205. Powers.*  
*Sec. 1206. Report.*  
*Sec. 1207. Termination.*

*TITLE XIII—REPRESENTATION FEES*

- Sec. 1301. Representation fees in criminal cases.*

*TITLE XIV—DEATH PENALTY AGGRAVATING FACTOR*

- Sec. 1401. Death penalty aggravating factor.*

*TITLE XV—FINANCIAL TRANSACTIONS WITH TERRORISTS*

- Sec. 1501. Financial transactions with terrorists.*

1                    ***TITLE I—CRIMINAL ACTS***

2    ***SEC. 101. PROTECTION OF FEDERAL EMPLOYEES.***

3            (a) *HOMICIDE.*—Section 1114 of title 18, United  
 4 States Code, is amended to read as follows:

5    ***“§ 1114. Protection of officers and employees of the***  
 6                    ***United States***

7            “Whoever kills or attempts to kill any officer or em-  
 8 ployee of the United States or of any agency in any branch  
 9 of the United States Government (including any member  
 10 of the uniformed services) while such officer or employee is  
 11 engaged in or on account of the performance of official du-

1 *ties, or any person assisting such an officer or employee*  
 2 *in the performance of such duties or on account of that as-*  
 3 *sistance, shall be punished, in the case of murder, as pro-*  
 4 *vided under section 1111, or in the case of manslaughter,*  
 5 *as provided under section 1112, or, in the case of attempted*  
 6 *murder or manslaughter, as provided in section 1113.”.*

7       **(b) THREATS AGAINST FORMER OFFICERS AND EM-**  
 8 *PLOYEES.—Section 115(a)(2) of title 18, United States*  
 9 *Code, is amended by inserting “, or threatens to assault,*  
 10 *kidnap, or murder, any person who formerly served as a*  
 11 *person designated in paragraph (1), or” after “assaults,*  
 12 *kidnaps, or murders, or attempts to kidnap or murder”.*

13 **SEC. 102. PROHIBITING MATERIAL SUPPORT TO TERRORIST**  
 14 **ORGANIZATIONS.**

15       **(a) IN GENERAL.—***That chapter 113B of title 18,*  
 16 *United States Code, that relates to terrorism is amended*  
 17 *by adding at the end the following:*

18 **“§ 2339B. Providing material support to terrorist or-**  
 19 **ganizations**

20       **“(a) OFFENSE.—***Whoever, within the United States,*  
 21 *knowingly provides material support or resources in or af-*  
 22 *fecting interstate or foreign commerce, to any organization*  
 23 *which the person knows is a terrorist organization that has*  
 24 *been designated under section 212(a)(3)(B)(iv) of the Immi-*  
 25 *gration and Nationality Act as a terrorist organization*

1 *shall be fined under this title or imprisoned not more than*  
 2 *10 years, or both.*

3 “(b) *DEFINITION.*—*As used in this section, the term*  
 4 *‘material support or resources’ has the meaning given that*  
 5 *term in section 2339A of this title.”.*

6 (b) *CLERICAL AMENDMENT.*—*The table of sections at*  
 7 *the beginning of chapter 113B of title 18, United States*  
 8 *Code, is amended by adding at the end the following new*  
 9 *item:*

*“2339B. Providing material support to terrorist organizations.”.*

10 ***SEC. 103. MODIFICATION OF MATERIAL SUPPORT PROVI-***  
 11 ***SION.***

12 *Section 2339A of title 18, United States Code, is*  
 13 *amended read as follows:*

14 ***“§ 2339A. Providing material support to terrorists***

15 “(a) *OFFENSE.*—*Whoever, within the United States,*  
 16 *provides material support or resources or conceals or dis-*  
 17 *guises the nature, location, source, or ownership of material*  
 18 *support or resources, knowing or intending that they are*  
 19 *to be used in preparation for or in carrying out, a violation*  
 20 *of section 32, 37, 81, 175, 351, 831, 842 (m) or (n), 844*  
 21 *(f) or (i), 956, 1114, 1116, 1203, 1361, 1362, 1363, 1366,*  
 22 *1751, 2155, 2156, 2280, 2281, 2332, 2332a, 2332b, or*  
 23 *2340A of this title or section 46502 of title 49, or in prepa-*  
 24 *ration for or in carrying out the concealment or an escape*

1 *from the commission of any such violation, shall be fined*  
 2 *under this title, imprisoned not more than 10 years, or both.*

3       “(b) *DEFINITION.*—*In this section, the term ‘material*  
 4 *support or resources’ means currency or other financial se-*  
 5 *curities, financial services, lodging, training, safehouses,*  
 6 *false documentation or identification, communications*  
 7 *equipment, facilities, weapons, lethal substances, explosives,*  
 8 *personnel, transportation, and other physical assets, except*  
 9 *medicine or religious materials.’”.*

10 ***SEC. 104. ACTS OF TERRORISM TRANSCENDING NATIONAL***  
 11 ***BOUNDARIES.***

12       “(a) *OFFENSE.*—*Title 18, United States Code, is*  
 13 *amended by inserting after section 2332a the following:*

14 ***“§2332b. Acts of terrorism transcending national***  
 15 ***boundaries***

16       “(a) *PROHIBITED ACTS.*—

17               “(1) *Whoever, involving any conduct transcend-*  
 18 *ing national boundaries and in a circumstance de-*  
 19 *scribed in subsection (b)—*

20                       “(A) *kills, kidnaps, maims, commits an as-*  
 21 *sault resulting in serious bodily injury, or as-*  
 22 *saults with a dangerous weapon any individual*  
 23 *within the United States; or*

24                       “(B) *creates a substantial risk of serious*  
 25 *bodily injury to any other person by destroying*

1           *or damaging any structure, conveyance, or other*  
2           *real or personal property within the United*  
3           *States or by attempting or conspiring to destroy*  
4           *or damage any structure, conveyance, or other*  
5           *real or personal property within the United*  
6           *States;*

7           *in violation of the laws of any State or the United*  
8           *States shall be punished as prescribed in subsection*  
9           *(c).*

10           “(2) *Whoever threatens to commit an offense*  
11           *under paragraph (1), or attempts or conspires to do*  
12           *so, shall be punished as prescribed in subsection (c).*

13           “(b) *JURISDICTIONAL BASES.—The circumstances re-*  
14           *ferred to in subsection (a) are—*

15           “(1) *any of the offenders travels in, or uses the*  
16           *mail or any facility of, interstate or foreign commerce*  
17           *in furtherance of the offense or to escape apprehension*  
18           *after the commission of the offense;*

19           “(2) *the offense obstructs, delays, or affects inter-*  
20           *state or foreign commerce, or would have so ob-*  
21           *structed, delayed, or affected interstate or foreign*  
22           *commerce if the offense had been consummated;*

23           “(3) *the victim, or intended victim, is the United*  
24           *States Government, a member of the uniformed serv-*  
25           *ices, or any official, officer, employee, or agent of the*

1       *legislative, executive, or judicial branches, or of any*  
2       *department or agency, of the United States;*

3             “(4) *the structure, conveyance, or other real or*  
4       *personal property is, in whole or in part, owned, pos-*  
5       *essed, used by, or leased to the United States, or any*  
6       *department or agency thereof;*

7             “(5) *the offense is committed in the territorial*  
8       *sea (including the airspace above and the seabed and*  
9       *subsoil below, and artificial islands and fixed struc-*  
10       *tures erected thereon) of the United States; or*

11            “(6) *the offense is committed in those places*  
12       *within the United States that are in the special mari-*  
13       *time and territorial jurisdiction of the United States.*

14       *Jurisdiction shall exist over all principals and co-conspira-*  
15       *tors of an offense under this section, and accessories after*  
16       *the fact to any offense under this section, if at least one*  
17       *of such circumstances is applicable to at least one offender.*

18       “(c) *PENALTIES.—*

19            “(1) *Whoever violates this section shall be pun-*  
20       *ished—*

21            “(A) *for a killing or if death results to any*  
22       *person from any other conduct prohibited by this*  
23       *section by death, or by imprisonment for any*  
24       *term of years or for life;*

1           “(B) for kidnapping, by imprisonment for  
2 any term of years or for life;

3           “(C) for maiming, by imprisonment for not  
4 more than 35 years;

5           “(D) for assault with a dangerous weapon  
6 or assault resulting in serious bodily injury, by  
7 imprisonment for not more than 30 years;

8           “(E) for destroying or damaging any struc-  
9 ture, conveyance, or other real or personal prop-  
10 erty, by imprisonment for not more than 25  
11 years;

12           “(F) for attempting or conspiring to com-  
13 mit an offense, for any term of years up to the  
14 maximum punishment that would have applied  
15 had the offense been completed; and

16           “(G) for threatening to commit an offense  
17 under this section, by imprisonment for not more  
18 than 10 years.

19           “(2) Notwithstanding any other provision of law,  
20 the court shall not place on probation any person con-  
21 victed of a violation of this section; nor shall the term  
22 of imprisonment imposed under this section run con-  
23 currently with any other term of imprisonment.

24           “(d) *LIMITATION ON PROSECUTION.*—No indictment  
25 shall be sought nor any information filed for any offense

1 *described in this section until the Attorney General, or the*  
2 *highest ranking subordinate of the Attorney General with*  
3 *responsibility for criminal prosecutions, makes a written*  
4 *certification that, in the judgment of the certifying official,*  
5 *such offense, or any activity preparatory to or meant to*  
6 *conceal its commission, is a Federal crime of terrorism.*

7 “(e) *PROOF REQUIREMENTS.*—

8 “(1) *The prosecution is not required to prove*  
9 *knowledge by any defendant of a jurisdictional base*  
10 *alleged in the indictment.*

11 “(2) *In a prosecution under this section that is*  
12 *based upon the adoption of State law, only the ele-*  
13 *ments of the offense under State law, and not any*  
14 *provisions pertaining to criminal procedure or evi-*  
15 *dence, are adopted.*

16 “(f) *EXTRATERRITORIAL JURISDICTION.*—*There is*  
17 *extraterritorial Federal jurisdiction—*

18 “(1) *over any offense under subsection (a), in-*  
19 *cluding any threat, attempt, or conspiracy to commit*  
20 *such offense; and*

21 “(2) *over conduct which, under section 3 of this*  
22 *title, renders any person an accessory after the fact*  
23 *to an offense under subsection (a).*

24 “(g) *DEFINITIONS.*—*As used in this section—*

1           “(1) the term ‘conduct transcending national  
2 boundaries’ means conduct occurring outside the  
3 United States in addition to the conduct occurring in  
4 the United States;

5           “(2) the term ‘facility of interstate or foreign  
6 commerce’ has the meaning given that term in section  
7 1958(b)(2) of this title;

8           “(3) the term ‘serious bodily injury’ has the  
9 meaning prescribed in section 1365(g)(3) of this title;

10           “(4) the term ‘territorial sea of the United  
11 States’ means all waters extending seaward to 12  
12 nautical miles from the baselines of the United States  
13 determined in accordance with international law; and

14           “(5) the term ‘Federal crime of terrorism’ means  
15 an offense that—

16           “(A) is calculated to influence or affect the  
17 conduct of government by intimidation or coer-  
18 cion, or to retaliate against government conduct;  
19 and

20           “(B) is a violation of—

21           “(i) section 32 (relating to destruction  
22 of aircraft or aircraft facilities), 37 (relat-  
23 ing to violence at international airports),  
24 81 (relating to arson within special mari-  
25 time and territorial jurisdiction), 175 (re-

1            *lating to biological weapons), 351 (relating*  
2            *to congressional, cabinet, and Supreme*  
3            *Court assassination, kidnapping, and as-*  
4            *sault), 831 (relating to nuclear weapons),*  
5            *842(m) or (n) (relating to plastic explo-*  
6            *sives), 844(e) (relating to certain bombings),*  
7            *844(f) or (i) (relating to arson and bombing*  
8            *of certain property), 956 (relating to con-*  
9            *spiracy to commit violent acts in foreign*  
10           *countries), 1114 (relating to protection of*  
11           *officers and employees of the United States),*  
12           *1116 (relating to murder or manslaughter*  
13           *of foreign officials, official guests, or inter-*  
14           *nationally protected persons), 1203 (relat-*  
15           *ing to hostage taking), 1361 (relating to in-*  
16           *jury of Government property), 1362 (relat-*  
17           *ing to destruction of communication lines),*  
18           *1363 (relating to injury to buildings or*  
19           *property within special maritime and terri-*  
20           *torial jurisdiction of the United States),*  
21           *1366 (relating to destruction of energy facil-*  
22           *ity), 1751 (relating to Presidential and*  
23           *Presidential staff assassination, kidnap-*  
24           *ping, and assault), 2152 (relating to injury*  
25           *of harbor defenses), 2155 (relating to de-*

1            *struction of national defense materials,*  
2            *premises, or utilities), 2156 (relating to*  
3            *production of defective national defense ma-*  
4            *terials, premises, or utilities), 2280 (relat-*  
5            *ing to violence against maritime naviga-*  
6            *tion), 2281 (relating to violence against*  
7            *maritime fixed platforms), 2332 (relating to*  
8            *certain homicides and violence outside the*  
9            *United States), 2332a (relating to use of*  
10           *weapons of mass destruction), 2332b (relat-*  
11           *ing to acts of terrorism transcending na-*  
12           *tional boundaries), 2339A (relating to pro-*  
13           *viding material support to terrorists),*  
14           *2339B (relating to providing material sup-*  
15           *port to terrorist organizations), or 2340A*  
16           *(relating to torture) of this title;*

17                    *“(ii) section 236 (relating to sabotage*  
18                    *of nuclear facilities or fuel) of the Atomic*  
19                    *Energy Act of 1954; or*

20                    *“(iii) section 46502 (relating to air-*  
21                    *craft piracy), or 60123(b) (relating to de-*  
22                    *struction of interstate gas or hazardous liq-*  
23                    *uid pipeline facility) of title 49.*

24            *“(h) INVESTIGATIVE AUTHORITY.—In addition to any*  
25            *other investigatory authority with respect to violations of*

1 *this title, the Attorney General shall have primary inves-*  
 2 *tigative responsibility for all Federal crimes of terrorism,*  
 3 *and the Secretary of the Treasury shall assist the Attorney*  
 4 *General at the request of the Attorney General.”.*

5 (b) *CLERICAL AMENDMENT.*—*The table of sections at*  
 6 *the beginning of the chapter 113B of title 18, United States*  
 7 *Code, that relates to terrorism is amended by inserting after*  
 8 *the item relating to section 2332a the following new item:*

*“2332b. Acts of terrorism transcending national boundaries.”.*

9 (c) *STATUTE OF LIMITATIONS AMENDMENT.*—*Section*  
 10 *3286 of title 18, United States Code, is amended by—*

11 (1) *striking “any offense” and inserting “any*  
 12 *non-capital offense”;*

13 (2) *striking “36” and inserting “37”;*

14 (3) *striking “2331” and inserting “2332”;*

15 (4) *striking “2339” and inserting “2332a”;* and

16 (5) *inserting “2332b (acts of terrorism tran-*  
 17 *scending national boundaries),” after “(use of weap-*  
 18 *ons of mass destruction),”.*

19 (d) *PRESUMPTIVE DETENTION.*—*Section 3142(e) of*  
 20 *title 18, United States Code, is amended by inserting “,*  
 21 *956(a), or 2332b” after “section 924(c)”.*

22 (e) *CONFORMING AMENDMENT.*—*Section 846 of title*  
 23 *18, United States Code, is amended by striking “In addi-*  
 24 *tion to any other” and all that follows through the end of*  
 25 *the section.*

1 **SEC. 105. CONSPIRACY TO HARM PEOPLE AND PROPERTY**  
2 **OVERSEAS.**

3 (a) *IN GENERAL.*—Section 956 of chapter 45 of title  
4 18, United States Code, is amended to read as follows:

5 **“§956. Conspiracy to kill, kidnap, maim, or injure**  
6 **persons or damage property in a foreign**  
7 **country**

8 “(a)(1) *Whoever, within the jurisdiction of the United*  
9 *States, conspires with one or more other persons, regardless*  
10 *of where such other person or persons are located, to commit*  
11 *at any place outside the United States an act that would*  
12 *constitute the offense of murder, kidnapping, or maiming*  
13 *if committed in the special maritime and territorial juris-*  
14 *diction of the United States shall, if any of the conspirators*  
15 *commits an act within the jurisdiction of the United States*  
16 *to effect any object of the conspiracy, be punished as pro-*  
17 *vided in subsection (a)(2).*

18 “(2) *The punishment for an offense under subsection*  
19 *(a)(1) of this section is—*

20 “(A) *imprisonment for any term of years or for*  
21 *life if the offense is conspiracy to murder or kidnap;*  
22 *and*

23 “(B) *imprisonment for not more than 35 years*  
24 *if the offense is conspiracy to maim.*

25 “(b) *Whoever, within the jurisdiction of the United*  
26 *States, conspires with one or more persons, regardless of*

1 *where such other person or persons are located, to damage*  
 2 *or destroy specific property situated within a foreign coun-*  
 3 *try and belonging to a foreign government or to any politi-*  
 4 *cal subdivision thereof with which the United States is at*  
 5 *peace, or any railroad, canal, bridge, airport, airfield, or*  
 6 *other public utility, public conveyance, or public structure,*  
 7 *or any religious, educational, or cultural property so situ-*  
 8 *ated, shall, if any of the conspirators commits an act within*  
 9 *the jurisdiction of the United States to effect any object of*  
 10 *the conspiracy, be imprisoned not more than 25 years.”.*

11 *(b) CLERICAL AMENDMENT.—The item relating to sec-*  
 12 *tion 956 in the table of sections at the beginning of chapter*  
 13 *45 of title 18, United States Code, is amended to read as*  
 14 *follows:*

*“956. Conspiracy to kill, kidnap, maim, or injure persons or damage property  
in a foreign country.”.*

15 **SEC. 106. CLARIFICATION AND EXTENSION OF CRIMINAL**  
 16 **JURISDICTION OVER CERTAIN TERRORISM**  
 17 **OFFENSES OVERSEAS.**

18 *(a) AIRCRAFT PIRACY.—Section 46502(b) of title 49,*  
 19 *United States Code, is amended—*

20 *(1) in paragraph (1), by striking “and later*  
 21 *found in the United States”;*

22 *(2) so that paragraph (2) reads as follows:*

23 *“(2) There is jurisdiction over the offense in paragraph*  
 24 *(1) if—*

1           “(A) a national of the United States was aboard  
2     the aircraft;

3           “(B) an offender is a national of the United  
4     States; or

5           “(C) an offender is afterwards found in the  
6     United States.”; and

7           (3) by inserting after paragraph (2) the follow-  
8     ing:

9           “(3) For purposes of this subsection, the term ‘national  
10  of the United States’ has the meaning prescribed in section  
11  101(a)(22) of the Immigration and Nationality Act (8  
12  U.S.C. 1101(a)(22)).”.

13          (b) *DESTRUCTION OF AIRCRAFT OR AIRCRAFT FACILI-*  
14 *TIES.*—Section 32(b) of title 18, United States Code, is  
15 *amended—*

16           (1) by striking “, if the offender is later found  
17     in the United States,”; and

18           (2) by inserting at the end the following: “There  
19     is jurisdiction over an offense under this subsection if  
20     a national of the United States was on board, or  
21     would have been on board, the aircraft; an offender is  
22     a national of the United States; or an offender is  
23     afterwards found in the United States. For purposes  
24     of this subsection, the term ‘national of the United

1 *States’ has the meaning prescribed in section*  
2 *101(a)(22) of the Immigration and Nationality Act.”.*

3 *(c) MURDER OF FOREIGN OFFICIALS AND CERTAIN*  
4 *OTHER PERSONS.—Section 1116 of title 18, United States*  
5 *Code, is amended—*

6 *(1) in subsection (b), by adding at the end the*  
7 *following:*

8 *“(7) ‘National of the United States’ has the*  
9 *meaning prescribed in section 101(a)(22) of the Im-*  
10 *migration and Nationality Act (8 U.S.C.*  
11 *1101(a)(22)).”;* and

12 *(2) in subsection (c), by striking the first sen-*  
13 *tence and inserting the following: “If the victim of an*  
14 *offense under subsection (a) is an internationally pro-*  
15 *TECTED person outside the United States, the United*  
16 *States may exercise jurisdiction over the offense if (1)*  
17 *the victim is a representative, officer, employee, or*  
18 *agent of the United States, (2) an offender is a na-*  
19 *tional of the United States, or (3) an offender is after-*  
20 *wards found in the United States.”.*

21 *(d) PROTECTION OF FOREIGN OFFICIALS AND CER-*  
22 *TAIN OTHER PERSONS.—Section 112 of title 18, United*  
23 *States Code, is amended—*

24 *(1) in subsection (c), by inserting “‘national of*  
25 *the United States’,” before “and”; and*

1           (2) *in subsection (e), by striking the first sen-*  
2 *tence and inserting the following: “If the victim of an*  
3 *offense under subsection (a) is an internationally pro-*  
4 *ected person outside the United States, the United*  
5 *States may exercise jurisdiction over the offense if (1)*  
6 *the victim is a representative, officer, employee, or*  
7 *agent of the United States, (2) an offender is a na-*  
8 *tional of the United States, or (3) an offender is after-*  
9 *wards found in the United States.”.*

10       *(e) THREATS AND EXTORTION AGAINST FOREIGN OF-*  
11 *FICIALS AND CERTAIN OTHER PERSONS.—Section 878 of*  
12 *title 18, United States Code, is amended—*

13           (1) *in subsection (c), by inserting “‘national of*  
14 *the United States’,” before “and”; and*

15           (2) *in subsection (d), by striking the first sen-*  
16 *tence and inserting the following: “If the victim of an*  
17 *offense under subsection (a) is an internationally pro-*  
18 *ected person outside the United States, the United*  
19 *States may exercise jurisdiction over the offense if (1)*  
20 *the victim is a representative, officer, employee, or*  
21 *agent of the United States, (2) an offender is a na-*  
22 *tional of the United States, or (3) an offender is after-*  
23 *wards found in the United States.”.*

1       (f) *KIDNAPPING OF INTERNATIONALLY PROTECTED*  
2 *PERSONS.*—Section 1201(e) of title 18, United States Code,  
3 *is amended—*

4           (1) *by striking the first sentence and inserting*  
5 *the following: “If the victim of an offense under sub-*  
6 *section (a) is an internationally protected person out-*  
7 *side the United States, the United States may exercise*  
8 *jurisdiction over the offense if (1) the victim is a rep-*  
9 *resentative, officer, employee, or agent of the United*  
10 *States, (2) an offender is a national of the United*  
11 *States, or (3) an offender is afterwards found in the*  
12 *United States.”; and*

13           (2) *by adding at the end the following: “For pur-*  
14 *poses of this subsection, the term ‘national of the*  
15 *United States’ has the meaning prescribed in section*  
16 *101(a)(22) of the Immigration and Nationality Act*  
17 *(8 U.S.C. 1101(a)(22)).”.*

18       (g) *VIOLENCE AT INTERNATIONAL AIRPORTS.*—Section  
19 *37(b)(2) of title 18, United States Code, is amended—*

20           (1) *by inserting “(A)” before “the offender is*  
21 *later found in the United States”; and*

22           (2) *by inserting “; or (B) an offender or a victim*  
23 *is a national of the United States (as defined in sec-*  
24 *tion 101(a)(22) of the Immigration and Nationality*

1     *Act (8 U.S.C. 1101(a)(22)))” after “the offender is*  
 2     *later found in the United States”.*

3     *(h) BIOLOGICAL WEAPONS.—Section 178 of title 18,*  
 4     *United States Code, is amended—*

5             *(1) by striking “and” at the end of paragraph*  
 6     *(3);*

7             *(2) by striking the period at the end of para-*  
 8     *graph (4) and inserting “; and”; and*

9             *(3) by adding the following at the end:*

10            *“(5) the term ‘national of the United States’ has*  
 11     *the meaning prescribed in section 101(a)(22) of the*  
 12     *Immigration and Nationality Act (8 U.S.C.*  
 13     *1101(a)(22)).”.*

14     ***SEC. 107. EXPANSION AND MODIFICATION OF WEAPONS OF***  
 15             ***MASS DESTRUCTION STATUTE.***

16     *Section 2332a of title 18, United States Code, is*  
 17     *amended—*

18             *(1) in subsection (a)—*

19                 *(A) by inserting “AGAINST A NATIONAL OR*  
 20     *WITHIN THE UNITED STATES” after “OF-*  
 21     *FENSE”;*

22                 *(B) by inserting “, without lawful author-*  
 23     *ity” after “A person who”;*

1           (C) by inserting “threatens,” before “at-  
2           tempts or conspires to use, a weapon of mass de-  
3           struction”; and

4           (D) by inserting “and the results of such  
5           use affect interstate or foreign commerce or, in  
6           the case of a threat, attempt, or conspiracy,  
7           would have affected interstate or foreign com-  
8           merce” before the semicolon at the end of para-  
9           graph (2);

10          (2) in subsection (b)(2)(A), by striking “section  
11          921” and inserting “section 921(a)(4) (other than  
12          subparagraphs (B) and (C))”;

13          (3) in subsection (b), so that subparagraph (B)  
14          of paragraph (2) reads as follows:

15                 “(B) any weapon that is designed to cause  
16                 death or serious bodily injury through the re-  
17                 lease, dissemination, or impact of toxic or poi-  
18                 sonous chemicals, or their precursors;”;

19          (4) by redesignating subsection (b) as subsection  
20          (c); and

21          (5) by inserting after subsection (a) the following  
22          new subsection:

23          “(b) OFFENSE BY NATIONAL OUTSIDE THE UNITED  
24          STATES.—Any national of the United States who, without  
25          lawful authority and outside the United States, uses, or

1 *threatens, attempts, or conspires to use, a weapon of mass*  
 2 *destruction shall be imprisoned for any term of years or*  
 3 *for life, and if death results, shall be punished by death,*  
 4 *or by imprisonment for any term of years or for life.”.*

5 **SEC. 108. ADDITION OF OFFENSES TO THE MONEY LAUN-**  
 6 **DERING STATUTE.**

7 (a) *MURDER AND DESTRUCTION OF PROPERTY.*—Sec-  
 8 *tion 1956(c)(7)(B)(ii) of title 18, United States Code, is*  
 9 *amended by striking “or extortion;” and inserting “extor-*  
 10 *tion, murder, or destruction of property by means of explo-*  
 11 *sive or fire;”.*

12 (b) *SPECIFIC OFFENSES.*—Section 1956(c)(7)(D) of  
 13 *title 18, United States Code, is amended—*

14 (1) *by inserting after “an offense under” the fol-*  
 15 *lowing: “section 32 (relating to the destruction of air-*  
 16 *craft), section 37 (relating to violence at international*  
 17 *airports), section 115 (relating to influencing, imped-*  
 18 *ing, or retaliating against a Federal official by*  
 19 *threatening or injuring a family member),”;*

20 (2) *by inserting after “section 215 (relating to*  
 21 *commissions or gifts for procuring loans),” the follow-*  
 22 *ing: “section 351 (relating to Congressional or Cabi-*  
 23 *net officer assassination),”;*

24 (3) *by inserting after “section 793, 794, or 798*  
 25 *(relating to espionage),” the following: “section 831*

1       *(relating to prohibited transactions involving nuclear*  
2       *materials), section 844 (f) or (i) (relating to destruc-*  
3       *tion by explosives or fire of Government property or*  
4       *property affecting interstate or foreign commerce),”;*

5           (4) *by inserting after “section 875 (relating to*  
6       *interstate communications),” the following: “section*  
7       *956 (relating to conspiracy to kill, kidnap, maim, or*  
8       *injure certain property in a foreign country),”;*

9           (5) *by inserting after “1032 (relating to conceal-*  
10       *ment of assets from conservator, receiver, or liquidat-*  
11       *ing agent of financial institution),” the following:*  
12       *“section 1111 (relating to murder), section 1114 (re-*  
13       *lating to protection of officers and employees of the*  
14       *United States), section 1116 (relating to murder of*  
15       *foreign officials, official guests, or internationally*  
16       *protected persons),”;*

17           (6) *by inserting after “section 1203 (relating to*  
18       *hostage taking),” the following: “section 1361 (relat-*  
19       *ing to willful injury of Government property), section*  
20       *1363 (relating to destruction of property within the*  
21       *special maritime and territorial jurisdiction),”;*

22           (7) *by inserting after “section 1708 (theft from*  
23       *the mail),” the following: “section 1751 (relating to*  
24       *Presidential assassination),”;*

1           (8) by inserting after “2114 (relating to bank  
2           and postal robbery and theft),” the following: “section  
3           2280 (relating to violence against maritime naviga-  
4           tion), section 2281 (relating to violence against mari-  
5           time fixed platforms),”; and

6           (9) by striking “of this title” and inserting the  
7           following: “section 2332 (relating to terrorist acts  
8           abroad against United States nationals), section  
9           2332a (relating to use of weapons of mass destruc-  
10          tion), section 2332b (relating to international terror-  
11          ist acts transcending national boundaries), section  
12          2339A (relating to providing material support to ter-  
13          rorists) of this title, section 46502 of title 49, United  
14          States Code”.

15   **SEC. 109. EXPANSION OF FEDERAL JURISDICTION OVER**  
16                           **BOMB THREATS.**

17          Section 844(e) of title 18, United States Code, is  
18          amended by striking “commerce,” and inserting “interstate  
19          or foreign commerce, or in or affecting interstate or foreign  
20          commerce,”.

21   **SEC. 110. CLARIFICATION OF MARITIME VIOLENCE JURIS-**  
22                           **DICTION.**

23          Section 2280(b)(1)(A) of title 18, United States Code,  
24          is amended—

1           (1) *in clause (ii), by striking “and the activity*  
2           *is not prohibited as a crime by the State in which the*  
3           *activity takes place”;* and

4           (2) *in clause (iii), by striking “the activity takes*  
5           *place on a ship flying the flag of a foreign country*  
6           *or outside the United States,”.*

7   **SEC. 111. POSSESSION OF STOLEN EXPLOSIVES PROHIB-**  
8                                   **ITED.**

9           Section 842(h) of title 18, United States Code, is  
10 *amended to read as follows:*

11           “(h) *It shall be unlawful for any person to receive, pos-*  
12 *sess, transport, ship, conceal, store, barter, sell, dispose of,*  
13 *or pledge or accept as security for a loan, any stolen explo-*  
14 *sive materials which are moving as, which are part of,*  
15 *which constitute, or which have been shipped or transported*  
16 *in, interstate or foreign commerce, either before or after such*  
17 *materials were stolen, knowing or having reasonable cause*  
18 *to believe that the explosive materials were stolen.”.*

19   **SEC. 112. STUDY AND RECOMMENDATIONS FOR ASSESSING**  
20                                   **AND REDUCING THE THREAT TO LAW EN-**  
21                                   **FORCEMENT OFFICERS FROM THE CRIMINAL**  
22                                   **USE OF FIREARMS AND AMMUNITION.**

23           (a) *The Secretary of the Treasury, in conjunction with*  
24 *the Attorney General, shall conduct a study and make rec-*  
25 *ommendations concerning—*

1           (1) *the extent and nature of the deaths and seri-*  
2 *ous injuries, in the line of duty during the last dec-*  
3 *ade, for law enforcement officers, including—*

4           (A) *those officers who were feloniously killed*  
5 *or seriously injured and those that died or were*  
6 *seriously injured as a result of accidents or other*  
7 *non-felonious causes; and*

8           (B) *those officers feloniously killed or seri-*  
9 *ously injured with firearms, those killed or seri-*  
10 *ously injured with, separately, handguns firing*  
11 *handgun caliber ammunition, handguns firing*  
12 *rifle caliber ammunition, rifles firing rifle cali-*  
13 *ber ammunition, rifles firing handgun caliber*  
14 *ammunition and shotguns; and*

15           (C) *those officers feloniously killed or seri-*  
16 *ously injured with firearms, and killings or seri-*  
17 *ous injuries committed with firearms taken by*  
18 *officers' assailants from officers, and those com-*  
19 *mitted with other officers' firearms; and*

20           (D) *those killed or seriously injured because*  
21 *shots attributable to projectiles defined as*  
22 *“armor piercing ammunition” under 18,*  
23 *§ 921(a)(17)(B) (i) and (ii) pierced the protec-*  
24 *tive material of bullet resistant vests and bullet*  
25 *resistant headgear; and*

1           (2) *whether current passive defensive strategies,*  
2           *such as body armor, are adequate to counter the*  
3           *criminal use of firearms against law officers; and*

4           (3) *the calibers of ammunition that are—*

5                   (A) *sold in the greatest quantities; and*

6                   (B) *their common uses, according to con-*  
7                   *sultations with industry, sporting organizations*  
8                   *and law enforcement; and*

9                   (C) *the calibers commonly used for civilian*  
10                  *defensive or sporting uses that would be affected*  
11                  *by any prohibition on non-law enforcement sales*  
12                  *of such ammunition, if such ammunition is ca-*  
13                  *pable of penetrating minimum level bullet resist-*  
14                  *ant vests; and*

15                  (D) *recommendations for increase in body*  
16                  *armor capabilities to further protect law enforce-*  
17                  *ment from threat.*

18           (b) *In conducting the study, the Secretary shall consult*  
19           *with other Federal, State and local officials, non-govern-*  
20           *mental organizations, including all national police organi-*  
21           *zations, national sporting organizations and national in-*  
22           *dustry associations with expertise in this area and such*  
23           *other individuals as shall be deemed necessary. Such study*  
24           *shall be presented to Congress twelve months after the enact-*

1 *ment of this Act and made available to the public, including*  
 2 *any data tapes or data used to form such recommendations.*

3 *(c) There are authorized to be appropriated for the*  
 4 *study and recommendations such sums as may be necessary.*

5 ***TITLE II—INCREASED***  
 6 ***PENALTIES***

7 ***SEC. 201. MANDATORY MINIMUM FOR CERTAIN EXPLOSIVES***  
 8 ***OFFENSES.***

9 *(a) INCREASED PENALTIES FOR DAMAGING CERTAIN*  
 10 *PROPERTY.—Section 844(f) of title 18, United States Code,*  
 11 *is amended to read as follows:*

12 *“(f) Whoever damages or destroys, or attempts to dam-*  
 13 *age or destroy, by means of fire or an explosive, any per-*  
 14 *sonal or real property in whole or in part owned, possessed,*  
 15 *or used by, or leased to, the United States, or any depart-*  
 16 *ment or agency thereof, or any institution or organization*  
 17 *receiving Federal financial assistance shall be fined under*  
 18 *this title or imprisoned for not more than 25 years, or both,*  
 19 *but—*

20 *“(1) if personal injury results to any person*  
 21 *other than the offender, the term of imprisonment*  
 22 *shall be not more than 40 years;*

23 *“(2) if fire or an explosive is used and its use*  
 24 *creates a substantial risk of serious bodily injury to*

1       any person other than the offender, the term of im-  
2       prisonment shall not be less than 20 years; and

3               “(3) if death results to any person other than the  
4       offender, the offender shall be subject to the death pen-  
5       alty or imprisonment for any term of years not less  
6       than 30, or for life.”.

7       (b) *CONFORMING AMENDMENT.*—Section 81 of title 18,  
8       United States Code, is amended by striking “fined under  
9       this title or imprisoned not more than five years, or both”  
10      and inserting “imprisoned not more than 25 years or fined  
11      the greater of the fine under this title or the cost of repairing  
12      or replacing any property that is damaged or destroyed,  
13      or both”.

14      (c) *STATUTE OF LIMITATION FOR ARSON OFFENSES.*—

15              (1) Chapter 213 of title 18, United States Code,  
16      is amended by adding at the end the following:

17      “**§ 3295. Arson offenses**

18              “No person shall be prosecuted, tried, or punished for  
19      any non-capital offense under section 81 or subsection (f),  
20      (h), or (i) of section 844 of this title unless the indictment  
21      is found or the information is instituted within 7 years  
22      after the date on which the offense was committed.”.

23              (2) The table of sections at the beginning of  
24      chapter 213 of title 18, United States Code, is amend-  
25      ed by adding at the end the following new item:

“3295. Arson offenses.”.

1           (3) *Section 844(i) of title 18, United States*  
2           *Code, is amended by striking the last sentence.*

3   **SEC. 202. INCREASED PENALTY FOR EXPLOSIVE CONSPIR-**  
4           **ACIES.**

5           *Section 844 of title 18, United States Code, is amended*  
6           *by adding at the end the following:*

7           “(n) *Except as otherwise provided in this section, a*  
8           *person who conspires to commit any offense defined in this*  
9           *chapter shall be subject to the same penalties (other than*  
10           *the penalty of death) as those prescribed for the offense the*  
11           *commission of which was the object of the conspiracy.”.*

12   **SEC. 203. INCREASED AND ALTERNATE CONSPIRACY PEN-**  
13           **ALTIES FOR TERRORISM OFFENSES.**

14           (a) *TITLE 18 OFFENSES.—*

15           (1)   *Sections 32(a)(7), 32(b)(4), 37(a),*  
16           *115(a)(1)(A), 115(a)(2), 1203(a), 2280(a)(1)(H), and*  
17           *2281(a)(1)(F) of title 18, United States Code, are*  
18           *each amended by inserting “or conspires” after “at-*  
19           *tempts”.*

20           (2)   *Section 115(b)(2) of title 18, United States*  
21           *Code, is amended by striking “or attempted kidnap-*  
22           *ping” both places it appears and inserting “, at-*  
23           *tempted kidnapping, or conspiracy to kidnap”.*

24           (3)(A) *Section 115(b)(3) of title 18, United*  
25           *States Code, is amended by striking “or attempted*

1       *murder” and inserting “, attempted murder, or con-*  
2       *spiracy to murder”.*

3               *(B) Section 115(b)(3) of title 18, United States*  
4       *Code, is amended by striking “and 1113” and insert-*  
5       *ing “, 1113, and 1117”.*

6               *(4) Section 175(a) of title 18, United States*  
7       *Code, is amended by inserting “or conspires to do so,”*  
8       *after “any organization to do so,”.*

9       *(b) AIRCRAFT PIRACY.—*

10              *(1) Section 46502(a)(2) of title 49, United States*  
11       *Code, is amended by inserting “or conspiring” after*  
12       *“attempting”.*

13              *(2) Section 46502(b)(1) of title 49, United States*  
14       *Code, is amended by inserting “or conspiring to com-*  
15       *mit” after “committing”.*

16       ***SEC. 204. MANDATORY PENALTY FOR TRANSFERRING A***  
17                       ***FIREARM KNOWING THAT IT WILL BE USED***  
18                       ***TO COMMIT A CRIME OF VIOLENCE.***

19       *Section 924(h) of title 18, United States Code, is*  
20       *amended by striking “imprisoned not more than 10 years,*  
21       *fined in accordance with this title, or both.” and inserting*  
22       *“subject to the same penalties as may be imposed under*  
23       *subsection (c) for a first conviction for the use or carrying*  
24       *of the firearm.”.*

1 **SEC. 205. MANDATORY PENALTY FOR TRANSFERRING AN**  
2 **EXPLOSIVE MATERIAL KNOWING THAT IT**  
3 **WILL BE USED TO COMMIT A CRIME OF VIO-**  
4 **LENCE.**

5 *Section 844 of title 18, United States Code, is amended*  
6 *by adding at the end the following:*

7 *“(o) Whoever knowingly transfers any explosive mate-*  
8 *rials, knowing or having reasonable cause to believe that*  
9 *such explosive materials will be used to commit a crime*  
10 *of violence (as defined in section 924(c)(3) of this title) or*  
11 *drug trafficking crime (as defined in section 924(c)(2) of*  
12 *this title) shall be subject to the same penalties as may be*  
13 *imposed under subsection (h) for a first conviction for the*  
14 *use or carrying of the explosive materials.”.*

15 **SEC. 206. DIRECTIONS TO SENTENCING COMMISSION.**

16 *The United States Sentencing Commission shall forth-*  
17 *with, in accordance with the procedures set forth in section*  
18 *21(a) of the Sentencing Act of 1987, as though the authority*  
19 *under that section had not expired, amend the sentencing*  
20 *guidelines so that the chapter 3 adjustment relating to*  
21 *international terrorism only applies to Federal crimes of*  
22 *terrorism, as defined in section 2332b(g) of title 18, United*  
23 *States Code.*

1 **SEC. 207. AMENDMENT OF SENTENCING GUIDELINES TO**  
2 **PROVIDE FOR ENHANCED PENALTIES FOR A**  
3 **DEFENDANT WHO COMMITS A CRIME WHILE**  
4 **IN POSSESSION OF A FIREARM WITH A LASER**  
5 **SIGHTING DEVICE.**

6 *Not later than May 1, 1997, the United States Sen-*  
7 *tencing Commission shall, pursuant to its authority under*  
8 *section 994 of title 28, United States Code, amend the sen-*  
9 *tencing guidelines (and, if the Commission considers it ap-*  
10 *propriate, the policy statements of the Commission) to pro-*  
11 *vide that a defendant convicted of a crime shall receive an*  
12 *appropriate sentence enhancement if, during the crime—*

13 *(1) the defendant possessed a firearm equipped*  
14 *with a laser sighting device; or*

15 *(2) the defendant possessed a firearm, and the*  
16 *defendant (or another person at the scene of the crime*  
17 *who was aiding in the commission of the crime) pos-*  
18 *sessed a laser sighting device capable of being readily*  
19 *attached to the firearm.*

1           **TITLE III—INVESTIGATIVE**  
2                           **TOOLS**

3   **SEC. 301. STUDY OF TAGGING EXPLOSIVE MATERIALS, DE-**  
4                           **TECTION OF EXPLOSIVES AND EXPLOSIVE**  
5                           **MATERIALS, RENDERING EXPLOSIVE COMPO-**  
6                           **NENTS INERT, AND IMPOSING CONTROLS OF**  
7                           **PRECURSORS OF EXPLOSIVES.**

8           (a) *STUDY.*—*The Attorney General, in consultation*  
9           *with other Federal, State and local officials with expertise*  
10           *in this area and such other individuals as the Attorney*  
11           *General deems appropriate, shall conduct a study concern-*  
12           *ing—*

13                   (1) *the tagging of explosive materials for pur-*  
14                   *poses of detection and identification;*

15                   (2) *technology for devices to improve the detec-*  
16                   *tion of explosives materials;*

17                   (3) *whether common chemicals used to manufac-*  
18                   *ture explosive materials can be rendered inert and*  
19                   *whether it is feasible to require it; and*

20                   (4) *whether controls can be imposed on certain*  
21                   *precursor chemicals used to manufacture explosive*  
22                   *materials and whether it is feasible to require it.*

23           (b) *EXCLUSION.*—*No study undertaken under*  
24           *this section shall include black or smokeless powder*  
25           *among the explosive materials considered.*

1       (c) *REPORT*.—Not later than 180 days after the date  
 2 of the enactment of this Act, the Attorney General shall sub-  
 3 mit to the Congress a report that contains the results of  
 4 the study required by this section. The Attorney General  
 5 shall make the report available to the public.

6       **SEC. 302. EXCLUSION OF CERTAIN TYPES OF INFORMATION**  
 7                                   **FROM WIRETAP-RELATED DEFINITIONS.**

8       (a) *DEFINITION OF “ELECTRONIC COMMUNICATION”*.—  
 9 Section 2510(12) of title 18, United States Code, is amend-  
 10 ed—

11               (1) by striking “or” at the end of subparagraph  
 12 (B);

13               (2) by inserting “or” at the end of subparagraph  
 14 (C); and

15               (3) by adding a new subparagraph (D), as fol-  
 16 lows:

17                               “(D) information stored in a communica-  
 18 tions system used for the electronic storage and  
 19 transfer of funds;”

20       (b) *DEFINITION OF “READILY ACCESSIBLE TO THE*  
 21 *GENERAL PUBLIC”*.—Section 2510(16) of title 18, United  
 22 States Code, is amended—

23               (1) by inserting “or” at the end of subparagraph  
 24 (D);

1           (2) by striking “or” at the end of subparagraph  
2           (E); and

3           (3) by striking subparagraph (F).

4   **SEC. 303. REQUIREMENT TO PRESERVE RECORD EVIDENCE.**

5           Section 2703 of title 18, United States Code, is amend-  
6   ed by adding at the end the following:

7           “(f) *REQUIREMENT TO PRESERVE EVIDENCE.*—A pro-  
8   vider of wire or electronic communication services or a re-  
9   mote computing service, upon the request of a governmental  
10   entity, shall take all necessary steps to preserve records, and  
11   other evidence in its possession pending the issuance of a  
12   court order or other process. Such records shall be retained  
13   for a period of 90 days, which period shall be extended for  
14   an additional 90-day period upon a renewed request by the  
15   governmental entity.”.

16   **SEC. 304. DETENTION HEARING.**

17           Section 3142(f) of title 18, United States Code, is  
18   amended by inserting “(not including any intermediate  
19   Saturday, Sunday, or legal holiday)” after “five days” and  
20   after “three days”.

21   **SEC. 305. PROTECTION OF FEDERAL GOVERNMENT BUILD-**  
22                                   **INGS IN THE DISTRICT OF COLUMBIA.**

23           The Attorney General is authorized—

24           (1) to prohibit vehicles from parking or standing  
25           on any street or roadway adjacent to any building in

1        *the District of Columbia which is in whole or in part*  
2        *owned, possessed, used by, or leased to the Federal*  
3        *Government and used by Federal law enforcement au-*  
4        *thorities; and*

5                *(2) to prohibit any person or entity from con-*  
6        *ducting business on any property immediately adja-*  
7        *cent to any such building.*

8        **SEC. 306. STUDY OF THEFTS FROM ARMORIES; REPORT TO**  
9                        **THE CONGRESS.**

10        *(a) STUDY.—The Attorney General of the United*  
11        *States shall conduct a study of the extent of thefts from mili-*  
12        *tary arsenals (including National Guard armories) of fire-*  
13        *arms, explosives, and other materials that are potentially*  
14        *useful to terrorists.*

15        *(b) REPORT TO THE CONGRESS.—Within 6 months*  
16        *after the date of the enactment of this Act, the Attorney*  
17        *General shall submit to the Congress a report on the study*  
18        *required by subsection (a).*

19        **TITLE IV—NUCLEAR MATERIALS**

20        **SEC. 401. EXPANSION OF NUCLEAR MATERIALS PROHIBI-**  
21                        **TIONS.**

22        *Section 831 of title 18, United States Code, is*  
23        *amended—*

1           (1) *in subsection (a), by striking “nuclear mate-*  
2 *rial” each place it appears and inserting “nuclear*  
3 *material or nuclear byproduct material”;*

4           (2) *in subsection (a)(1)(A), by inserting “or the*  
5 *environment” after “property”;*

6           (3) *so that subsection (a)(1)(B) reads as follows:*

7                 *“(B)(i) circumstances exist which are likely*  
8 *to cause the death of or serious bodily injury to*  
9 *any person or substantial damage to property or*  
10 *the environment; or (ii) such circumstances are*  
11 *represented to the defendant to exist;”;*

12           (4) *in subsection (a)(6), by inserting “or the en-*  
13 *vironment” after “property”;*

14           (5) *so that subsection (c)(2) reads as follows:*

15                 *“(2) an offender or a victim is a national of the*  
16 *United States or a United States corporation or other*  
17 *legal entity;”;*

18           (6) *in subsection (c)(3), by striking “at the time*  
19 *of the offense the nuclear material is in use, storage,*  
20 *or transport, for peaceful purposes, and”;*

21           (7) *by striking “or” at the end of subsection*  
22 *(c)(3);*

23           (8) *in subsection (c)(4), by striking “nuclear ma-*  
24 *terial for peaceful purposes” and inserting “nuclear*  
25 *material or nuclear byproduct material”;*

1           (9) *by striking the period at the end of sub-*  
2           *section (c)(4) and inserting “; or”;*

3           (10) *by adding at the end of subsection (c) the*  
4           *following:*

5           *“(5) the governmental entity under subsection*  
6           *(a)(5) is the United States or the threat under sub-*  
7           *section (a)(6) is directed at the United States.”;*

8           (11) *in subsection (f)(1)(A), by striking “with an*  
9           *isotopic concentration not in excess of 80 percent plu-*  
10           *tonium 238”;*

11           (12) *in subsection (f)(1)(C) by inserting “en-*  
12           *riched uranium, defined as” before “uranium”;*

13           (13) *in subsection (f), by redesignating para-*  
14           *graphs (2), (3), and (4) as paragraphs (3), (4), and*  
15           *(5), respectively;*

16           (14) *by inserting after subsection (f)(1) the*  
17           *following:*

18           *“(2) the term ‘nuclear byproduct material’*  
19           *means any material containing any radioactive iso-*  
20           *tope created through an irradiation process in the op-*  
21           *eration of a nuclear reactor or accelerator;”;*

22           (15) *by striking “and” at the end of subsection*  
23           *(f)(4), as redesignated;*

1           (16) *by striking the period at the end of sub-*  
2           *section (f)(5), as redesignated, and inserting a semi-*  
3           *colon; and*

4           (17) *by adding at the end of subsection (f) the*  
5           *following:*

6           “(6) *the term ‘national of the United States’ has*  
7           *the meaning prescribed in section 101(a)(22) of the*  
8           *Immigration and Nationality Act (8 U.S.C.*  
9           *1101(a)(22)); and*

10          “(7) *the term ‘United States corporation or other*  
11          *legal entity’ means any corporation or other entity*  
12          *organized under the laws of the United States or any*  
13          *State, district, commonwealth, territory or possession*  
14          *of the United States.”.*

15       ***TITLE V—CONVENTION ON THE***  
16       ***MARKING OF PLASTIC EXPLO-***  
17       ***SIVES***

18       ***SEC. 501. DEFINITIONS.***

19          *Section 841 of title 18, United States Code, is amended*  
20       *by adding at the end the following:*

21          “(o) *‘Convention on the Marking of Plastic Ex-*  
22          *plosives’ means the Convention on the Marking of*  
23          *Plastic Explosives for the Purpose of Detection, Done*  
24          *at Montreal on 1 March 1991.*

1           “(p) ‘Detection agent’ means any one of the sub-  
2           stances specified in this subsection when introduced  
3           into a plastic explosive or formulated in such explo-  
4           sive as a part of the manufacturing process in such  
5           a manner as to achieve homogeneous distribution in  
6           the finished explosive, including—

7                   “(1) Ethylene glycol dinitrate (EGDN),  
8                    $C_2H_4(NO_3)_2$ , molecular weight 152, when the  
9                   minimum concentration in the finished explosive  
10                  is 0.2 percent by mass;

11                  “(2)           2,3-Dimethyl-2,3-dinitrobutane  
12                  (DMNB),  $C_6H_{12}(NO_2)_2$ , molecular weight 176,  
13                  when the minimum concentration in the finished  
14                  explosive is 0.1 percent by mass;

15                  “(3)    Para-Mononitrotoluene (p-MNT),  
16                   $C_7H_7NO_2$ , molecular weight 137, when the mini-  
17                  mum concentration in the finished explosive is  
18                  0.5 percent by mass;

19                  “(4)    Ortho-Mononitrotoluene (o-MNT),  
20                   $C_7H_7NO_2$ , molecular weight 137, when the mini-  
21                  mum concentration in the finished explosive is  
22                  0.5 percent by mass; and

23                  “(5) any other substance in the concentra-  
24                  tion specified by the Secretary, after consultation  
25                  with the Secretary of State and the Secretary of

1           *Defense, which has been added to the table in*  
2           *part 2 of the Technical Annex to the Convention*  
3           *on the Marking of Plastic Explosives.*

4           “(q) ‘Plastic explosive’ means an explosive mate-  
5           *rial in flexible or elastic sheet form formulated with*  
6           *one or more high explosives which in their pure form*  
7           *have a vapor pressure less than  $10^{-4}$  Pa at a tem-*  
8           *perature of 25°C., is formulated with a binder mate-*  
9           *rial, and is as a mixture malleable or flexible at nor-*  
10          *mal room temperature.”.*

11   ***SEC. 502. REQUIREMENT OF DETECTION AGENTS FOR PLAS-***  
12                                   ***TIC EXPLOSIVES.***

13          *Section 842 of title 18, United States Code, is amended*  
14   *by adding at the end the following:*

15          “(l) *It shall be unlawful for any person to manufacture*  
16          *any plastic explosive which does not contain a detection*  
17          *agent.*

18          “(m)(1) *it shall be unlawful for any person to import*  
19          *or bring into the United States, or export from the United*  
20          *States, any plastic explosive which does not contain a detec-*  
21          *tion agent.*

22          “(2) *Until the 15-year period that begins with the date*  
23          *of entry into force of the Convention on the Marking of Plas-*  
24          *tic Explosives with respect to the United States has expired,*  
25          *paragraph (1) shall not apply to the importation or bring-*

1 *ing into the United States, or the exportation from the*  
2 *United States, of any plastic explosive which was imported,*  
3 *brought into, or manufactured in the United States before*  
4 *the effective date of this subsection by or on behalf of any*  
5 *agency of the United States performing military or police*  
6 *functions (including any military Reserve component) or*  
7 *by or on behalf of the National Guard of any State.*

8       “(n)(1) *It shall be unlawful for any person to ship,*  
9 *transport, transfer, receive, or possess any plastic explosive*  
10 *which does not contain a detection agent.*

11       “(2)(A) *During the 3-year period that begins on the*  
12 *effective date of this subsection, paragraph (1) shall not*  
13 *apply to the shipment, transportation, transfer, receipt, or*  
14 *possession of any plastic explosive, which was imported,*  
15 *brought into, or manufactured in the United States before*  
16 *such effective date by any person.*

17       “(B) *Until the 15-year period that begins on the date*  
18 *of entry into force of the Convention on the Marking of Plas-*  
19 *tic Explosives with respect to the United States has expired,*  
20 *paragraph (1) shall not apply to the shipment, transpor-*  
21 *tation, transfer, receipt, or possession of any plastic explo-*  
22 *sive, which was imported, brought into, or manufactured*  
23 *in the United States before the effective date of this sub-*  
24 *section by or on behalf of any agency of the United States*  
25 *performing a military or police function (including any*

1 *military reserve component) or by or on behalf of the Na-*  
 2 *tional Guard of any State.*

3       “(o) *It shall be unlawful for any person, other than*  
 4 *an agency of the United States (including any military re-*  
 5 *serve component) or the National Guard of any State, pos-*  
 6 *sessing any plastic explosive on the effective date of this sub-*  
 7 *section, to fail to report to the Secretary within 120 days*  
 8 *after the effective date of this subsection the quantity of such*  
 9 *explosives possessed, the manufacturer or importer, any*  
 10 *marks of identification on such explosives, and such other*  
 11 *information as the Secretary may by regulations pre-*  
 12 *scribe.”.*

13 **SEC. 503. CRIMINAL SANCTIONS.**

14       *Section 844(a) of title 18, United States Code, is*  
 15 *amended to read as follows:*

16       “(a) *Any person who violates subsections (a) through*  
 17 *(i) or (l) through (o) of section 842 of this title shall be*  
 18 *fined under this title, imprisoned not more than 10 years,*  
 19 *or both.”.*

20 **SEC. 504. EXCEPTIONS.**

21       *Section 845 of title 18, United States Code, is amend-*  
 22 *ed—*

23               (1) *in subsection (a), by inserting “(l), (m), (n),*  
 24 *or (o) of section 842 and subsections” after “sub-*  
 25 *sections”;*

1           (2) in subsection (a)(1), by inserting “and which  
2           pertains to safety” before the semicolon; and

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

4           “(c) It is an affirmative defense against any proceed-  
5           ing involving subsection (l), (m), (n), or (o) of section 842  
6           of this title if the proponent proves by a preponderance of  
7           the evidence that the plastic explosive—

8           “(1) consisted of a small amount of plastic explo-  
9           sive intended for and utilized solely in lawful—

10           “(A) research, development, or testing of  
11           new or modified explosive materials;

12           “(B) training in explosives detection or de-  
13           velopment or testing of explosives detection  
14           equipment; or

15           “(C) forensic science purposes; or

16           “(2) was plastic explosive which, within 3 years  
17           after the effective date of this paragraph, will be or  
18           is incorporated in a military device within the terri-  
19           tory of the United States and remains an integral  
20           part of such military device, or is intended to be, or  
21           is incorporated in, and remains an integral part of  
22           a military device that is intended to become, or has  
23           become, the property of any agency of the United  
24           States performing military or police functions (in-  
25           cluding any military reserve component) or the Na-

1        *tional Guard of any State, wherever such device is lo-*  
 2        *cated. For purposes of this subsection, the term ‘mili-*  
 3        *tary device’ includes shells, bombs, projectiles, mines,*  
 4        *missiles, rockets, shaped charges, grenades, per-*  
 5        *forators, and similar devices lawfully manufactured*  
 6        *exclusively for military or police purposes.”.*

7        **SEC. 505. EFFECTIVE DATE.**

8        *The amendments made by this title shall take effect*  
 9        *1 year after the date of the enactment of this Act.*

10                    **TITLE VI—IMMIGRATION-**  
 11                    **RELATED PROVISIONS**  
 12                    **Subtitle A—Removal of Alien**  
 13                    **Terrorists**

14                    **PART 1—REMOVAL PROCEDURES FOR ALIEN**  
 15                    **TERRORISTS**

16        **SEC. 601. FUNDING FOR DETENTION AND REMOVAL OF**  
 17                    **ALIEN TERRORISTS.**

18        *In addition to amounts otherwise appropriated, there*  
 19        *are authorized to be appropriated for each fiscal year (be-*  
 20        *ginning with fiscal year 1996) \$5,000,000 to the Immigra-*  
 21        *tion and Naturalization Service for the purpose of detain-*  
 22        *ing and removing alien terrorists.*

1     **PART 2—EXCLUSION AND DENIAL OF ASYLUM**  
2                     **FOR ALIEN TERRORISTS**

3     **SEC. 611. DENIAL OF ASYLUM TO ALIEN TERRORISTS.**

4             (a) *IN GENERAL.*—Section 208(a) of the Immigration  
5 and Nationality Act (8 U.S.C. 1158(a)) is amended by add-  
6 ing at the end the following: “The Attorney General may  
7 not grant an alien asylum if the Attorney General deter-  
8 mines that the alien is excludable under subclause (I), (II),  
9 or (III) of section 212(a)(3)(B)(i) or deportable under sec-  
10 tion 241(a)(4)(B).”.

11            (b) *EFFECTIVE DATE.*—The amendment made by sub-  
12 section (a) shall take effect on the date of the enactment  
13 of this Act and apply to asylum determinations made on  
14 or after such date.

15     **SEC. 612. DENIAL OF OTHER RELIEF FOR ALIEN TERROR-**  
16                     **ISTS.**

17            (a) *WITHHOLDING OF DEPORTATION.*—Section  
18 243(h)(2) of the Immigration and Nationality Act (8  
19 U.S.C. 1253(h)(2)) is amended by adding at the end the  
20 following new sentence: “For purposes of subparagraph (D),  
21 an alien who is described in section 241(a)(4)(B) shall be  
22 considered to be an alien for whom there are reasonable  
23 grounds for regarding as a danger to the security of the  
24 United States.”.

25            (b) *SUSPENSION OF DEPORTATION.*—Section 244(a) of  
26 such Act (8 U.S.C. 1254(a)) is amended by striking “section

1 241(a)(4)(D)” and inserting “subparagraph (B) or (D) of  
2 section 241(a)(4)”.

3 (c) *VOLUNTARY DEPARTURE*.—Section 244(e)(2) of  
4 such Act (8 U.S.C. 1254(e)(2)) is amended by inserting  
5 “under section 241(a)(4)(B) or” after “who is deportable”.

6 (d) *ADJUSTMENT OF STATUS*.—Section 245(c) of such  
7 Act (8 U.S.C. 1255(c)) is amended—

8 (1) by striking “or” before “(5)”, and

9 (2) by inserting before the period at the end the  
10 following: “, or (6) an alien who is deportable under  
11 section 241(a)(4)(B)”.

12 (e) *REGISTRY*.—Section 249(d) of such Act (8 U.S.C.  
13 1259(d)) is amended by inserting “and is not deportable  
14 under section 241(a)(4)(B)” after “ineligible to citizen-  
15 ship”.

16 (f) *EFFECTIVE DATE*.—The amendments made by this  
17 section shall take effect on the date of the enactment of this  
18 Act and shall apply to applications filed before, on, or after  
19 such date if final action has not been taken on them before  
20 such date.

1       **Subtitle B—Expedited Exclusion**

2       **SEC. 621. INSPECTION AND EXCLUSION BY IMMIGRATION**

3                       **OFFICERS.**

4           (a) *IN GENERAL.*—Subsection (b) of section 235 of the  
5 *Immigration and Nationality Act (8 U.S.C. 1225) is*  
6 *amended to read as follows:*

7           “(b)(1)(A) *If the examining immigration officer deter-*  
8 *mines that an alien seeking entry—*

9                       *“(i) is excludable under section 212(a)(6)(C) or*  
10                      *212(a)(7), and*

11                     *“(ii) does not indicate either an intention to*  
12                     *apply for asylum under section 208 or a fear of perse-*  
13                     *cution,*

14 *the officer shall order the alien excluded from the United*  
15 *States without further hearing or review.*

16           “(B) *The examining immigration officer shall refer for*  
17 *an interview by an asylum officer under subparagraph (C)*  
18 *any alien who is excludable under section 212(a)(6)(C) or*  
19 *212(a)(7) and has indicated an intention to apply for asy-*  
20 *lum under section 208 or a fear of persecution.*

21           “(C)(i) *An asylum officer shall promptly conduct*  
22 *interviews of aliens referred under subparagraph (B).*

23           “(ii) *If the officer determines at the time of the inter-*  
24 *view that an alien has a credible fear of persecution (as*

1 *defined in clause (v)), the alien shall be detained for an*  
2 *asylum hearing before an asylum officer under section 208.*

3       “(iii)(I) *Subject to subclause (II), if the officer deter-*  
4 *mines that the alien does not have a credible fear of persecu-*  
5 *tion, the officer shall order the alien excluded from the Unit-*  
6 *ed States without further hearing or review.*

7       “(II) *The Attorney General shall promulgate regula-*  
8 *tions to provide for the immediate review by a supervisory*  
9 *asylum office at the port of entry of a determination under*  
10 *subclause (I).*

11       “(iv) *The Attorney General shall provide information*  
12 *concerning the asylum interview described in this subpara-*  
13 *graph to aliens who may be eligible. An alien who is eligible*  
14 *for such interview may consult with a person or persons*  
15 *of the alien’s choosing prior to the interview or any review*  
16 *thereof, according to regulations prescribed by the Attorney*  
17 *General. Such consultation shall be at no expense to the*  
18 *Government and shall not delay the process.*

19       “(v) *For purposes of this subparagraph, the term ‘cred-*  
20 *ible fear of persecution’ means (I) that it is more probable*  
21 *than not that the statements made by the alien in support*  
22 *of the alien’s claim are true, and (II) that there is a signifi-*  
23 *cant possibility, in light of such statements and of such*  
24 *other facts as are known to the officer, that the alien could*  
25 *establish eligibility for asylum under section 208.*

1       “(D) *As used in this paragraph, the term ‘asylum offi-*  
2 *cer’ means an immigration officer who—*

3               “(i) *has had professional training in country*  
4 *conditions, asylum law, and interview techniques;*  
5 *and*

6               “(ii) *is supervised by an officer who meets the*  
7 *condition in clause (i).*

8       “(E)(i) *An exclusion order entered in accordance with*  
9 *subparagraph (A) is not subject to administrative appeal,*  
10 *except that the Attorney General shall provide by regulation*  
11 *for prompt review of such an order against an alien who*  
12 *claims under oath, or as permitted under penalty of perjury*  
13 *under section 1746 of title 28, United States Code, after*  
14 *having been warned of the penalties for falsely making such*  
15 *claim under such conditions, to have been lawfully admitted*  
16 *for permanent residence.*

17              “(ii) *In any action brought against an alien under*  
18 *section 275(a) or section 276, the court shall not have juris-*  
19 *diction to hear any claim attacking the validity of an order*  
20 *of exclusion entered under subparagraph (A).*

21       “(2)(A) *Except as provided in subparagraph (B), if*  
22 *the examining immigration officer determines that an alien*  
23 *seeking entry is not clearly and beyond a doubt entitled*  
24 *to enter, the alien shall be detained for a hearing before*  
25 *a special inquiry officer.*

1       “(B) *The provisions of subparagraph (A) shall not*  
2 *apply—*

3             “(i) *to an alien crewman,*

4             “(ii) *to an alien described in paragraph (1)(A)*  
5 *or (1)(C)(iii)(I), or*

6             “(iii) *if the conditions described in section*  
7 *273(d) exist.*

8       “(3) *The decision of the examining immigration offi-*  
9 *cer, if favorable to the admission of any alien, shall be sub-*  
10 *ject to challenge by any other immigration officer and such*  
11 *challenge shall operate to take the alien whose privilege to*  
12 *enter is so challenged, before a special inquiry officer for*  
13 *a hearing on exclusion of the alien.”.*

14       (b) *CONFORMING AMENDMENT.—Section 237(a) of*  
15 *such Act (8 U.S.C. 1227(a)) is amended—*

16             (1) *in the second sentence of paragraph (1), by*  
17 *striking “Deportation” and inserting “Subject to sec-*  
18 *tion 235(b)(1), deportation”, and*

19             (2) *in the first sentence of paragraph (2), by*  
20 *striking “If” and inserting “Subject to section*  
21 *235(b)(1), if”.*

22       (c) *EFFECTIVE DATE.—The amendments made by this*  
23 *section shall take effect on the first day of the first month*  
24 *that begins more than 90 days after the date of the enact-*  
25 *ment of this Act.*

1 **SEC. 622. JUDICIAL REVIEW.**

2 (a) *PRECLUSION OF JUDICIAL REVIEW.*—Section 106  
3 of the Immigration and Nationality Act (8 U.S.C. 1105a)  
4 is amended—

5 (1) by amending the section heading to read as  
6 follows:

7 “*JUDICIAL REVIEW OF ORDERS OF DEPORTATION AND*  
8 *EXCLUSION, AND SPECIAL EXCLUSION*”; and

9 (2) by adding at the end the following new sub-  
10 section:

11 “(e)(1) Notwithstanding any other provision of law,  
12 and except as provided in this subsection, no court shall  
13 have jurisdiction to review any individual determination,  
14 or to entertain any other cause or claim, arising from or  
15 relating to the implementation or operation of section  
16 235(b)(1). Regardless of the nature of the action or claim,  
17 or the party or parties bringing the action, no court shall  
18 have jurisdiction or authority to enter declaratory, injunc-  
19 tive, or other equitable relief not specifically authorized in  
20 this subsection nor to certify a class under Rule 23 of the  
21 Federal Rules of Civil Procedure.

22 “(2) Judicial review of any cause, claim, or individual  
23 determination covered under paragraph (1) shall only be  
24 available in habeas corpus proceedings, and shall be limited  
25 to determinations of—

1           “(A) whether the petitioner is an alien, if the pe-  
2           titioner makes a showing that the petitioner’s claim  
3           of United States nationality is not frivolous;

4           “(B) whether the petitioner was ordered specially  
5           excluded under section 235(b)(1)(A); and

6           “(C) whether the petitioner can prove by a pre-  
7           ponderance of the evidence that the petitioner is an  
8           alien lawfully admitted for permanent residence and  
9           is entitled to such review as is provided by the Attor-  
10          ney General pursuant to section 235(b)(1)(E)(i).

11          “(3) In any case where the court determines that an  
12          alien was not ordered specially excluded, or was not prop-  
13          erly subject to special exclusion under the regulations adopt-  
14          ed by the Attorney General, the court may order no relief  
15          beyond requiring that the alien receive a hearing in accord-  
16          ance with section 236, or a determination in accordance  
17          with section 235(c) or 273(d).

18          “(4) In determining whether an alien has been ordered  
19          specially excluded, the court’s inquiry shall be limited to  
20          whether such an order was in fact issued and whether it  
21          relates to the petitioner.”.

22          (b) *PRECLUSION OF COLLATERAL ATTACKS.*—Section  
23          235 of such Act (8 U.S.C. 1225) is amended by adding at  
24          the end the following new subsection:

1       “(d) In any action brought for the assessment of pen-  
 2 alties for improper entry or re-entry of an alien under sec-  
 3 tion 275 or section 276, no court shall have jurisdiction  
 4 to hear claims collaterally attacking the validity of orders  
 5 of exclusion, special exclusion, or deportation entered under  
 6 this section or sections 236 and 242.”.

7       (c) *CLERICAL AMENDMENT.*—The item relating to sec-  
 8 tion 106 in the table of contents of such Act is amended  
 9 to read as follows:

“Sec. 106. Judicial review of orders of deportation and exclusion, and special ex-  
 clusion.”.

10   **SEC. 623. EXCLUSION OF ALIENS WHO HAVE NOT BEEN IN-**  
 11                                   **SPECTED AND ADMITTED.**

12       (a) *IN GENERAL.*—Section 241 of the Immigration  
 13 and Nationality Act (8 U.S.C. 1251) is amended by adding  
 14 at the end the following new subsection:

15       “(d) Notwithstanding any other provision of this title,  
 16 an alien found in the United States who has not been ad-  
 17 mitted to the United States after inspection in accordance  
 18 with section 235 is deemed for purposes of this Act to be  
 19 seeking entry and admission to the United States and shall  
 20 be subject to examination and exclusion by the Attorney  
 21 General under chapter 4. In the case of such an alien the  
 22 Attorney General shall provide by regulation an oppor-  
 23 tunity for the alien to establish that the alien was so admit-  
 24 ted.”.

1       (b) *EFFECTIVE DATE.*—The amendment made by sub-  
 2 section (a) shall take effect on the first day of the first  
 3 month beginning more than 90 days after the date of the  
 4 enactment of this Act.

5       ***Subtitle C—Improved Information***  
 6                                   ***and Processing***

7                           ***PART 1—IMMIGRATION PROCEDURES***

8       ***SEC. 631. ACCESS TO CERTAIN CONFIDENTIAL INS FILES***  
 9                                   ***THROUGH COURT ORDER.***

10       (a) *LEGALIZATION PROGRAM.*—Section 245A(c)(5) of  
 11 the *Immigration and Nationality Act* (8 U.S.C.  
 12 1255a(c)(5)) is amended—

13               (1) by inserting “(i)” after “except that the At-  
 14 torney General”, and

15               (2) by inserting after “title 13, United States  
 16 Code” the following: “and (ii) may authorize an ap-  
 17 plication to a Federal court of competent jurisdiction  
 18 for, and a judge of such court may grant, an order  
 19 authorizing disclosure of information contained in the  
 20 application of the alien to be used—

21                       “(I) for identification of the alien when  
 22 there is reason to believe that the alien has been  
 23 killed or severely incapacitated; or

24                       “(II) for criminal law enforcement purposes  
 25 against the alien whose application is to be dis-

1           *closed if the alleged criminal activity occurred*  
2           *after the legalization application was filed and*  
3           *such activity involves terrorist activity or poses*  
4           *either an immediate risk to life or to national se-*  
5           *curity, or would be prosecutable as an aggra-*  
6           *vated felony, but without regard to the length of*  
7           *sentence that could be imposed on the appli-*  
8           *cant”.*

9           **(b) SPECIAL AGRICULTURAL WORKER PROGRAM.—**  
10          *Section 210(b) of such Act (8 U.S.C. 1160(b)) is amended—*

11                 *(1) in paragraph (5), by inserting “, except as*  
12                 *allowed by a court order issued pursuant to para-*  
13                 *graph (6)” after “consent of the alien”, and*

14                 *(2) in paragraph (6), by inserting after subpara-*  
15                 *graph (C) the following:*

16                 *“Notwithstanding the previous sentence, the Attorney*  
17                 *General may authorize an application to a Federal*  
18                 *court of competent jurisdiction for, and a judge of*  
19                 *such court may grant, an order authorizing disclosure*  
20                 *of information contained in the application of the*  
21                 *alien to be used (i) for identification of the alien*  
22                 *when there is reason to believe that the alien has been*  
23                 *killed or severely incapacitated, or (ii) for criminal*  
24                 *law enforcement purposes against the alien whose ap-*  
25                 *plication is to be disclosed if the alleged criminal ac-*



1 **PART 2—ASSET FORFEITURE FOR PASSPORT AND**  
2 **VISA OFFENSES**

3 **SEC. 641. CRIMINAL FORFEITURE FOR PASSPORT AND VISA**  
4 **RELATED OFFENSES.**

5 *Section 982 of title 18, United States Code, is amend-*  
6 *ed—*

7 *(1) in subsection (a), by inserting after para-*  
8 *graph (5) the following new paragraph:*

9 *“(6) The court, in imposing sentence on a person con-*  
10 *victed of a violation of, or conspiracy to violate, section*  
11 *1541, 1542, 1543, 1544, or 1546 of this title, or a violation*  
12 *of, or conspiracy to violate, section 1028 of this title if com-*  
13 *mitted in connection with passport or visa issuance or use,*  
14 *shall order that the person forfeit to the United States any*  
15 *property, real or personal, which the person used, or in-*  
16 *tended to be used, in committing, or facilitating the com-*  
17 *mission of, the violation, and any property constituting, or*  
18 *derived from, or traceable to, any proceeds the person ob-*  
19 *tained, directly or indirectly, as a result of such violation.”;*  
20 *and*

21 *(2) in subsection (b)(1)(B), by inserting “or*  
22 *(a)(6)” after “(a)(2)”.*

23 **SEC. 642. SUBPOENAS FOR BANK RECORDS.**

24 *Section 986(a) of title 18, United States Code, is*  
25 *amended by inserting “1028, 1541, 1542, 1543, 1544,*  
26 *1546,” before “1956”.*

1 **SEC. 643. EFFECTIVE DATE.**

2 *The amendments made by this subtitle shall take effect*  
 3 *on the first day of the first month that begins more than*  
 4 *90 days after the date of the enactment of this Act.*

5 ***Subtitle D—Employee Verification***  
 6 ***by Security Services Companies***

7 **SEC. 651. PERMITTING SECURITY SERVICES COMPANIES TO**  
 8 **REQUEST ADDITIONAL DOCUMENTATION.**

9 *(a) IN GENERAL.—Section 274B(a)(6) of the Immi-*  
 10 *gration and Nationality Act (8 U.S.C. 1324b(a)(6)) is*  
 11 *amended—*

12 *(1) by striking “For purposes” and inserting*  
 13 *“(A) Except as provided in subparagraph (B), for*  
 14 *purposes”, and*

15 *(2) by adding at the end the following new sub-*  
 16 *paragraph:*

17 *“(B) Subparagraph (A) shall not apply to a re-*  
 18 *quest made in connection with an individual seeking*  
 19 *employment in a company (or division of a com-*  
 20 *pany) engaged in the business of providing security*  
 21 *services to protect persons, institutions, buildings, or*  
 22 *other possible targets of international terrorism (as*  
 23 *defined in section 2331(1) of title 18, United States*  
 24 *Code).”.*

25 *(b) EFFECTIVE DATE.—The amendments made by sub-*  
 26 *section (a) shall apply to requests for documents made on*

1 *or after the date of the enactment of this Act with respect*  
 2 *to individuals who are or were hired before, on, or after*  
 3 *the date of the enactment of this Act.*

4 ***Subtitle E—Criminal Alien***  
 5 ***Deportation Improvements***

6 ***SEC. 661. SHORT TITLE.***

7 *This subtitle may be cited as the “Criminal Alien De-*  
 8 *portation Improvements Act of 1995”.*

9 ***SEC. 662. ADDITIONAL EXPANSION OF DEFINITION OF AG-***  
 10 ***GRAVATED FELONY.***

11 *(a) IN GENERAL.—Section 101(a)(43) of the Immigra-*  
 12 *tion and Nationality Act (8 U.S.C. 1101(a)(43)), as amend-*  
 13 *ed by section 222 of the Immigration and Nationality Tech-*  
 14 *nical Corrections Act of 1994 (Public Law 103–416), is*  
 15 *amended—*

16 *(1) in subparagraph (J), by inserting “, or an*  
 17 *offense described in section 1084 (if it is a second or*  
 18 *subsequent offense) or 1955 of that title (relating to*  
 19 *gambling offenses),” after “corrupt organizations);”*

20 *(2) in subparagraph (K)—*

21 *(A) by striking “or” at the end of clause (i),*

22 *(B) by redesignating clause (ii) as clause*  
 23 *(iii), and*

24 *(C) by inserting after clause (i) the follow-*  
 25 *ing new clause:*

1                   “(ii) is described in section 2421, 2422,  
2                   or 2423 of title 18, United States Code (re-  
3                   lating to transportation for the purpose of  
4                   prostitution) for commercial advantage; or”;

5                   (3) by amending subparagraph (N) to read as  
6 follows:

7                   “(N) an offense described in paragraph  
8                   (1)(A) or (2) of section 274(a) (relating to alien  
9                   smuggling) for which the term of imprisonment  
10                  imposed (regardless of any suspension of impris-  
11                  onment) is at least 5 years;”;

12                  (4) by amending subparagraph (O) to read as  
13 follows:

14                  “(O) an offense (i) which either is falsely  
15                  making, forging, counterfeiting, mutilating, or  
16                  altering a passport or instrument in violation of  
17                  section 1543 of title 18, United States Code, or  
18                  is described in section 1546(a) of such title (re-  
19                  lating to document fraud) and (ii) for which the  
20                  term of imprisonment imposed (regardless of any  
21                  suspension of such imprisonment) is at least 18  
22                  months;”

23                  (5) in subparagraph (P), by striking “15 years”  
24                  and inserting “5 years”, and by striking “and” at the  
25                  end;

1           (6) by redesignating subparagraphs (O), (P),  
2           and (Q) as subparagraphs (P), (Q), and (U), respec-  
3           tively;

4           (7) by inserting after subparagraph (N) the fol-  
5           lowing new subparagraph:

6                   “(O) an offense described in section 275(a)  
7                   or 276 committed by an alien who was pre-  
8                   viously deported on the basis of a conviction for  
9                   an offense described in another subparagraph of  
10                  this paragraph;” and

11          (8) by inserting after subparagraph (Q), as so  
12          redesignated, the following new subparagraphs:

13                   “(R) an offense relating to commercial brib-  
14                   ery, counterfeiting, forgery, or trafficking in ve-  
15                   hicles the identification numbers of which have  
16                   been altered for which a sentence of 5 years’ im-  
17                   prisonment or more may be imposed;

18                   “(S) an offense relating to obstruction of  
19                   justice, perjury or subornation of perjury, or  
20                   bribery of a witness, for which a sentence of 5  
21                   years’ imprisonment or more may be imposed;

22                   “(T) an offense relating to a failure to ap-  
23                   pear before a court pursuant to a court order to  
24                   answer to or dispose of a charge of a felony for

1           *which a sentence of 2 years' imprisonment or*  
 2           *more may be imposed; and”.*

3           **(b) EFFECTIVE DATE.**—*The amendments made by sub-*  
 4 *section (a) shall apply to convictions entered on or after*  
 5 *the date of the enactment of this Act, except that the amend-*  
 6 *ment made by subsection (a)(3) shall take effect as if in-*  
 7 *cluded in the enactment of section 222 of the Immigration*  
 8 *and Nationality Technical Corrections Act of 1994.*

9           **SEC. 663. DEPORTATION PROCEDURES FOR CERTAIN CRIMI-**  
 10                           **NAL ALIENS WHO ARE NOT PERMANENT RESI-**  
 11                           **DENTS.**

12           **(a) ADMINISTRATIVE HEARINGS.**—*Section 242A(b) of*  
 13 *the Immigration and Nationality Act (8 U.S.C. 1252a(b)),*  
 14 *as added by section 130004(a) of the Violent Crime Control*  
 15 *and Law Enforcement Act of 1994 (Public Law 103–322),*  
 16 *is amended—*

17                   **(1) in paragraph (2)—**

18                           **(A) by striking “and” at the end of sub-**  
 19                           **paragraph (A) and inserting “or”, and**

20                           **(B) by amending subparagraph (B) to read**  
 21 **as follows:**

22                                   **“(B) had permanent resident status on a**  
 23 **conditional basis (as described in section 216) at**  
 24 **the time that proceedings under this section com-**  
 25 **menced.”;**

1           (2) *in paragraph (3), by striking “30 calendar*  
2 *days” and inserting “14 calendar days”;*

3           (3) *in paragraph (4)(B), by striking*  
4 *“proceedings” and inserting “proceedings”;*

5           (4) *in paragraph (4)—*

6                 (A) *by redesignating subparagraphs (D)*  
7 *and (E) as subparagraphs (F) and (G), respec-*  
8 *tively; and*

9                 (B) *by adding after subparagraph (C) the*  
10 *following new subparagraphs:*

11                     “(D) *such proceedings are conducted in, or*  
12 *translated for the alien into, a language the*  
13 *alien understands;*

14                     “(E) *a determination is made for the record*  
15 *at such proceedings that the individual who ap-*  
16 *pears to respond in such a proceeding is an alien*  
17 *subject to such an expedited proceeding under*  
18 *this section and is, in fact, the alien named in*  
19 *the notice for such proceeding;”.*

20           (5) *by adding at the end the following new para-*  
21 *graph:*

22                     “(5) *No alien described in this section shall be*  
23 *eligible for any relief from deportation that the Attor-*  
24 *ney General may grant in the Attorney General’s dis-*  
25 *cretion.”.*

1       **(b) LIMIT ON JUDICIAL REVIEW.**—*Subsection (d) of*  
2 *section 106 of the Immigration and Nationality Act (8*  
3 *U.S.C. 1105a), as added by section 130004(b) of the Violent*  
4 *Crime Control and Law Enforcement Act of 1994 (Public*  
5 *Law 103–322), is amended to read as follows:*

6       “(d) *Notwithstanding subsection (c), a petition for re-*  
7 *view or for habeas corpus on behalf of an alien described*  
8 *in section 242A(c) may only challenge whether the alien*  
9 *is in fact an alien described in such section, and no court*  
10 *shall have jurisdiction to review any other issue.”.*

11       **(c) PRESUMPTION OF DEPORTABILITY.**—*Section 242A*  
12 *of the Immigration and Nationality Act (8 U.S.C. 1252a)*  
13 *is amended by inserting after subsection (b) the following*  
14 *new subsection:*

15       “(c) **PRESUMPTION OF DEPORTABILITY.**—*An alien*  
16 *convicted of an aggravated felony shall be conclusively pre-*  
17 *sumed to be deportable from the United States.”.*

18       **(d) EFFECTIVE DATE.**—*The amendments made by this*  
19 *section shall apply to all aliens against whom deportation*  
20 *proceedings are initiated after the date of the enactment of*  
21 *this Act.*

1 **SEC. 664. RESTRICTING THE DEFENSE TO EXCLUSION**  
2 **BASED ON 7 YEARS PERMANENT RESIDENCE**  
3 **FOR CERTAIN CRIMINAL ALIENS.**

4 *The last sentence of section 212(c) of the Immigration*  
5 *and Nationality Act (8 U.S.C. 1182(c)) is amended by*  
6 *striking “has served for such felony or felonies” and all that*  
7 *follows through the period and inserting “has been sen-*  
8 *tenced for such felony or felonies to a term of imprisonment*  
9 *of at least 5 years, if the time for appealing such conviction*  
10 *or sentence has expired and the sentence has become final.”.*

11 **SEC. 665. LIMITATION ON COLLATERAL ATTACKS ON UN-**  
12 **DERLYING DEPORTATION ORDER.**

13 *(a) IN GENERAL.—Section 276 of the Immigration*  
14 *and Nationality Act (8 U.S.C. 1326) is amended by adding*  
15 *at the end the following new subsection:*

16 *“(c) In a criminal proceeding under this section, an*  
17 *alien may not challenge the validity of the deportation*  
18 *order described in subsection (a)(1) or subsection (b) unless*  
19 *the alien demonstrates that—*

20 *“(1) the alien exhausted any administrative rem-*  
21 *edies that may have been available to seek relief*  
22 *against the order;*

23 *“(2) the deportation proceedings at which the*  
24 *order was issued improperly deprived the alien of the*  
25 *opportunity for judicial review; and*

1           “(3) the entry of the order was fundamentally  
2           unfair.”.

3           (b) *EFFECTIVE DATE.*—The amendment made by sub-  
4           section (a) shall apply to criminal proceedings initiated  
5           after the date of the enactment of this Act.

6           **SEC. 666. CRIMINAL ALIEN IDENTIFICATION SYSTEM.**

7           Section 130002(a) of the Violent Crime Control and  
8           Law Enforcement Act of 1994 (Public Law 103–322) is  
9           amended to read as follows:

10           “(a) *OPERATION AND PURPOSE.*—The Commissioner  
11           of Immigration and Naturalization shall, under the author-  
12           ity of section 242(a)(3)(A) of the Immigration and Nation-  
13           ality Act (8 U.S.C. 1252(a)(3)(A)), operate a criminal alien  
14           identification system. The criminal alien identification sys-  
15           tem shall be used to assist Federal, State, and local law  
16           enforcement agencies in identifying and locating aliens who  
17           may be subject to deportation by reason of their conviction  
18           of aggravated felonies.”.

19           **SEC. 667. ESTABLISHING CERTAIN ALIEN SMUGGLING-RE-**  
20                           **LATED CRIMES AS RICO-PREDICATE OF-**  
21                           **FENSES.**

22           Section 1961(1) of title 18, United States Code, is  
23           amended—

24                   (1) by inserting “section 1028 (relating to fraud  
25                   and related activity in connection with identification

1        documents) if the act indictable under section 1028  
2        was committed for the purpose of financial gain,” be-  
3        fore “section 1029”;

4            (2) by inserting “section 1542 (relating to false  
5        statement in application and use of passport) if the  
6        act indictable under section 1542 was committed for  
7        the purpose of financial gain, section 1543 (relating  
8        to forgery or false use of passport) if the act indict-  
9        able under section 1543 was committed for the pur-  
10       pose of financial gain, section 1544 (relating to mis-  
11       use of passport) if the act indictable under section  
12       1544 was committed for the purpose of financial gain,  
13       section 1546 (relating to fraud and misuse of visas,  
14       permits, and other documents) if the act indictable  
15       under section 1546 was committed for the purpose of  
16       financial gain, sections 1581–1588 (relating to peon-  
17       age and slavery),” after “section 1513 (relating to re-  
18       taliating against a witness, victim, or an inform-  
19       ant),”;

20            (3) by striking “or” before “(E)”; and

21            (4) by inserting before the period at the end the  
22        following: “, or (F) any act which is indictable under  
23        the Immigration and Nationality Act, section 274  
24        (relating to bringing in and harboring certain  
25        aliens), section 277 (relating to aiding or assisting



1 **SEC. 669. EXPANSION OF CRITERIA FOR DEPORTATION FOR**  
2 **CRIMES OF MORAL TURPITUDE.**

3 (a) *IN GENERAL.*—Section 241(a)(2)(A)(i)(II) of the  
4 *Immigration and Nationality Act* (8 U.S.C.  
5 1251(a)(2)(A)(i)(II)) is amended to read as follows:

6 “(II) is convicted of a crime for  
7 which a sentence of one year or longer  
8 may be imposed.”.

9 (b) *EFFECTIVE DATE.*—The amendment made by sub-  
10 section (a) shall apply to aliens against whom deportation  
11 proceedings are initiated after the date of the enactment of  
12 this Act.

13 **SEC. 670. MISCELLANEOUS PROVISIONS.**

14 (a) *USE OF ELECTRONIC AND TELEPHONIC MEDIA IN*  
15 *DEPORTATION HEARINGS.*—The second sentence of section  
16 242(b) of the *Immigration and Nationality Act* (8 U.S.C.  
17 1252(b)) is amended by inserting before the period the fol-  
18 lowing: “; except that nothing in this subsection shall pre-  
19 clude the Attorney General from authorizing proceedings by  
20 electronic or telephonic media (with the consent of the alien)  
21 or, where waived or agreed to by the parties, in the absence  
22 of the alien”.

23 (b) *CODIFICATION.*—

24 (1) Section 242(i) of such Act (8 U.S.C. 1252(i))  
25 is amended by adding at the end the following: “Noth-  
26 ing in this subsection shall be construed to create any

1       *substantive or procedural right or benefit that is le-*  
2       *gally enforceable by any party against the United*  
3       *States or its agencies or officers or any other per-*  
4       *son.”.*

5               *(2) Section 225 of the Immigration and Nation-*  
6       *ality Technical Corrections Act of 1994 (Public Law*  
7       *103–416) is amended by striking “and nothing in”*  
8       *and all that follows through “1252(i)”.*

9               *(3) The amendments made by this subsection*  
10       *shall take effect as if included in the enactment of the*  
11       *Immigration and Nationality Technical Corrections*  
12       *Act of 1994 (Public Law 103–416).*

13       ***SEC. 671. CONSTRUCTION OF EXPEDITED DEPORTATION***  
14               ***REQUIREMENTS.***

15       *No amendment made by this Act shall be construed*  
16       *to create any substantive or procedural right or benefit that*  
17       *is legally enforceable by any party against the United*  
18       *States or its agencies or officers or any other person.*

19       ***SEC. 672. STUDY OF PRISONER TRANSFER TREATY WITH***  
20               ***MEXICO.***

21               *(a) REPORT TO CONGRESS.—Not later than 180 days*  
22       *after the date of the enactment of this Act, the Secretary*  
23       *of State and the Attorney General shall submit to the Con-*  
24       *gress a report that describes the use and effectiveness of the*  
25       *Prisoner Transfer Treaty with Mexico (in this section re-*

1 *ferred to as the “Treaty”)* to remove from the United States  
2 *aliens who have been convicted of crimes in the United*  
3 *States.*

4 (b) *USE OF TREATY.*—*The report under subsection (a)*  
5 *shall include the following information:*

6 (1) *The number of aliens convicted of a criminal*  
7 *offense in the United States since November 30, 1977,*  
8 *who would have been or are eligible for transfer pur-*  
9 *suant to the Treaty.*

10 (2) *The number of aliens described in paragraph*  
11 *(1) who have been transferred pursuant to the Treaty.*

12 (3) *The number of aliens described in paragraph*  
13 *(2) who have been incarcerated in full compliance*  
14 *with the Treaty.*

15 (4) *The number of aliens who are incarcerated*  
16 *in a penal institution in the United States who are*  
17 *eligible for transfer pursuant to the Treaty.*

18 (5) *The number of aliens described in paragraph*  
19 *(4) who are incarcerated in State and local penal in-*  
20 *stitutions.*

21 (c) *EFFECTIVENESS OF TREATY.*—*The report under*  
22 *subsection (a) shall include the recommendations of the Sec-*  
23 *retary of State and the Attorney General to increase the*  
24 *effectiveness and use of, and full compliance with, the Trea-*  
25 *ty. In considering the recommendations under this sub-*

1 *section, the Secretary and the Attorney General shall con-*  
2 *sult with such State and local officials in areas dispropor-*  
3 *tionately impacted by aliens convicted of criminal offenses*  
4 *as the Secretary and the Attorney General consider appro-*  
5 *priate. Such recommendations shall address the following*  
6 *areas:*

7           (1) *Changes in Federal laws, regulations, and*  
8 *policies affecting the identification, prosecution, and*  
9 *deportation of aliens who have committed a criminal*  
10 *offense in the United States.*

11           (2) *Changes in State and local laws, regulations,*  
12 *and policies affecting the identification, prosecution,*  
13 *and deportation of aliens who have committed a*  
14 *criminal offense in the United States.*

15           (3) *Changes in the Treaty that may be necessary*  
16 *to increase the number of aliens convicted of crimes*  
17 *who may be transferred pursuant to the Treaty.*

18           (4) *Methods for preventing the unlawful re-entry*  
19 *into the United States of aliens who have been con-*  
20 *victed of criminal offenses in the United States and*  
21 *transferred pursuant to the Treaty.*

22           (5) *Any recommendations of appropriate offi-*  
23 *cial of the Mexican Government on programs to*  
24 *achieve the goals of, and ensure full compliance with,*  
25 *the Treaty.*

1           (6) *An assessment of whether the recommenda-*  
2           *tions under this subsection require the renegotiation*  
3           *of the Treaty.*

4           (7) *The additional funds required to implement*  
5           *each recommendation under this subsection.*

6   **SEC. 673. JUSTICE DEPARTMENT ASSISTANCE IN BRINGING**  
7                           **TO JUSTICE ALIENS WHO FLEE PROSECUTION**  
8                           **FOR CRIMES IN THE UNITED STATES.**

9           (a) *ASSISTANCE TO STATES.*—*The Attorney General,*  
10          *in cooperation with the Commissioner of Immigration and*  
11          *Naturalization and the Secretary of State, shall designate*  
12          *an office within the Department of Justice to provide tech-*  
13          *nical and prosecutorial assistance to States and political*  
14          *subdivisions of States in efforts to bring to justice aliens*  
15          *who flee prosecution for crimes in the United States.*

16          (b) *REPORT TO CONGRESS.*—*Not later than one year*  
17          *after the date of the enactment of this Act, the Attorney*  
18          *General shall compile and submit to the Congress a report*  
19          *which assesses the nature and extent of the problem of bring-*  
20          *ing to justice aliens who flee prosecution for crimes in the*  
21          *United States.*

22   **SEC. 674. PRISONER TRANSFER TREATIES.**

23          (a) *NEGOTIATION.*—*Congress advises the President to*  
24          *begin to negotiate and renegotiate, not later than 90 days*  
25          *after the date of the enactment of this Act, bilateral prisoner*

1 *transfer treaties. The focus of such negotiations shall be to*  
2 *expedite the transfer of aliens unlawfully in the United*  
3 *States who are incarcerated in United States prisons, to*  
4 *ensure that a transferred prisoner serves the balance of the*  
5 *sentence imposed by the United States courts, and to elimi-*  
6 *nate any requirement of prisoner consent to such a transfer.*

7       **(b) CERTIFICATION.**—*The President shall submit to the*  
8 *Congress, annually, a certification as to whether each pris-*  
9 *oner transfer treaty in force is effective in returning aliens*  
10 *unlawfully in the United States who have committed of-*  
11 *fenses for which they are incarcerated in the United States*  
12 *to their country of nationality for further incarceration.*

13 **SEC. 675. INTERIOR REPATRIATION PROGRAM.**

14       *Not later than 180 days after the date of enactment*  
15 *of this Act, the Attorney General and the Commissioner of*  
16 *Immigration and Naturalization shall develop and imple-*  
17 *ment a program in which aliens who previously have ille-*  
18 *gally entered the United States not less than 3 times and*  
19 *are deported or returned to a country contiguous to the*  
20 *United States will be returned to locations not less than*  
21 *500 kilometers from that country's border with the United*  
22 *States.*

1 **SEC. 676. DEPORTATION OF NONVIOLENT OFFENDERS**  
2 **PRIOR TO COMPLETION OF SENTENCE OF IM-**  
3 **PRISONMENT.**

4 (a) *IN GENERAL.*—Section 242(h) of the Immigration  
5 and Nationality Act (8 U.S.C. 1252(h)) is amended to read  
6 as follows:

7 “(h)(1) *Except as provided in paragraph (2), an alien*  
8 *sentenced to imprisonment may not be deported until such*  
9 *imprisonment has been terminated by the release of the*  
10 *alien from confinement. Parole, supervised release, proba-*  
11 *tion, or possibility of rearrest or further confinement in re-*  
12 *spect of the same offense shall not be a ground for deferral*  
13 *of deportation.*

14 “(2) *The Attorney General is authorized to deport an*  
15 *alien in accordance with applicable procedures under this*  
16 *Act prior to the completion of a sentence of imprisonment—*

17 “(A) *in the case of an alien in the custody of the*  
18 *Attorney General, if the Attorney General determines*  
19 *that (i) the alien is confined pursuant to a final con-*  
20 *viction for a nonviolent offense (other than alien*  
21 *smuggling), and (ii) such deportation of the alien is*  
22 *appropriate and in the best interest of the United*  
23 *States; or*

24 “(B) *in the case of an alien in the custody of a*  
25 *State (or a political subdivision of a State), if the*  
26 *chief State official exercising authority with respect to*

1        *the incarceration of the alien determines that (i) the*  
2        *alien is confined pursuant to a final conviction for a*  
3        *nonviolent offense (other than alien smuggling), (ii)*  
4        *such deportation is appropriate and in the best inter-*  
5        *est of the State, and (iii) submits a written request*  
6        *to the Attorney General that such alien be so de-*  
7        *ported.*

8        *“(3) Any alien deported pursuant to this subsection*  
9        *shall be notified of the penalties under the laws of the*  
10       *United States relating to the reentry of deported aliens,*  
11       *particularly the expanded penalties for aliens deported*  
12       *under paragraph (2).”.*

13       *(b) REENTRY OF ALIEN DEPORTED PRIOR TO COM-*  
14       *PLETION OF TERM OF IMPRISONMENT.—Section 276 of the*  
15       *Immigration and Nationality Act (8 U.S.C. 1326) amended*  
16       *by adding at the end the following new subsection:*

17       *“(c) Any alien deported pursuant to section 242(h)(2)*  
18       *who enters, attempts to enter, or is at any time found in,*  
19       *the United States (unless the Attorney General has expressly*  
20       *consented to such alien’s reentry) shall be incarcerated for*  
21       *the remainder of the sentence of imprisonment which was*  
22       *pending at the time of deportation without any reduction*  
23       *for parole or supervised release. Such alien shall be subject*  
24       *to such other penalties relating to the reentry of deported*

1 *aliens as may be available under this section or any other*  
2 *provision of law.”.*

3 **SEC. 677. AUTHORIZING STATE AND LOCAL LAW ENFORCE-**  
4 **MENT OFFICIALS TO ARREST AND DETAIN**  
5 **CERTAIN ILLEGAL ALIENS.**

6 (a) *IN GENERAL.*—*Notwithstanding any other provi-*  
7 *sion of law, to the extent permitted by relevant State and*  
8 *local law, State and local law enforcement officials are au-*  
9 *thorized to arrest and detain an individual who—*

10 (1) *is an alien illegally present in the United*  
11 *States and*

12 (2) *has previously been convicted of a felony in*  
13 *the United States and deported or left the United*  
14 *States after such conviction,*

15 *but only after the State or local law enforcement officials*  
16 *obtain appropriate confirmation from the Immigration and*  
17 *Naturalization Service of the status of such individual and*  
18 *only for such period of time as may be required for the*  
19 *Service to take the individual into Federal custody for pur-*  
20 *poses of deporting or removing the alien from the United*  
21 *States.*

22 (b) *COOPERATION.*—*The Attorney General shall co-*  
23 *operate with the States to assure that information in the*  
24 *control of the Attorney General, including information in*  
25 *the National Crime Information Center, that would assist*

1 *State and local law enforcement officials in carrying out*  
 2 *duties under subsection (a) is made available to such offi-*  
 3 *cials.*

4 ***TITLE VII—AUTHORIZATION AND***  
 5 ***FUNDING***

6 ***SEC. 701. FIREFIGHTER AND EMERGENCY SERVICES TRAIN-***  
 7 ***ING.***

8 *The Attorney General may award grants in consulta-*  
 9 *tion with the Federal Emergency Management Agency for*  
 10 *the purposes of providing specialized training or equipment*  
 11 *to enhance the capability of metropolitan fire and emer-*  
 12 *gency service departments to respond to terrorist attacks.*  
 13 *To carry out the purposes of this section, there is authorized*  
 14 *to be appropriated \$5,000,000 for fiscal year 1996.*

15 ***SEC. 702. ASSISTANCE TO FOREIGN COUNTRIES TO PRO-***  
 16 ***CURE EXPLOSIVE DETECTION DEVICES AND***  
 17 ***OTHER COUNTER-TERRORISM TECHNOLOGY.***

18 *There is authorized to be appropriated not to exceed*  
 19 *\$10,000,000 for fiscal years 1996 and 1997 to the President*  
 20 *to provide assistance to foreign countries facing an immi-*  
 21 *nent danger of terrorist attack that threatens the national*  
 22 *interest of the United States or puts United States nation-*  
 23 *als at risk—*

24 *(1) in obtaining explosive detection devices and*  
 25 *other counter-terrorism technology; and*

1           (2) *in conducting research and development*  
2           *projects on such technology.*

3   **SEC. 703. RESEARCH AND DEVELOPMENT TO SUPPORT**  
4                           **COUNTER-TERRORISM TECHNOLOGIES.**

5           *There are authorized to be appropriated not to exceed*  
6   *\$10,000,000 to the National Institute of Justice Science and*  
7   *Technology Office—*

8           (1) *to develop technologies that can be used to*  
9           *combat terrorism, including technologies in the areas*  
10          *of—*

11                   (A) *detection of weapons, explosives, chemi-*  
12                   *cals, and persons;*

13                   (B) *tracking;*

14                   (C) *surveillance;*

15                   (D) *vulnerability assessment; and*

16                   (E) *information technologies;*

17           (2) *to develop standards to ensure the adequacy*  
18           *of products produced and compatibility with relevant*  
19           *national systems; and*

20           (3) *to identify and assess requirements for tech-*  
21           *nologies to assist State and local law enforcement in*  
22           *the national program to combat terrorism.*

23   **SEC. 704. SENSE OF CONGRESS.**

24           *It is the sense of Congress that, whenever practicable*  
25   *recipients of any sums authorized to be appropriated by*

1 *this Act, should use the money to purchase American-made*  
 2 *products.*

3 ***TITLE VIII—MISCELLANEOUS***

4 ***SEC. 801. STUDY OF STATE LICENSING REQUIREMENTS FOR***  
 5 ***THE PURCHASE AND USE OF HIGH EXPLO-***  
 6 ***SIVES.***

7 *The Secretary of the Treasury, in consultation with*  
 8 *the Federal Bureau of Investigation, shall conduct a study*  
 9 *of State licensing requirements for the purchase and use of*  
 10 *commercial high explosives, including detonators, detonat-*  
 11 *ing cords, dynamite, water gel, emulsion, blasting agents,*  
 12 *and boosters. Not later than 180 days after the date of the*  
 13 *enactment of this Act, the Secretary shall report to Congress*  
 14 *the results of this study, together with any recommendations*  
 15 *the Secretary determines are appropriate.*

16 ***SEC. 802. COMPENSATION OF VICTIMS OF TERRORISM.***

17 *(a) REQUIRING COMPENSATION FOR TERRORIST*  
 18 *CRIMES.—Section 1403(d)(3) of the Victims of Crime Act*  
 19 *of 1984 (42 U.S.C. 10603(d)(3)) is amended—*

20 *(1) by inserting “crimes involving terrorism,”*  
 21 *before “driving while intoxicated”; and*

22 *(2) by inserting a comma after “driving while*  
 23 *intoxicated”.*

24 *(b) FOREIGN TERRORISM.—Section 1403(b)(6)(B) of*  
 25 *the Victims of Crime Act of 1984 (42 U.S.C.*

1 10603(b)(6)(B)) is amended by inserting “are outside the  
2 United States (if the compensable crime is terrorism, as de-  
3 fined in section 2331 of title 18, United States Code), or”  
4 before “are States not having”.

5 **SEC. 803. JURISDICTION FOR LAWSUITS AGAINST TERROR-**  
6 **IST STATES.**

7 (a) *EXCEPTION TO FOREIGN SOVEREIGN IMMUNITY*  
8 *FOR CERTAIN CASES.*—Section 1605 of title 28, United  
9 States Code, is amended—

10 (1) in subsection (a)—

11 (A) by striking “or” at the end of para-  
12 graph (5);

13 (B) by striking the period at the end of  
14 paragraph (6) and inserting “; or”; and

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

17 “(7) not otherwise covered by paragraph (2), in  
18 which money damages are sought against a foreign  
19 state for personal injury or death that was caused by  
20 an act of torture, extrajudicial killing, aircraft sabo-  
21 tage, hostage taking, or the provision of material sup-  
22 port or resources (as defined in section 2339A of title  
23 18) for such an act if such act or provision of mate-  
24 rial support is engaged in by an official, employee, or  
25 agent of such foreign state while acting within the

1 *scope of his or her office, employment, or agency, ex-*  
2 *cept that the court shall decline to hear a claim under*  
3 *this paragraph—*

4 *“(A) if the act occurred in the foreign state*  
5 *against which the claim has been brought and*  
6 *the claimant has not afforded the foreign state a*  
7 *reasonable opportunity to arbitrate the claim in*  
8 *accordance with accepted international rules of*  
9 *arbitration;*

10 *“(B) if the claimant or victim was not a*  
11 *national of the United States (as that term is de-*  
12 *fined in section 101(a)(22) of the Immigration*  
13 *and Nationality Act) when the act upon which*  
14 *the claim is based occurred; or*

15 *“(C) if the act occurred in the foreign state*  
16 *against which the claim has been brought and*  
17 *that state establishes that procedures and rem-*  
18 *edies are available in such state which comport*  
19 *with fundamental fairness and due process.”;*  
20 *and*

21 *(2) by adding at the end the following:*

22 *“(e) For purposes of paragraph (7) of subsection (a)—*

23 *“(1) the terms ‘torture’ and ‘extrajudicial killing’*  
24 *have the meaning given those terms in section 3 of the*  
25 *Torture Victim Protection Act of 1991;*

1           “(2) the term ‘hostage taking’ has the meaning  
2           given that term in Article 1 of the International Con-  
3           vention Against the Taking of Hostages; and

4           “(3) the term ‘aircraft sabotage’ has the meaning  
5           given that term in Article 1 of the Convention for the  
6           Suppression of Unlawful Acts Against the Safety of  
7           Civil Aviation.

8           “(f) No action shall be maintained under subsection  
9           (a)(7) unless the action is commenced not later than 10  
10          years after the date on which the cause of action arose. All  
11          principles of equitable tolling, including the period during  
12          which the foreign state was immune from suit, shall apply  
13          in calculating this limitation period.”.

14          (b) *EXCEPTION TO IMMUNITY FROM ATTACHMENT.*—

15                 (1) *FOREIGN STATE.*—Section 1610(a) of title  
16          28, *United States Code*, is amended—

17                         (A) by striking the period at the end of  
18                         paragraph (6) and inserting “, or”; and

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

21                         “(7) the judgment relates to a claim for which  
22                         the foreign state is not immune under section  
23                         1605(a)(7), regardless of whether the property is or  
24                         was involved with the act upon which the claim is  
25                         based.”.

1           (2) *AGENCY OR INSTRUMENTALITY.*—Section  
2     1610(b)(2) of such title is amended—

3                     (A) by striking “or (5)” and inserting “(5),  
4                     or (7)”; and

5                     (B) by striking “used for the activity” and  
6                     inserting “involved in the act”.

7           (c) *APPLICABILITY.*—The amendments made by this  
8     title shall apply to any cause of action arising before, on,  
9     or after the date of the enactment of this Act.

10   ***SEC. 804. STUDY OF PUBLICLY AVAILABLE INSTRUCTIONAL***  
11                     ***MATERIAL ON THE MAKING OF BOMBS, DE-***  
12                     ***STRUCTIVE DEVICES, AND WEAPONS OF MASS***  
13                     ***DESTRUCTION.***

14           (a) *STUDY.*—The Attorney General, in consultation  
15     with such other officials and individuals as the Attorney  
16     General deems appropriate, shall conduct a study concern-  
17     ing—

18                     (1) *the extent to which there are available to the*  
19                     *public material in any medium (including print,*  
20                     *electronic, or film) that instructs how to make bombs,*  
21                     *other destructive devices, and weapons of mass de-*  
22                     *struction;*

23                     (2) *the extent to which information gained from*  
24                     *such material has been used in incidents of domestic*  
25                     *and international terrorism;*



1           (b) *STATISTICS.*—*The Attorney General shall acquire*  
2 *data, for the calendar year 1990 and each succeeding cal-*  
3 *endar year about crimes and incidents of threats of violence*  
4 *and acts of violence against Federal, State, and local gov-*  
5 *ernment employees in performance of their lawful duties.*  
6 *Such data shall include—*

7                   (1) *in the case of crimes against such employees,*  
8 *the nature of the crime; and*

9                   (2) *in the case of incidents of threats of violence*  
10 *and acts of violence, including verbal and implicit*  
11 *threats against such employees, whether or not crimi-*  
12 *nally punishable, which deter the employees from the*  
13 *performance of their jobs.*

14           (c) *GUIDELINES.*—*The Attorney General shall estab-*  
15 *lish guidelines for the collection of such data, including*  
16 *what constitutes sufficient evidence of noncriminal inci-*  
17 *dents required to be reported.*

18           (d) *ANNUAL PUBLISHING.*—*The Attorney General*  
19 *shall publish an annual summary of the data acquired*  
20 *under this section. Otherwise such data shall be used only*  
21 *for research and statistical purposes.*

22           (e) *EXEMPTION.*—*The United States Secret Service is*  
23 *not required to participate in any statistical reporting ac-*  
24 *tivity under this section with respect to any direct or indi-*  
25 *rect threats made against any individual for whom the*

1 *United States Secret Service is authorized to provide pro-*  
2 *tection.*

3 **SEC. 806. VICTIM RESTITUTION ACT OF 1995.**

4 (a) *ORDER OF RESTITUTION.*—Section 3663 of title  
5 18, *United States Code*, is amended—

6 (1) *in subsection (a)*—

7 (A) *in paragraph (1)*—

8 (i) *by striking “may order, in addition*  
9 *to or, in the case of a misdemeanor, in lieu*  
10 *of any other penalty authorized by law”*  
11 *and inserting “shall order”; and*

12 (ii) *by adding at the end the following:*  
13 *“The requirement of this paragraph does*  
14 *not affect the power of the court to impose*  
15 *any other penalty authorized by law. In the*  
16 *case of a misdemeanor, the court may im-*  
17 *pose restitution in lieu of any other penalty*  
18 *authorized by law.”;*

19 (B) *by adding at the end the following:*

20 *“(4) In addition to ordering restitution to the victim*  
21 *of the offense of which a defendant is convicted, a court may*  
22 *order restitution to any person who, as shown by a prepon-*  
23 *derance of evidence, was harmed physically, emotionally,*  
24 *or pecuniarily, by unlawful conduct of the defendant dur-*  
25 *ing—*

1           “(A) *the criminal episode during which the of-*  
2           *fense occurred; or*

3           “(B) *the course of a scheme, conspiracy, or pat-*  
4           *tern of unlawful activity related to the offense.*”;

5           (2) *in subsection (b)(1)(B) by striking “imprac-*  
6           *tical” and inserting “impracticable”;*

7           (3) *in subsection (b)(2) by inserting “emotional*  
8           *or” after “resulting in”;*

9           (4) *in subsection (b)—*

10           (A) *by striking “and” at the end of para-*  
11           *graph (4);*

12           (B) *by redesignating paragraph (5) as*  
13           *paragraph (6); and*

14           (C) *by inserting after paragraph (4) the fol-*  
15           *lowing new paragraph:*

16           “(5) *in any case, reimburse the victim for lost*  
17           *income and necessary child care, transportation, and*  
18           *other expenses related to participation in the inves-*  
19           *tigation or prosecution of the offense or attendance at*  
20           *proceedings related to the offense; and”;*

21           (5) *in subsection (c) by striking “If the court de-*  
22           *cides to order restitution under this section, the” and*  
23           *inserting “The”;*

24           (6) *by striking subsections (d), (e), (f), (g), and*  
25           *(h);*

1           (7) by redesignating subsection (i) as subsection  
2           (m); and

3           (8) by inserting after subsection (c) the follow-  
4           ing:

5           “(d)(1) The court shall order restitution to a victim  
6           in the full amount of the victim’s losses as determined by  
7           the court and without consideration of—

8           “(A) the economic circumstances of the offender;  
9           or

10           “(B) the fact that a victim has received or is en-  
11           titled to receive compensation with respect to a loss  
12           from insurance or any other source.

13           “(2) Upon determination of the amount of restitution  
14           owed to each victim, the court shall specify in the restitu-  
15           tion order the manner in which and the schedule according  
16           to which the restitution is to be paid, in consideration of—

17           “(A) the financial resources and other assets of  
18           the offender;

19           “(B) projected earnings and other income of the  
20           offender; and

21           “(C) any financial obligations of the offender,  
22           including obligations to dependents.

23           “(3) A restitution order may direct the offender to  
24           make a single, lump-sum payment, partial payment at  
25           specified intervals, or such in-kind payments as may be

1 agreeable to the victim and the offender. A restitution order  
2 shall direct the offender to give appropriate notice to vic-  
3 tims and other persons in cases where there are multiple  
4 victims or other persons who may receive restitution, and  
5 where the identity of such victims and other persons can  
6 be reasonably determined.

7       “(4) An in-kind payment described in paragraph (3)  
8 may be in the form of—

9               “(A) return of property;

10              “(B) replacement of property; or

11              “(C) services rendered to the victim or to a per-  
12 son or organization other than the victim.

13       “(e) When the court finds that more than 1 offender  
14 has contributed to the loss of a victim, the court may make  
15 each offender liable for payment of the full amount of res-  
16 titution or may apportion liability among the offenders to  
17 reflect the level of contribution and economic circumstances  
18 of each offender.

19       “(f) When the court finds that more than 1 victim has  
20 sustained a loss requiring restitution by an offender, the  
21 court shall order full restitution to each victim but may  
22 provide for different payment schedules to reflect the eco-  
23 nomic circumstances of each victim.

24       “(g)(1) If the victim has received or is entitled to re-  
25 ceive compensation with respect to a loss from insurance

1 *or any other source, the court shall order that restitution*  
2 *be paid to the person who provided or is obligated to provide*  
3 *the compensation, but the restitution order shall provide*  
4 *that all restitution to victims required by the order be paid*  
5 *to the victims before any restitution is paid to such a pro-*  
6 *vider of compensation.*

7       “(2) *The issuance of a restitution order shall not affect*  
8 *the entitlement of a victim to receive compensation with*  
9 *respect to a loss from insurance or any other source until*  
10 *the payments actually received by the victim under the res-*  
11 *titution order fully compensate the victim for the loss, at*  
12 *which time a person that has provided compensation to the*  
13 *victim shall be entitled to receive any payments remaining*  
14 *to be paid under the restitution order.*

15       “(3) *Any amount paid to a victim under an order of*  
16 *restitution shall be set off against any amount later recov-*  
17 *ered as compensatory damages by the victim in—*

18               “(A) *any Federal civil proceeding; and*

19               “(B) *any State civil proceeding, to the extent*  
20 *provided by the law of the State.*

21       “(h) *A restitution order shall provide that—*

22               “(1) *all fines, penalties, costs, restitution pay-*  
23 *ments and other forms of transfers of money or prop-*  
24 *erty made pursuant to the sentence of the court shall*  
25 *be made by the offender to an entity designated by the*

1        *Director of the Administrative Office of the United*  
2        *States Courts for accounting and payment by the en-*  
3        *tity in accordance with this subsection;*

4            *“(2) the entity designated by the Director of the*  
5        *Administrative Office of the United States Courts*  
6        *shall—*

7            *“(A) log all transfers in a manner that*  
8        *tracks the offender’s obligations and the current*  
9        *status in meeting those obligations, unless, after*  
10       *efforts have been made to enforce the restitution*  
11       *order and it appears that compliance cannot be*  
12       *obtained, the court determines that continued*  
13       *recordkeeping under this subparagraph would*  
14       *not be useful; and*

15           *“(B) notify the court and the interested*  
16       *parties when an offender is 30 days in arrears*  
17       *in meeting those obligations; and*

18           *“(3) the offender shall advise the entity des-*  
19       *ignated by the Director of the Administrative Office*  
20       *of the United States Courts of any change in the of-*  
21       *fender’s address during the term of the restitution*  
22       *order.*

23           *“(i) A restitution order shall constitute a lien against*  
24       *all property of the offender and may be recorded in any*

1 *Federal or State office for the recording of liens against real*  
2 *or personal property.*

3       “(j) *Compliance with the schedule of payment and*  
4 *other terms of a restitution order shall be a condition of*  
5 *any probation, parole, or other form of release of an of-*  
6 *fender. If a defendant fails to comply with a restitution*  
7 *order, the court may revoke probation or a term of super-*  
8 *vised release, modify the term or conditions of probation*  
9 *or a term of supervised release, hold the defendant in con-*  
10 *tempt of court, enter a restraining order or injunction,*  
11 *order the sale of property of the defendant, accept a per-*  
12 *formance bond, or take any other action necessary to obtain*  
13 *compliance with the restitution order. In determining what*  
14 *action to take, the court shall consider the defendant’s em-*  
15 *ployment status, earning ability, financial resources, the*  
16 *willfulness in failing to comply with the restitution order,*  
17 *and any other circumstances that may have a bearing on*  
18 *the defendant’s ability to comply with the restitution order.*

19       “(k) *An order of restitution may be enforced—*

20               “(1) *by the United States—*

21                       “(A) *in the manner provided for the collec-*  
22 *tion and payment of fines in subchapter B of*  
23 *chapter 229 of this title; or*

24                       “(B) *in the same manner as a judgment in*  
25 *a civil action; and*

1           “(2) by a victim named in the order to receive  
2           the restitution, in the same manner as a judgment in  
3           a civil action.

4           “(1) A victim or the offender may petition the court  
5           at any time to modify a restitution order as appropriate  
6           in view of a change in the economic circumstances of the  
7           offender.”.

8           (b) *PROCEDURE FOR ISSUING ORDER OF RESTITU-*  
9           *TION.*—Section 3664 of title 18, United States Code, is  
10          amended—

11                 (1) by striking subsection (a);

12                 (2) by redesignating subsections (b), (c), (d), and  
13                 (e) as subsections (a), (b), (c), and (d);

14                 (3) by amending subsection (a), as redesignated  
15                 by paragraph (2), to read as follows:

16           “(a) The court may order the probation service of the  
17           court to obtain information pertaining to the amount of  
18           loss sustained by any victim as a result of the offense, the  
19           financial resources of the defendant, the financial needs and  
20           earning ability of the defendant and the defendant’s depend-  
21           ents, and such other factors as the court deems appropriate.  
22           The probation service of the court shall include the informa-  
23           tion collected in the report of presentence investigation or  
24           in a separate report, as the court directs.”; and



1           (2) *more than 350 miles from the location in*  
2           *which those proceedings originally would have taken*  
3           *place;*

4 *the courts involved shall, if donations under subsection (b)*  
5 *will defray the entire cost of doing so, order closed circuit*  
6 *televising of the proceedings to that location, for viewing*  
7 *by such persons the courts determine have a compelling in-*  
8 *terest in doing so and are otherwise unable to do so by rea-*  
9 *son of the inconvenience and expense caused by the change*  
10 *of venue.*

11           **(b) NO REBROADCAST.**—*No rebroadcast of the proceed-*  
12 *ings shall be made.*

13           **(c) LIMITED ACCESS.**—

14           **(1) GENERALLY.**—*No other person, other than of-*  
15 *ficial court and security personnel, or other persons*  
16 *specifically designated by the courts, shall be per-*  
17 *mitted to view the closed circuit televising of the pro-*  
18 *ceedings.*

19           **(2) EXCEPTION.**—*The courts shall not designate*  
20 *a person under paragraph (1) if the presiding judge*  
21 *at the trial determines that testimony by that person*  
22 *would be materially affected if that person heard*  
23 *other testimony at the trial.*

24           **(d) DONATIONS.**—*The Administrative Office of the*  
25 *United States Courts may accept donations to enable the*

1 *courts to carry out subsection (a). No appropriated money*  
2 *shall be used to carry out such subsection.*

3 (e) *DEFINITION.—As used in this section, the term*  
4 *“State” includes the District of Columbia and any other*  
5 *possession or territory of the United States.*

6 **SEC. 809. AUTHORIZATION OF APPROPRIATIONS.**

7 *There is authorized to be appropriated for each of fis-*  
8 *cal years 1996 through 2000 to the Federal Bureau of Inves-*  
9 *tigation such sums as are necessary—*

10 (1) *to hire additional personnel, and to procure*  
11 *equipment, to support expanded investigations of do-*  
12 *mestic and international terrorism activities;*

13 (2) *to establish a Domestic Counterterrorism*  
14 *Center to coordinate and centralize Federal, State,*  
15 *and local law enforcement efforts in response to major*  
16 *terrorist incidents, and as a clearinghouse for all do-*  
17 *mestic and international terrorism information and*  
18 *intelligence; and*

19 (3) *to cover costs associated with providing law*  
20 *enforcement coverage of public events offering the po-*  
21 *tential of being targeted by domestic or international*  
22 *terrorists.*

1           **TITLE IX—HABEAS CORPUS**  
2                           **REFORM**

3   **SEC. 901. FILING DEADLINES.**

4           *Section 2244 of title 28, United States Code, is amend-*  
5 *ed by adding at the end the following new subsection:*

6           “(d)(1) *A 1-year period of limitation shall apply to*  
7 *an application for a writ of habeas corpus by a person*  
8 *in custody pursuant to the judgment of a State court. The*  
9 *limitation period shall run from the latest of—*

10           “(A) *the date on which the judgment became*  
11 *final by the conclusion of direct review or the expira-*  
12 *tion of the time for seeking such review;*

13           “(B) *the date on which the impediment to filing*  
14 *an application created by State action in violation of*  
15 *the Constitution or laws of the United States is re-*  
16 *moved, if the applicant was prevented from filing by*  
17 *such State action;*

18           “(C) *the date on which the constitutional right*  
19 *asserted was initially recognized by the Supreme*  
20 *Court, if the right has been newly recognized by the*  
21 *Supreme Court and made retroactively applicable to*  
22 *cases on collateral review; or*

23           “(D) *the date on which the factual predicate of*  
24 *the claim or claims presented could have been discov-*  
25 *ered through the exercise of due diligence.*

1       “(2) *The time during which a properly filed applica-*  
2 *tion for State post-conviction or other collateral review with*  
3 *respect to the pertinent judgment or claim shall not be*  
4 *counted toward any period of limitation under this sub-*  
5 *section.*”.

6       **SEC. 902. APPEAL.**

7       *Section 2253 of title 28, United States Code, is amend-*  
8 *ed to read as follows:*

9       **“§ 2253. Appeal**

10       “(a) *In a habeas corpus proceeding or a proceeding*  
11 *under section 2255 before a district judge, the final order*  
12 *shall be subject to review, on appeal, by the court of appeals*  
13 *for the circuit in which the proceeding is held.*

14       “(b) *There shall be no right of appeal from a final*  
15 *order in a proceeding to test the validity of a warrant to*  
16 *remove to another district or place for commitment or trial*  
17 *a person charged with a criminal offense against the United*  
18 *States, or to test the validity of such person’s detention*  
19 *pending removal proceedings.*

20       “(c)(1) *Unless a circuit justice or judge issues a certifi-*  
21 *cate of appealability, an appeal may not be taken to the*  
22 *court of appeals from—*

23               “(A) *the final order in a habeas corpus proceed-*  
24 *ing in which the detention complained of arises out*  
25 *of process issued by a State court; or*

1           “(B) *the final order in a proceeding under sec-*  
2           *tion 2255.*”

3           “(2) *A certificate of appealability may issue under*  
4           *paragraph (1) only if the applicant has made a substantial*  
5           *showing of the denial of a constitutional right.*”

6           “(3) *The certificate of appealability under paragraph*  
7           *(1) shall indicate which specific issue or issues satisfy the*  
8           *showing required by paragraph (2).”.*”

9           **SEC. 903. AMENDMENT OF FEDERAL RULES OF APPELLATE**  
10           **PROCEDURE.**

11           *Rule 22 of the Federal Rules of Appellate Procedure*  
12           *is amended to read as follows:*

13           **“Rule 22. Habeas corpus and section 2255 proceedings**

14           “(a) *APPLICATION FOR THE ORIGINAL WRIT.—An ap-*  
15           *plication for a writ of habeas corpus shall be made to the*  
16           *appropriate district court. If application is made to a cir-*  
17           *cuit judge, the application shall be transferred to the appro-*  
18           *priate district court. If an application is made to or trans-*  
19           *ferred to the district court and denied, renewal of the appli-*  
20           *cation before a circuit judge shall not be permitted. The ap-*  
21           *plicant may, pursuant to section 2253 of title 28, United*  
22           *States Code, appeal to the appropriate court of appeals*  
23           *from the order of the district court denying the writ.*”

24           “(b) *CERTIFICATE OF APPEALABILITY.—In a habeas*  
25           *corpus proceeding in which the detention complained of*

1 arises out of process issued by a State court, an appeal by  
2 the applicant for the writ may not proceed unless a district  
3 or a circuit judge issues a certificate of appealability pursu-  
4 ant to section 2253(c) of title 28, United States Code. If  
5 an appeal is taken by the applicant, the district judge who  
6 rendered the judgment shall either issue a certificate of  
7 appealability or state the reasons why such a certificate  
8 should not issue. The certificate or the statement shall be  
9 forwarded to the court of appeals with the notice of appeal  
10 and the file of the proceedings in the district court. If the  
11 district judge has denied the certificate, the applicant for  
12 the writ may then request issuance of the certificate by a  
13 circuit judge. If such a request is addressed to the court  
14 of appeals, it shall be deemed addressed to the judges thereof  
15 and shall be considered by a circuit judge or judges as the  
16 court deems appropriate. If no express request for a certifi-  
17 cate is filed, the notice of appeal shall be deemed to con-  
18 stitute a request addressed to the judges of the court of ap-  
19 peals. If an appeal is taken by a State or its representative,  
20 a certificate of appealability is not required.”.

21 **SEC. 904. SECTION 2254 AMENDMENTS.**

22 Section 2254 of title 28, United States Code, is amend-  
23 ed—

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

1       “(b)(1) *An application for a writ of habeas corpus on*  
2 *behalf of a person in custody pursuant to the judgment of*  
3 *a State court shall not be granted unless it appears that—*

4               “(A) *the applicant has exhausted the remedies*  
5 *available in the courts of the State; or*

6               “(B)(i) *there is an absence of available State cor-*  
7 *rective process; or*

8               “(ii) *circumstances exist that render such process*  
9 *ineffective to protect the rights of the applicant.*

10       “(2) *An application for a writ of habeas corpus may*  
11 *be denied on the merits, notwithstanding the failure of the*  
12 *applicant to exhaust the remedies available in the courts*  
13 *of the State.*

14       “(3) *A State shall not be deemed to have waived the*  
15 *exhaustion requirement or be estopped from reliance upon*  
16 *the requirement unless the State, through counsel, expressly*  
17 *waives the requirement.”;*

18               (2) *by redesignating subsections (d), (e), and (f)*  
19 *as subsections (e), (f), and (g), respectively;*

20               (3) *by inserting after subsection (c) the following*  
21 *new subsection:*

22       “(d) *An application for a writ of habeas corpus on*  
23 *behalf of a person in custody pursuant to the judgment of*  
24 *a State court shall not be granted with respect to any claim*

1 *that was adjudicated on the merits in State court proceed-*  
2 *ings unless the adjudication of the claim—*

3           “(1) *resulted in a decision that was contrary to,*  
4 *or involved an unreasonable application of, clearly es-*  
5 *tablished Federal law, as determined by the Supreme*  
6 *Court of the United States; or*

7           “(2) *resulted in a decision that was based on an*  
8 *unreasonable determination of the facts in light of the*  
9 *evidence presented in the State court proceeding.”;*

10           (4) *by amending subsection (e), as redesignated*  
11 *by paragraph (2), to read as follows:*

12           “(e)(1) *In a proceeding instituted by an application*  
13 *for a writ of habeas corpus by a person in custody pursuant*  
14 *to the judgment of a State court, a determination of a fac-*  
15 *tual issue made by a State court shall be presumed to be*  
16 *correct. The applicant shall have the burden of rebutting*  
17 *the presumption of correctness by clear and convincing evi-*  
18 *dence.*

19           “(2) *If the applicant has failed to develop the factual*  
20 *basis of a claim in State court proceedings, the court shall*  
21 *not hold an evidentiary hearing on the claim unless the ap-*  
22 *plicant shows that—*

23           “(A) *the claim relies on—*

24           “(i) *a new rule of constitutional law, made*  
25 *retroactive to cases on collateral review by the*

1           *Supreme Court, that was previously unavailable;*

2           *or*

3           *“(i) a factual predicate that could not have*  
4           *been previously discovered through the exercise of*  
5           *due diligence; and*

6           *“(B) the facts underlying the claim would be suf-*  
7           *ficient to establish by clear and convincing evidence*  
8           *that but for constitutional error, no reasonable*  
9           *factfinder would have found the applicant guilty of*  
10          *the underlying offense.”; and*

11          *(5) by adding at the end the following new sub-*  
12          *sections:*

13          *“(h) Except as provided in section 408 of the Con-*  
14          *trolled Substances Act, in all proceedings brought under this*  
15          *section, and any subsequent proceedings on review, the*  
16          *court may appoint counsel for an applicant who is or be-*  
17          *comes financially unable to afford counsel, except as pro-*  
18          *vided by a rule promulgated by the Supreme Court pursu-*  
19          *ant to statutory authority. Appointment of counsel under*  
20          *this section shall be governed by section 3006A of title 18.*

21          *“(i) The ineffectiveness or incompetence of counsel dur-*  
22          *ing Federal or State collateral post-conviction proceedings*  
23          *shall not be a ground for relief in a proceeding arising*  
24          *under section 2254.”.*

1 **SEC. 905. SECTION 2255 AMENDMENTS.**

2 *Section 2255 of title 28, United States Code, is amend-*  
3 *ed—*

4 *(1) by striking the second and fifth undesignated*  
5 *paragraphs; and*

6 *(2) by adding at the end the following new un-*  
7 *designated paragraphs:*

8 *“A 1-year period of limitation shall apply to a motion*  
9 *under this section. The limitation period shall run from the*  
10 *latest of—*

11 *“(1) the date on which the judgment of convic-*  
12 *tion becomes final;*

13 *“(2) the date on which the impediment to mak-*  
14 *ing a motion created by governmental action in viola-*  
15 *tion of the Constitution or laws of the United States*  
16 *is removed, if the movant was prevented from making*  
17 *a motion by such governmental action;*

18 *“(3) the date on which the right asserted was*  
19 *initially recognized by the Supreme Court, if that*  
20 *right has been newly recognized by the Supreme*  
21 *Court and made retroactively applicable to cases on*  
22 *collateral review; or*

23 *“(4) the date on which the facts supporting the*  
24 *claim or claims presented could have been discovered*  
25 *through the exercise of due diligence.*

1       *“Except as provided in section 408 of the Controlled*  
 2 *Substances Act, in all proceedings brought under this sec-*  
 3 *tion, and any subsequent proceedings on review, the court*  
 4 *may appoint counsel for a movant who is or becomes finan-*  
 5 *cially unable to afford counsel shall be in the discretion of*  
 6 *the court, except as provided by a rule promulgated by the*  
 7 *Supreme Court pursuant to statutory authority. Appoint-*  
 8 *ment of counsel under this section shall be governed by sec-*  
 9 *tion 3006A of title 18.*

10       *“A second or successive motion must be certified as*  
 11 *provided in section 2244 by a panel of the appropriate*  
 12 *court of appeals to contain—*

13             *“(1) newly discovered evidence that, if proven*  
 14 *and viewed in light of the evidence as a whole, would*  
 15 *be sufficient to establish by clear and convincing evi-*  
 16 *dence that no reasonable factfinder would have found*  
 17 *the movant guilty of the offense; or*

18             *“(2) a new rule of constitutional law, made ret-*  
 19 *roactive to cases on collateral review by the Supreme*  
 20 *Court, that was previously unavailable.”.*

21 **SEC. 906. LIMITS ON SECOND OR SUCCESSIVE APPLICA-**  
 22 **TIONS.**

23       *(a) CONFORMING AMENDMENT TO SECTION 2244(a).—*  
 24 *Section 2244(a) of title 28, United States Code, is amended*  
 25 *by striking “and the petition” and all that follows through*

1 *“by such inquiry.” and inserting “, except as provided in*  
2 *section 2255.”.*

3 *(b) LIMITS ON SECOND OR SUCCESSIVE APPLICA-*  
4 *TIONS.—Section 2244(b) of title 28, United States Code, is*  
5 *amended to read as follows:*

6 *“(b)(1) A claim presented in a second or successive ha-*  
7 *beas corpus application under section 2254 that was pre-*  
8 *sent in a prior application shall be dismissed.*

9 *“(2) A claim presented in a second or successive habeas*  
10 *corpus application under section 2254 that was not pre-*  
11 *sent in a prior application shall be dismissed unless—*

12 *“(A) the applicant shows that the claim relies on*  
13 *a new rule of constitutional law, made retroactive to*  
14 *cases on collateral review by the Supreme Court, that*  
15 *was previously unavailable; or*

16 *“(B)(i) the factual predicate for the claim could*  
17 *not have been discovered previously through the exer-*  
18 *cise of due diligence; and*

19 *“(ii) the facts underlying the claim, if proven*  
20 *and viewed in light of the evidence as a whole, would*  
21 *be sufficient to establish by clear and convincing evi-*  
22 *dence that, but for constitutional error, no reasonable*  
23 *factfinder would have found the applicant guilty of*  
24 *the underlying offense.*

1       “(3)(A) *Before a second or successive application per-*  
2 *mitted by this section is filed in the district court, the appli-*  
3 *cant shall move in the appropriate court of appeals for an*  
4 *order authorizing the district court to consider the applica-*  
5 *tion.*

6       “(B) *A motion in the court of appeals for an order*  
7 *authorizing the district court to consider a second or succes-*  
8 *sive application shall be determined by a three-judge panel*  
9 *of the court of appeals.*

10       “(C) *The court of appeals may authorize the filing of*  
11 *a second or successive application only if it determines that*  
12 *the application makes a prima facie showing that the appli-*  
13 *cation satisfies the requirements of this subsection.*

14       “(D) *The court of appeals shall grant or deny the au-*  
15 *thorization to file a second or successive application not*  
16 *later than 30 days after the filing of the motion.*

17       “(E) *The grant or denial of an authorization by a*  
18 *court of appeals to file a second or successive application*  
19 *shall not be appealable and shall not be the subject of a*  
20 *petition for rehearing or for a writ of certiorari.*

21       “(4) *A district court shall dismiss any claim presented*  
22 *in a second or successive application that the court of ap-*  
23 *peals has authorized to be filed unless the applicant shows*  
24 *that the claim satisfies the requirements of this section.”.*

1 **SEC. 907. DEATH PENALTY LITIGATION PROCEDURES.**

2 (a) *ADDITION OF CHAPTER TO TITLE 28, UNITED*  
 3 *STATES CODE.—Title 28, United States Code, is amended*  
 4 *by inserting after chapter 153 the following new chapter:*

5 **“CHAPTER 154—SPECIAL HABEAS CORPUS**  
 6 **PROCEDURES IN CAPITAL CASES**

“Sec.

“2261. *Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment.*

“2262. *Mandatory stay of execution; duration; limits on stays of execution; successive petitions.*

“2263. *Filing of habeas corpus application; time requirements; tolling rules.*

“2264. *Scope of Federal review; district court adjudications.*

“2265. *Application to State unitary review procedure.*

“2266. *Limitation periods for determining applications and motions.*

7 **“§2261. Prisoners in State custody subject to capital**  
 8 **sentence; appointment of counsel; require-**  
 9 **ment of rule of court or statute; proce-**  
 10 **dures for appointment**

11 “(a) *This chapter shall apply to cases arising under*  
 12 *section 2254 brought by prisoners in State custody who are*  
 13 *subject to a capital sentence. It shall apply only if the provi-*  
 14 *sions of subsections (b) and (c) are satisfied.*

15 “(b) *This chapter is applicable if a State establishes*  
 16 *by statute, rule of its court of last resort, or by another*  
 17 *agency authorized by State law, a mechanism for the ap-*  
 18 *pointment, compensation, and payment of reasonable liti-*  
 19 *gation expenses of competent counsel in State post-convic-*  
 20 *tion proceedings brought by indigent prisoners whose cap-*

1 *ital convictions and sentences have been upheld on direct*  
2 *appeal to the court of last resort in the State or have other-*  
3 *wise become final for State law purposes. The rule of court*  
4 *or statute must provide standards of competency for the ap-*  
5 *pointment of such counsel.*

6       “(c) *Any mechanism for the appointment, compensa-*  
7 *tion, and reimbursement of counsel as provided in sub-*  
8 *section (b) must offer counsel to all State prisoners under*  
9 *capital sentence and must provide for the entry of an order*  
10 *by a court of record—*

11               “(1) *appointing one or more counsels to rep-*  
12 *resent the prisoner upon a finding that the prisoner*  
13 *is indigent and accepted the offer or is unable com-*  
14 *petently to decide whether to accept or reject the offer;*

15               “(2) *finding, after a hearing if necessary, that*  
16 *the prisoner rejected the offer of counsel and made the*  
17 *decision with an understanding of its legal con-*  
18 *sequences; or*

19               “(3) *denying the appointment of counsel upon a*  
20 *finding that the prisoner is not indigent.*

21       “(d) *No counsel appointed pursuant to subsections (b)*  
22 *and (c) to represent a State prisoner under capital sentence*  
23 *shall have previously represented the prisoner at trial or*  
24 *on direct appeal in the case for which the appointment is*

1 *made unless the prisoner and counsel expressly request con-*  
2 *tinued representation.*

3       “(e) *The ineffectiveness or incompetence of counsel dur-*  
4 *ing State or Federal post-conviction proceedings in a cap-*  
5 *ital case shall not be a ground for relief in a proceeding*  
6 *arising under section 2254. This limitation shall not pre-*  
7 *clude the appointment of different counsel, on the court’s*  
8 *own motion or at the request of the prisoner, at any phase*  
9 *of State or Federal post-conviction proceedings on the basis*  
10 *of the ineffectiveness or incompetence of counsel in such pro-*  
11 *ceedings.*

12 **“§ 2262. Mandatory stay of execution; duration; limits**  
13 **on stays of execution; successive petitions**

14       “(a) *Upon the entry in the appropriate State court*  
15 *of record of an order under section 2261(c), a warrant or*  
16 *order setting an execution date for a State prisoner shall*  
17 *be stayed upon application to any court that would have*  
18 *jurisdiction over any proceedings filed under section 2254.*  
19 *The application shall recite that the State has invoked the*  
20 *post-conviction review procedures of this chapter and that*  
21 *the scheduled execution is subject to stay.*

22       “(b) *A stay of execution granted pursuant to subsection*  
23 *(a) shall expire if—*

1           “(1) a State prisoner fails to file a habeas corpus  
2 application under section 2254 within the time re-  
3 quired in section 2263;

4           “(2) before a court of competent jurisdiction, in  
5 the presence of counsel, unless the prisoner has com-  
6 petently and knowingly waived such counsel, and  
7 after having been advised of the consequences, a State  
8 prisoner under capital sentence waives the right to  
9 pursue habeas corpus review under section 2254; or

10           “(3) a State prisoner files a habeas corpus peti-  
11 tion under section 2254 within the time required by  
12 section 2263 and fails to make a substantial showing  
13 of the denial of a Federal right or is denied relief in  
14 the district court or at any subsequent stage of review.

15           “(c) If one of the conditions in subsection (b) has oc-  
16 curred, no Federal court thereafter shall have the authority  
17 to enter a stay of execution in the case, unless the court  
18 of appeals approves the filing of a second or successive ap-  
19 plication under section 2244(b).

20           **“§ 2263. Filing of habeas corpus application; time re-  
21 quirements; tolling rules**

22           “(a) Any application under this chapter for habeas  
23 corpus relief under section 2254 must be filed in the appro-  
24 priate district court not later than 180 days after final  
25 State court affirmance of the conviction and sentence on

1 *direct review or the expiration of the time for seeking such*  
2 *review.*

3       “(b) *The time requirements established by subsection*  
4 *(a) shall be tolled—*

5               “(1) *from the date that a petition for certiorari*  
6 *is filed in the Supreme Court until the date of final*  
7 *disposition of the petition if a State prisoner files the*  
8 *petition to secure review by the Supreme Court of the*  
9 *affirmance of a capital sentence on direct review by*  
10 *the court of last resort of the State or other final State*  
11 *court decision on direct review;*

12               “(2) *from the date on which the first petition for*  
13 *post-conviction review or other collateral relief is filed*  
14 *until the final State court disposition of such peti-*  
15 *tion; and*

16               “(3) *during an additional period not to exceed*  
17 *30 days, if—*

18                       “(A) *a motion for an extension of time is*  
19 *filed in the Federal district court that would*  
20 *have jurisdiction over the case upon the filing of*  
21 *a habeas corpus application under section 2254;*  
22 *and*

23                       “(B) *a showing of good cause is made for*  
24 *the failure to file the habeas corpus application*

1           *within the time period established by this sec-*  
2           *tion.*

3    **“§ 2264. Scope of Federal review; district court adju-**  
4            **dications**

5            “(a) *Whenever a State prisoner under capital sentence*  
6    *files a petition for habeas corpus relief to which this chapter*  
7    *applies, the district court shall only consider a claim or*  
8    *claims that have been raised and decided on the merits in*  
9    *the State courts, unless the failure to raise the claim prop-*  
10   *erly is—*

11            “(1) *the result of State action in violation of the*  
12    *Constitution or laws of the United States;*

13            “(2) *the result of the Supreme Court recognition*  
14    *of a new Federal right that is made retroactively ap-*  
15    *plicable; or*

16            “(3) *based on a factual predicate that could not*  
17    *have been discovered through the exercise of due dili-*  
18    *gence in time to present the claim for State or Fed-*  
19    *eral post-conviction review.*

20            “(b) *Following review subject to subsections (a), (d),*  
21    *and (e) of section 2254, the court shall rule on the claims*  
22    *properly before it.*

23    **“§ 2265. Application to State unitary review procedure**

24            “(a) *For purposes of this section, a ‘unitary review’*  
25    *procedure means a State procedure that authorizes a person*

1 *under sentence of death to raise, in the course of direct re-*  
2 *view of the judgment, such claims as could be raised on*  
3 *collateral attack. This chapter shall apply, as provided in*  
4 *this section, in relation to a State unitary review procedure*  
5 *if the State establishes by rule of its court of last resort*  
6 *or by statute a mechanism for the appointment, compensa-*  
7 *tion, and payment of reasonable litigation expenses of com-*  
8 *petent counsel in the unitary review proceedings, including*  
9 *expenses relating to the litigation of collateral claims in the*  
10 *proceedings. The rule of court or statute must provide*  
11 *standards of competency for the appointment of such coun-*  
12 *sel.*

13       “(b) *To qualify under this section, a unitary review*  
14 *procedure must include an offer of counsel following trial*  
15 *for the purpose of representation on unitary review, and*  
16 *entry of an order, as provided in section 2261(c), concern-*  
17 *ing appointment of counsel or waiver or denial of appoint-*  
18 *ment of counsel for that purpose. No counsel appointed to*  
19 *represent the prisoner in the unitary review proceedings*  
20 *shall have previously represented the prisoner at trial in*  
21 *the case for which the appointment is made unless the pris-*  
22 *oner and counsel expressly request continued representation.*

23       “(c) *Sections 2262, 2263, 2264, and 2266 shall apply*  
24 *in relation to cases involving a sentence of death from any*  
25 *State having a unitary review procedure that qualifies*

1 *under this section. References to State ‘post-conviction re-*  
2 *view’ and ‘direct review’ in such sections shall be under-*  
3 *stood as referring to unitary review under the State proce-*  
4 *dure. The reference in section 2262(a) to ‘an order under*  
5 *section 2261(c)’ shall be understood as referring to the post-*  
6 *trial order under subsection (b) concerning representation*  
7 *in the unitary review proceedings, but if a transcript of*  
8 *the trial proceedings is unavailable at the time of the filing*  
9 *of such an order in the appropriate State court, then the*  
10 *start of the 180-day limitation period under section 2263*  
11 *shall be deferred until a transcript is made available to the*  
12 *prisoner or counsel of the prisoner.*

13 **“§2266. Limitation periods for determining applica-**  
14 **tions and motions**

15       “(a) *The adjudication of any application under sec-*  
16 *tion 2254 that is subject to this chapter, and the adjudica-*  
17 *tion of any motion under section 2255 by a person under*  
18 *sentence of death, shall be given priority by the district*  
19 *court and by the court of appeals over all noncapital mat-*  
20 *ters.*

21       “(b)(1)(A) *A district court shall render a final deter-*  
22 *mination and enter a final judgment on any application*  
23 *for a writ of habeas corpus brought under this chapter in*  
24 *a capital case not later than 180 days after the date on*  
25 *which the application is filed.*

1       “(B) A district court shall afford the parties at least  
2 120 days in which to complete all actions, including the  
3 preparation of all pleadings and briefs, and if necessary,  
4 a hearing, prior to the submission of the case for decision.

5       “(C)(i) A district court may delay for not more than  
6 one additional 30-day period beyond the period specified  
7 in subparagraph (A), the rendering of a determination of  
8 an application for a writ of habeas corpus if the court issues  
9 a written order making a finding, and stating the reasons  
10 for the finding, that the ends of justice that would be served  
11 by allowing the delay outweigh the best interests of the pub-  
12 lic and the applicant in a speedy disposition of the applica-  
13 tion.

14       “(ii) The factors, among others, that a court shall con-  
15 sider in determining whether a delay in the disposition of  
16 an application is warranted are as follows:

17               “(I) Whether the failure to allow the delay would  
18 be likely to result in a miscarriage of justice.

19               “(II) Whether the case is so unusual or so com-  
20 plex, due to the number of defendants, the nature of  
21 the prosecution, or the existence of novel questions of  
22 fact or law, that it is unreasonable to expect adequate  
23 briefing within the time limitations established by  
24 subparagraph (A).

1           “(III) Whether the failure to allow a delay in a  
2 case, that, taken as a whole, is not so unusual or so  
3 complex as described in subclause (II), but would oth-  
4 erwise deny the applicant reasonable time to obtain  
5 counsel, would unreasonably deny the applicant or  
6 the government continuity of counsel, or would deny  
7 counsel for the applicant or the government the rea-  
8 sonable time necessary for effective preparation, tak-  
9 ing into account the exercise of due diligence.

10          “(iii) No delay in disposition shall be permissible be-  
11 cause of general congestion of the court’s calendar.

12          “(iv) The court shall transmit a copy of any order is-  
13 sued under clause (i) to the Director of the Administrative  
14 Office of the United States Courts for inclusion in the report  
15 under paragraph (5).

16          “(2) The time limitations under paragraph (1) shall  
17 apply to—

18           “(A) an initial application for a writ of habeas  
19 corpus;

20           “(B) any second or successive application for a  
21 writ of habeas corpus; and

22           “(C) any redetermination of an application for  
23 a writ of habeas corpus following a remand by the  
24 court of appeals or the Supreme Court for further

1        *proceedings, in which case the limitation period shall*  
2        *run from the date the remand is ordered.*

3        *“(3)(A) The time limitations under this section shall*  
4        *not be construed to entitle an applicant to a stay of execu-*  
5        *tion, to which the applicant would otherwise not be entitled,*  
6        *for the purpose of litigating any application or appeal.*

7        *“(B) No amendment to an application for a writ of*  
8        *habeas corpus under this chapter shall be permitted after*  
9        *the filing of the answer to the application, except on the*  
10       *grounds specified in section 2244(b).*

11       *“(4)(A) The failure of a court to meet or comply with*  
12       *a time limitation under this section shall not be a ground*  
13       *for granting relief from a judgment of conviction or sen-*  
14       *tence.*

15       *“(B) The State may enforce a time limitation under*  
16       *this section by petitioning for a writ of mandamus to the*  
17       *court of appeals. The court of appeals shall act on the peti-*  
18       *tion for a writ or mandamus not later than 30 days after*  
19       *the filing of the petition.*

20       *“(5)(A) The Administrative Office of United States*  
21       *Courts shall submit to Congress an annual report on the*  
22       *compliance by the district courts with the time limitations*  
23       *under this section.*

1       “(B) The report described in subparagraph (A) shall  
2 include copies of the orders submitted by the district courts  
3 under paragraph (1)(B)(iv).

4       “(c)(1)(A) A court of appeals shall hear and render  
5 a final determination of any appeal of an order granting  
6 or denying, in whole or in part, an application brought  
7 under this chapter in a capital case not later than 120 days  
8 after the date on which the reply brief is filed, or if no reply  
9 brief is filed, not later than 120 days after the date on which  
10 the answering brief is filed.

11       “(B)(i) A court of appeals shall decide whether to  
12 grant a petition for rehearing or other request for rehearing  
13 en banc not later than 30 days after the date on which the  
14 petition for rehearing is filed unless a responsive pleading  
15 is required, in which case the court shall decide whether  
16 to grant the petition not later than 30 days after the date  
17 on which the responsive pleading is filed.

18       “(ii) If a petition for rehearing or rehearing en banc  
19 is granted, the court of appeals shall hear and render a  
20 final determination of the appeal not later than 120 days  
21 after the date on which the order granting rehearing or re-  
22 hearing en banc is entered.

23       “(2) The time limitations under paragraph (1) shall  
24 apply to—

1           “(A) *an initial application for a writ of habeas*  
2           *corpus;*

3           “(B) *any second or successive application for a*  
4           *writ of habeas corpus; and*

5           “(C) *any redetermination of an application for*  
6           *a writ of habeas corpus or related appeal following a*  
7           *remand by the court of appeals en banc or the Su-*  
8           *preme Court for further proceedings, in which case*  
9           *the limitation period shall run from the date the re-*  
10          *mand is ordered.*

11          “(3) *The time limitations under this section shall not*  
12          *be construed to entitle an applicant to a stay of execution,*  
13          *to which the applicant would otherwise not be entitled, for*  
14          *the purpose of litigating any application or appeal.*

15          “(4)(A) *The failure of a court to meet or comply with*  
16          *a time limitation under this section shall not be a ground*  
17          *for granting relief from a judgment of conviction or sen-*  
18          *tence.*

19          “(B) *The State may enforce a time limitation under*  
20          *this section by applying for a writ of mandamus to the*  
21          *Supreme Court.*

22          “(5) *The Administrative Office of United States Courts*  
23          *shall submit to Congress an annual report on the compli-*  
24          *ance by the courts of appeals with the time limitations*  
25          *under this section.”.*

1           (b) *TECHNICAL AMENDMENT.*—*The table of chapters at*  
 2 *the beginning of part VI of title 28, United States Code,*  
 3 *is amended by adding after the item relating to chapter*  
 4 *153 the following new item:*

**“154. Special habeas corpus procedures in capital  
 cases ..... 2261”.**

5           (c) *EFFECTIVE DATE.*—*Chapter 154 of title 28, United*  
 6 *States Code (as added by subsection (a)) shall apply to cases*  
 7 *pending on or after the date of enactment of this Act.*

8 **SEC. 908. TECHNICAL AMENDMENT.**

9           Section 408(q) of the Controlled Substances Act (21  
 10 U.S.C. 848(q)) is amended by amending paragraph (9) to  
 11 read as follows:

12           “(9) Upon a finding that investigative, expert, or other  
 13 services are reasonably necessary for the representation of  
 14 the defendant, whether in connection with issues relating  
 15 to guilt or the sentence, the court may authorize the defend-  
 16 ant’s attorneys to obtain such services on behalf of the de-  
 17 fendant and, if so authorized, shall order the payment of  
 18 fees and expenses therefor under paragraph (10). No ex  
 19 parte proceeding, communication, or request may be consid-  
 20 ered pursuant to this section unless a proper showing is  
 21 made concerning the need for confidentiality. Any such pro-  
 22 ceeding, communication, or request shall be transcribed and  
 23 made a part of the record available for appellate review.”.

1 **SEC. 909. SEVERABILITY.**

2 *If any provision of this title, an amendment made by*  
 3 *this title, or the application of such provision or amend-*  
 4 *ment to any person or circumstance is held to be unconsti-*  
 5 *tutional, the remainder of this title, the amendments made*  
 6 *by this title, and the application of the provisions of such*  
 7 *to any person or circumstances shall not be affected thereby.*

8 **TITLE X—INTERNATIONAL**  
 9 **COUNTERFEITING**

10 **SEC. 1001. SHORT TITLE.**

11 *This title may be cited as the “International Counter-*  
 12 *feiting Prevention Act of 1996”.*

13 **SEC. 1002. AUDITS OF INTERNATIONAL COUNTERFEITING**  
 14 **OF UNITED STATES CURRENCY.**

15 *(a) IN GENERAL.—The Secretary of the Treasury*  
 16 *(hereafter in this section referred to as the “Secretary”), in*  
 17 *consultation with the advanced counterfeit deterrence steer-*  
 18 *ing committee, shall—*

19 *(1) study the use and holding of United States*  
 20 *currency in foreign countries; and*

21 *(2) develop useful estimates of the amount of*  
 22 *counterfeit United States currency that circulates out-*  
 23 *side the United States each year.*

24 *(b) EVALUATION AUDIT PLAN.—*

25 *(1) IN GENERAL.—The Secretary shall develop*  
 26 *an effective international evaluation audit plan that*

1 *is designed to enable the Secretary to carry out the*  
2 *duties described in subsection (a) on a regular and*  
3 *thorough basis.*

4 (2) *SUBMISSION OF DETAILED WRITTEN SUM-*  
5 *MARY.—The Secretary shall submit a detailed written*  
6 *summary of the evaluation audit plan developed pur-*  
7 *suant to paragraph (1) to the Congress before the end*  
8 *of the 6-month period beginning on the date of the en-*  
9 *actment of this Act.*

10 (3) *1ST EVALUATION AUDIT UNDER PLAN.—The*  
11 *Secretary shall begin the first evaluation audit pursu-*  
12 *ant to the evaluation audit plan no later than the end*  
13 *of the 1-year period beginning on the date of the en-*  
14 *actment of this Act.*

15 (4) *SUBSEQUENT EVALUATION AUDITS.—At least*  
16 *1 evaluation audit shall be performed pursuant to the*  
17 *evaluation audit plan during each 3-year period be-*  
18 *ginning after the date of the commencement of the*  
19 *evaluation audit referred to in paragraph (3).*

20 (c) *REPORTS.—*

21 (1) *IN GENERAL.—The Secretary shall submit a*  
22 *written report to the Committee on Banking and Fi-*  
23 *nancial Services of the House of Representatives and*  
24 *the Committee on Banking, Housing, and Urban Af-*  
25 *airs of the Senate on the results of each evaluation*

1       *audit conducted pursuant to subsection (b) within 90*  
2       *days after the completion of the evaluation audit.*

3               (2) *CONTENTS.*—*In addition to such other infor-*  
4       *mation as the Secretary may determine to be appro-*  
5       *priate, each report submitted to the Congress pursu-*  
6       *ant to paragraph (1) shall include the following infor-*  
7       *mation:*

8                       (A) *A detailed description of the evaluation*  
9                       *audit process and the methods used to develop es-*  
10                      *timates of the amount of counterfeit United*  
11                      *States currency in circulation outside the United*  
12                      *States.*

13                     (B) *The method used to determine the cur-*  
14                     *rency sample examined in connection with the*  
15                     *evaluation audit and a statistical analysis of the*  
16                     *sample examined.*

17                     (C) *A list of the regions of the world, types*  
18                     *of financial institutions, and other entities in-*  
19                     *cluded.*

20                     (D) *An estimate of the total amount of*  
21                     *United States currency found in each region of*  
22                     *the world.*

23                     (E) *The total amount of counterfeit United*  
24                     *States currency and the total quantity of each*

1           *counterfeit denomination found in each region of*  
2           *the world.*

3           (3) *CLASSIFICATION OF INFORMATION.*—

4                 (A) *IN GENERAL.*—*To the greatest extent*  
5                 *possible, each report submitted to the Congress*  
6                 *under this subsection shall be submitted in an*  
7                 *unclassified form.*

8                 (B) *CLASSIFIED AND UNCLASSIFIED*  
9                 *FORMS.*—*If, in the interest of submitting a com-*  
10                *plete report under this subsection, the Secretary*  
11                *determines that it is necessary to include classi-*  
12                *fied information in the report, the report shall be*  
13                *submitted in a classified and an unclassified*  
14                *form.*

15           (d) *SUNSET PROVISION.*—*This section shall cease to be*  
16           *effective as of the end of the 10-year period beginning on*  
17           *the date of the enactment of this Act.*

18           (e) *RULE OF CONSTRUCTION.*—*No provision of this*  
19           *section shall be construed as authorizing any entity to con-*  
20           *duct investigations of counterfeit United States currency.*

21           ***SEC. 1003. LAW ENFORCEMENT AND SENTENCING PROVI-***  
22                                 ***SIONS RELATING TO INTERNATIONAL COUN-***  
23                                 ***TERFEITING OF UNITED STATES CURRENCY.***

24           (a) *FINDINGS.*—*The Congress hereby finds the follow-*  
25           *ing:*

1           (1) *United States currency is being counterfeited*  
2           *outside the United States.*

3           (2) *The 103d Congress enacted, with the ap-*  
4           *proval of the President on September 13, 1994, sec-*  
5           *tion 470 of title 18, United States Code, making such*  
6           *activity a crime under the laws of the United States.*

7           (3) *The expeditious posting of agents of the Unit-*  
8           *ed States Secret Service to overseas posts, which is*  
9           *necessary for the effective enforcement of section 470*  
10          *and related criminal provisions, has been delayed.*

11          (4) *While section 470 of title 18, United States*  
12          *Code, provides for a maximum term of imprisonment*  
13          *of 20 years as opposed to a maximum term of 15*  
14          *years for domestic counterfeiting, the United States*  
15          *Sentencing Commission has failed to provide, in its*  
16          *sentencing guidelines, for an appropriate enhance-*  
17          *ment of punishment for defendants convicted of coun-*  
18          *terfeiting United States currency outside the United*  
19          *States.*

20          (b) *TIMELY CONSIDERATION OF REQUESTS FOR CON-*  
21          *CURRENCE IN CREATION OF OVERSEAS POSTS.—*

22                 (1) *IN GENERAL.—The Secretary of State shall—*

23                         (A) *consider in a timely manner the request*  
24                         *by the Secretary of the Treasury for the place-*  
25                         *ment of such number of agents of the United*

1           *States Secret Service as the Secretary of the*  
2           *Treasury considers appropriate in posts in over-*  
3           *seas embassies; and*

4                   *(B) reach an agreement with the Secretary*  
5           *of the Treasury on such posts as soon as possible*  
6           *and, in any event, not later than December 31,*  
7           *1996.*

8           (2) *COOPERATION OF TREASURY REQUIRED.—*  
9           *The Secretary of the Treasury shall promptly provide*  
10          *any information requested by the Secretary of State*  
11          *in connection with such requests.*

12           (3) *REPORTS REQUIRED.—The Secretary of the*  
13          *Treasury and the Secretary of State shall each sub-*  
14          *mit, by February 1, 1997, a written report to the*  
15          *Committee on Banking and Financial Services of the*  
16          *House of Representatives and the Committee on*  
17          *Banking, Housing, and Urban Affairs of the Senate*  
18          *explaining the reasons for the rejection, if any, of any*  
19          *proposed post and the reasons for the failure, if any,*  
20          *to fill any approved post by such date.*

21           (c) *ENHANCED PENALTIES FOR INTERNATIONAL*  
22          *COUNTERFEITING OF UNITED STATES CURRENCY.—Pursu-*  
23          *ant to the authority of the United States Sentencing Com-*  
24          *mission under section 994 of title 28, United States Code,*  
25          *the Commission shall amend the sentencing guidelines pre-*

1 *scribed by the Commission to provide an appropriate en-*  
 2 *hancement of the punishment for a defendant convicted*  
 3 *under section 470 of title 18 of such Code.*

4                   **TITLE XI—BIOLOGICAL**  
 5                   **WEAPONS RESTRICTIONS**

6 **SEC. 1101. SHORT TITLE.**

7           *This Act may be cited as the “Biological Weapons*  
 8 *Enhanced Penalties Act of 1996.”.*

9 **SEC. 1102. ATTEMPTS TO ACQUIRE UNDER FALSE PRE-**  
 10                   **TENSES.**

11           *Section 175(a) of title 18, United States Code, is*  
 12 *amended by inserting “attempts to acquire under false*  
 13 *pretenses, after “acquires,”.*

14 **SEC. 1103. INCLUSION OF RECOMBINANT MOLECULES.**

15           *Section 175 of title 18, United States Code, is amend-*  
 16 *ed by inserting “recombinant molecules,” after “toxin,”*  
 17 *each place it appears.*

18 **SEC. 1104. DEFINITIONS.**

19           *Section 173 of title 18, United States Code, is amend-*  
 20 *ed—*

21                   (1) *in paragraph (1), by inserting “or naturally*  
 22 *occurring or bioengineered component of any such*  
 23 *microorganism, virus, or infectious substance,” after*  
 24 *“infectious substance”;*

25                   (2) *in paragraph (2)—*

1           (A) by inserting “the toxic material of  
2           plants, animals, microorganisms, viruses, fungi,  
3           or infectious substances” after “means”; and

4           (B) by inserting “, and includes” after  
5           “production”;

6           (3) in paragraph (4), by inserting “or a mol-  
7           ecule, including a recombinant molecule,” after “orga-  
8           nism”.

9    **SEC. 1105. THREATENING USE OF CERTAIN WEAPONS.**

10       Section 2332a of title 18, United States Code, is  
11       amended by inserting “, threatens,” after “uses, or”.

12    **SEC. 1106. INCLUSION OF RECOMBINANT MOLECULES AND**

13                           **BIOLOGICAL ORGANISMS IN DEFINITION.**

14       Section 2332a(b)(2)(C) of title 18, United States  
15       Code, is amended by striking “disease organism” and in-  
16       serting “biological agent or toxin, as those terms are de-  
17       fined in section 178”.

18    **TITLE XII—COMMISSION ON THE**  
19           **ADVANCEMENT OF FEDERAL**  
20           **LAW ENFORCEMENT**

21    **SEC. 1201. ESTABLISHMENT.**

22       There is established a commission to be known as the  
23       “Commission on the Advancement of Federal Law Enforce-  
24       ment” (in this title referred to as the “Commission”).

1 **SEC. 1202. DUTIES.**

2 *The Commission shall investigate, ascertain, evaluate,*  
3 *report, and recommend action to the Congress on the follow-*  
4 *ing matters:*

5 (1) *In general, the manner in which significant*  
6 *Federal criminal law enforcement operations are con-*  
7 *ceived, planned, coordinated, and executed.*

8 (2) *The standards and procedures used by Fed-*  
9 *eral law enforcement to carry out significant Federal*  
10 *criminal law enforcement operations, and their uni-*  
11 *formity and compatibility on an interagency basis,*  
12 *including standards related to the use of deadly force.*

13 (3) *The criminal investigation and handling by*  
14 *the United States Government, and the Federal law*  
15 *enforcement agencies therewith—*

16 (A) *on February 28, 1993, in Waco, Texas,*  
17 *with regard to the conception, planning, and exe-*  
18 *cution of search and arrest warrants that re-*  
19 *sulted in the deaths of 4 Federal law enforcement*  
20 *officers and 6 civilians;*

21 (B) *regarding the efforts to resolve the sub-*  
22 *sequent standoff in Waco, Texas, which ended in*  
23 *the deaths of over 80 civilians on April 19, 1993;*  
24 *and*

25 (C) *concerning other Federal criminal law*  
26 *enforcement cases, at the Commission's discre-*

1            *tion, which have been presented to the courts or*  
2            *to the executive branch of Government in the last*  
3            *25 years that are actions or complaints based*  
4            *upon claims of abuse of authority, practice, pro-*  
5            *cedure, or violations of constitutional guarantees,*  
6            *and which may indicate a pattern or problem of*  
7            *abuse within an enforcement agency or a sector*  
8            *of the enforcement community.*

9            *(4) The necessity for the present number of Fed-*  
10          *eral law enforcement agencies and units.*

11          *(5) The location and efficacy of the office or en-*  
12          *tity directly responsible, aside from the President of*  
13          *the United States, for the coordination on an inter-*  
14          *agency basis of the operations, programs, and activi-*  
15          *ties of all of the Federal law enforcement agencies.*

16          *(6) The degree of assistance, training, education,*  
17          *and other human resource management assets devoted*  
18          *to increasing professionalism for Federal law enforce-*  
19          *ment officers.*

20          *(7) The independent accountability mechanisms*  
21          *that exist, if any, and their efficacy to investigate, ad-*  
22          *dress, and correct systemic or gross individual Fed-*  
23          *eral law enforcement abuses.*

24          *(8) The extent to which Federal law enforcement*  
25          *agencies have attempted to pursue community out-*

1 reach efforts that provide meaningful input into the  
2 shaping and formation of agency policy, including  
3 seeking and working with State and local law enforce-  
4 ment agencies on Federal criminal enforcement oper-  
5 ations or programs that directly impact a State or  
6 local law enforcement agency's geographic jurisdic-  
7 tion.

8 (9) Such other related matters as the Commis-  
9 sion deems appropriate.

10 **SEC. 1203. MEMBERSHIP AND ADMINISTRATIVE PROVI-**  
11 **SIONS.**

12 (a) **NUMBER AND APPOINTMENT.**—*The Commission*  
13 *shall be composed of 5 members appointed as follows:*

14 (1) *1 member appointed by the President pro*  
15 *tempore of the Senate.*

16 (2) *1 member appointed by the minority leader*  
17 *of the Senate.*

18 (3) *1 member appointed by the Speaker of the*  
19 *House of Representatives.*

20 (4) *1 member appointed by the minority leader*  
21 *of the House of Representatives.*

22 (5) *1 member (who shall chair the Commission)*  
23 *appointed by the Chief Justice of the Supreme Court.*

1       (b) *DISQUALIFICATION.*—A person who is an officer or  
 2 employee of the United States shall not be appointed a  
 3 member of the Commission.

4       (c) *TERMS.*—Each member shall be appointed for the  
 5 life of the Commission.

6       (d) *QUORUM.*—3 members of the Commission shall  
 7 constitute a quorum but a lesser number may hold hearings.

8       (e) *MEETINGS.*—The Commission shall meet at the call  
 9 of the Chair of the Commission.

10       (f) *COMPENSATION.*—Each member of the Commission  
 11 who is not an officer or employee of the Federal Government  
 12 shall be compensated at a rate equal to the daily equivalent  
 13 of the annual rate of basic pay prescribed for level IV of  
 14 the Executive Schedule under section 5315 of title 5, United  
 15 States Code, for each day, including travel time, during  
 16 which the member is engaged in the performance of the du-  
 17 ties of the Commission.

18 **SEC. 1204. STAFFING AND SUPPORT FUNCTIONS.**

19       (a) *DIRECTOR.*—The Commission shall have a director  
 20 who shall be appointed by the Chair of the Commission.

21       (b) *STAFF.*—Subject to rules prescribed by the Com-  
 22 mission, the Director may appoint additional personnel as  
 23 the Commission considers appropriate.

24       (c) *APPLICABILITY OF CERTAIN CIVIL SERVICE*  
 25 *LAWS.*—The Director and staff of the Commission shall be

1 appointed subject to the provisions of title 5, United States  
2 Code, governing appointments in the competitive service,  
3 and shall be paid in accordance with the provisions of chap-  
4 ter 51 and subchapter III of chapter 53 of that title relating  
5 to classification and General Schedule pay rates.

6 (d) *EXPERTS AND CONSULTANTS.*—The Commission  
7 may procure temporary and intermittent services of experts  
8 and consultants under section 3109(b) of title 5, United  
9 States Code, but at rates for individuals not to exceed per  
10 day the daily equivalent of the maximum annual rate of  
11 basic pay payable for GS–15 of the General Schedule.

12 **SEC. 1205. POWERS.**

13 (a) *HEARINGS AND SESSIONS.*—The Commission may,  
14 for the purposes of carrying out this Act, hold hearings, sit  
15 and act at times and places, take testimony, and receive  
16 evidence as the Commission considers appropriate. The  
17 Commission may administer oaths or affirmations to wit-  
18 nesses appearing before it. The Commission may establish  
19 rules for its proceedings.

20 (b) *POWERS OF MEMBERS AND AGENTS.*—Any mem-  
21 ber or agent of the Commission may, if authorized by the  
22 Commission, take any action which the Commission is au-  
23 thorized to take by this section.

24 (c) *OBTAINING OFFICIAL DATA.*—The Commission  
25 may secure directly from any department or agency of the

1 *United States information necessary to enable it to carry*  
2 *out this title. Upon request of the Chair of the Commission,*  
3 *the head of that department or agency shall furnish that*  
4 *information to the Commission.*

5 *(d) ADMINISTRATIVE SUPPORT SERVICES.—Upon the*  
6 *request of the Commission, the Administrator of General*  
7 *Services shall provide to the Commission, on a reimbursable*  
8 *basis, the administrative support services necessary for the*  
9 *Commission to carry out its responsibilities under this title.*

10 *(e) SUBPOENA POWER.—*

11 *(1) IN GENERAL.—The Commission may issue*  
12 *subpoenas requiring the attendance and testimony of*  
13 *witnesses and the production of any evidence relating*  
14 *to any matter under investigation by the Commis-*  
15 *sion. The attendance of witnesses and the production*  
16 *of evidence may be required from any place within*  
17 *the United States at any designated place of hearing*  
18 *within the United States.*

19 *(2) FAILURE TO OBEY SUBPOENA.—If a person*  
20 *refuses to obey a subpoena issued under paragraph*  
21 *(1), the Commission may apply to the United States*  
22 *district court for an order requiring that person to*  
23 *appear before the Commission to give testimony,*  
24 *produce evidence, or both, relating to the matter*  
25 *under investigation. The application may be made*

1       *within the judicial district where the hearing is con-*  
2       *ducted or where that person is found, resides, or*  
3       *transacts business. Any failure to obey the order of*  
4       *the court may be punished by the court as civil con-*  
5       *tempt.*

6               (3) *SERVICE OF SUBPOENAS.*—*The subpoenas of*  
7       *the Commission shall be served in the manner pro-*  
8       *vided for subpoenas issued by a United States district*  
9       *court under the Federal Rules of Civil Procedure for*  
10       *the United States district courts.*

11              (4) *SERVICE OF PROCESS.*—*All process of any*  
12       *court to which application is to be made under para-*  
13       *graph (2) may be served in the judicial district in*  
14       *which the person required to be served resides or may*  
15       *be found.*

16              (f) *IMMUNITY.*—*The Commission is an agency of the*  
17       *United States for the purpose of part V of title 18, United*  
18       *States Code (relating to immunity of witnesses).*

19       **SEC. 1206. REPORT.**

20              *The Commission shall transmit a report to the Con-*  
21       *gress and the public not later than 2 years after a quorum*  
22       *of the Commission has been appointed. The report shall con-*  
23       *tain a detailed statement of the findings and conclusions*  
24       *of the Commission, together with the Commission's rec-*

1 *ommendations for such actions as the Commission considers*  
 2 *appropriate.*

3 **SEC. 1207. TERMINATION.**

4 *The Commission shall terminate 30 days after submit-*  
 5 *ting the report required by this title.*

6 **TITLE XIII—REPRESENTATION**

7 **FEES**

8 **SEC. 1301. REPRESENTATION FEES IN CRIMINAL CASES.**

9 *(a) IN GENERAL.—Section 3006A of title 18, United*  
 10 *States Code, is amended—*

11 *(1) in subsection (d)—*

12 *(A) by redesignating paragraphs (4), (5)*  
 13 *and (6) as paragraphs (5), (6), and (7), respec-*  
 14 *tively; and*

15 *(B) by inserting after paragraph (3) the fol-*  
 16 *lowing:*

17 *“(4) DISCLOSURE OF FEES.—The amounts paid*  
 18 *under this subsection, for representation in any case,*  
 19 *shall be made available to the public.”; and*

20 *(2) in subsection (3) by adding at the end of the*  
 21 *following:*

22 *“(4) DISCLOSURE OF FEES.—The amounts paid*  
 23 *under this subsection for services in any case shall be*  
 24 *made available to the public.”.*

1       (b) *FEES AND EXPENSES AND CAPITAL CASES.*—*Sec-*  
 2 *tion 408(q)(10) of the Controlled Substances Act (21 U.S.C.*  
 3 *848(q)(10)) is amended to read as follows:*

4       “(10)(A) *Compensation shall be paid to attorneys ap-*  
 5 *pointed under this subsection at a rate of not less than \$75,*  
 6 *and not more than \$125, per hour for in-court and out-*  
 7 *of-court time, Fees and expenses shall be paid for investiga-*  
 8 *tive, expert, and other reasonably necessary services author-*  
 9 *ized under paragraph (9) at the rates and in the amounts*  
 10 *authorized under section 3006A of title 18, United States*  
 11 *Code.*

12       “(B) *The amounts paid under this paragraph for serv-*  
 13 *ices in any case shall be made available to the public.*”.

14       (c) *EFFECTIVE DATE.*—*The amendments made by this*  
 15 *section apply to cases commenced on or after the date of*  
 16 *the enactment of this Act.*

17       ***TITLE XIV—DEATH PENALTY***  
 18       ***AGGRAVATING FACTOR***

19       ***SEC. 1401. DEATH PENALTY AGGRAVATING FACTOR.***

20       *Section 3592(c) of title 18, United States Code, is*  
 21 *amended by adding after paragraph (15) the following:*

22       “(16) *MULTIPLE KILLINGS OR ATTEMPTED*  
 23 *KILLINGS.*—*The defendant intentionally kills or at-*  
 24 *tempts to kill more than one person in a single crimi-*  
 25 *nal episode.*”.

1 **TITLE XV—FINANCIAL TRANS-**  
 2 **ACTIONS WITH TERRORISTS**

3 **SEC. 1501. FINANCIAL TRANSACTIONS WITH TERRORISTS.**

4 (a) *IN GENERAL.*—Title 18, United States Code, is  
 5 amended by inserting before section 2333 the following:

6 **“§2332c. Financial transactions**

7 “(a) *Except as provided in regulations made by the*  
 8 *Secretary of State, whoever, being a United States person,*  
 9 *knowing or having reasonable cause to know that a country*  
 10 *is a country that has been designated under section 6(j)*  
 11 *of the Export Administration Act (50 U.S.C. App. 2405)*  
 12 *as a country supporting international terrorism; engages*  
 13 *in a financial transaction with that country, shall be fined*  
 14 *under this title or imprisoned not more than 10 years, or*  
 15 *both.*

16 “(b) *As used in this section—*

17 “(1) *the term ‘financial transaction’ has the*  
 18 *meaning given that term in section 1956(c)(4); and*

19 “(2) *the term ‘United States person’ means any*  
 20 *United States citizen or national, permanent resident*  
 21 *alien, juridical person organized under the laws of the*  
 22 *United States, or any person in the United States.”.*

23 (b) *CLERICAL AMENDMENT.*—*The table of sections at*  
 24 *the beginning of the chapter of title 18, United States Code,*  
 25 *to which the amendment of subsection (a) was made is*

1 *amended by inserting before the item relating to section*

2 *2333 the following new item:*

*“2332c. Financial transactions.”.*

Amend the title so as to read: “An Act to provide for an effective death penalty and to protect the public safety.”.

Attest:

*Clerk.*