

Calendar No. 260

103D CONGRESS
1ST SESSION

S. 1607

A BILL

To control and prevent crime.

NOVEMBER 1 (legislative day, OCTOBER 13), 1993

Read the first time

NOVEMBER 1, 1993

Read the second time and placed on the calendar

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IN THE SENATE OF THE UNITED STATES

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

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A BILL

To control and prevent crime.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. TABLE OF CONTENTS.**

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

Sec. 1. Short title.

Sec. 2. Table of contents.

- Sec. 101. Short title.
- Sec. 102. Findings and purposes.
- Sec. 103. Community policing; “Cops on the Beat”.

TITLE II—DEATH PENALTY

- Sec. 201. Short title.
- Sec. 202. Constitutional procedures for the imposition of the sentence of death.
- Sec. 203. Specific offenses for which death penalty is authorized.
- Sec. 204. Applicability to Uniform Code of Military Justice.
- Sec. 205. Death penalty for murder by a Federal prisoner.
- Sec. 206. Death penalty for civil rights murders.
- Sec. 207. Death penalty for the murder of Federal law enforcement officials.
- Sec. 208. New offense for the indiscriminate use of weapons to further drug conspiracies.
- Sec. 209. Foreign murder of United States nationals.
- Sec. 210. Death penalty for rape and child molestation murders.
- Sec. 211. Death penalty for sexual exploitation of children.
- Sec. 212. Murder by escaped prisoners.
- Sec. 213. Death penalty for gun murders during Federal crimes of violence and drug trafficking crimes.
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- Sec. 303. Stays of execution in capital cases.
- Sec. 304. Limits on new rules; standard of review.
- Sec. 305. Limits on successive petitions.
- Sec. 306. New evidence.
- Sec. 307. Certificates of probable cause.
- Sec. 308. Provision of counsel.
- Sec. 309. Capital litigation funding.
- Sec. 310. Certification of compliance.
- Sec. 311. Effective date.

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- Sec. 412. Using a firearm in the commission of counterfeiting or forgery.
- Sec. 413. Enhanced penalties for firearms possession by violent felons and serious drug offenders.
- Sec. 414. Receipt of firearms by nonresident.
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- Sec. 416. Study of incendiary ammunition; report to Congress.
- Sec. 417. Theft of firearms or explosives from licensee.
- Sec. 418. Disposing of explosives to prohibited persons.
- Sec. 419. Clarification of "burglary" under the armed career criminal statute.
- Sec. 420. Increased penalty for interstate gun trafficking.

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

3 **SEC. 101. SHORT TITLE.**

4 This title may be cited as the “Public Safety Partner-
5 ship and Community Policing Act of 1993”.

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

7 (a) FINDINGS.—The Congress finds that—

8 (1) according to data compiled by the Federal
9 Bureau of Investigation, in 1961, there was approxi-
10 mately 1 reported violent crime per city police offi-
11 cer, but while from 1961 to 1991 there was no sub-
12 stantial increase in United States cities’ police em-
13 ployment rate, during the same period the number
14 of reported violent crimes per city police officer rose
15 to approximately 4.6 per officer;

1 (2) National Crime Survey figures indicate that
2 nearly 5,000,000 households in the United States
3 had at least 1 member who had been a victim of vio-
4 lent crime during 1991;

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

8 (4) community-oriented policing (“cops on the
9 beat”) enhances communication and cooperation be-
10 tween law enforcement and members of the commu-
11 nity;

12 (5) such communication and cooperation be-
13 tween law enforcement and members of the commu-
14 nity significantly assists in preventing and control-
15 ling crime and violence, thus enhancing public safe-
16 ty; and

17 (6) while increasing and maintaining police re-
18 sources and presence in the community are the long-
19 term responsibility of State and local governments,
20 State and local law enforcement agencies are in need
21 of immediate assistance to begin the process of re-
22 hiring officers who have been laid off for budgetary
23 reasons and hiring new, additional officers to assist
24 in the implementation of community-oriented polic-
25 ing.

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

2 (1) substantially increase the number of law en-
3 forcement officers interacting directly with members
4 of the community (“cops on the beat”);

5 (2) provide additional and more effective train-
6 ing to law enforcement officers to enhance their
7 problem solving, service, and other skills needed in
8 interacting with members of the community;

9 (3) encourage the development and implementa-
10 tion of innovative programs to permit members of
11 the community to assist State and local law enforce-
12 ment agencies in the prevention of crime in the com-
13 munity; and

14 (4) encourage the development of new tech-
15 nologies to assist State and local law enforcement
16 agencies in reorienting the emphasis of their activi-
17 ties from reacting to crime to preventing crime,

18 by establishing a program of grants and assistance in fur-
19 therance of these objectives, including the authorization
20 for a period of 6 years of grants for the hiring and rehiring
21 of additional career law enforcement officers.

22 **SEC. 103. COMMUNITY POLICING; “COPS ON THE BEAT”.**

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

1 (1) by redesignating part Q as part R;

2 (2) by redesignating section 1701 as section
3 1801; and

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

6 **“PART Q—PUBLIC SAFETY AND CITY POLICING;**

7 **‘COPS ON THE BEAT’**

8 **“SEC. 1701. AUTHORITY TO MAKE PUBLIC SAFETY AND**
9 **COMMUNITY POLICING GRANTS.**

10 “(a) GRANT AUTHORIZATION.—The Attorney Gen-
11 eral may make grants to units of State and local govern-
12 ment, and to other public and private entities, to increase
13 police presence, to expand and improve cooperative efforts
14 between law enforcement agencies and members of the
15 community to address crime and disorder problems, and
16 otherwise to enhance public safety.

17 “(b) REHIRING AND HIRING GRANT PROJECTS.—
18 Grants made under subsection (a) may be used for pro-
19 grams, projects, and other activities to—

20 “(1) rehire law enforcement officers who have
21 been laid off as a result of State and local budget
22 reductions for deployment in community-oriented po-
23 licing; and

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

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

7 “(1) increase the number of law enforcement
8 officers involved in activities that are focused on
9 interaction with members of the community on
10 proactive crime control and prevention by redeploy-
11 ing officers to such activities;

12 “(2) provide specialized training to law enforce-
13 ment officers to enhance their conflict resolution,
14 mediation, problem solving, service, and other skills
15 needed to work in partnership with members of the
16 community;

17 “(3) increase police participation in multidisci-
18 plinary early intervention teams;

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

23 “(5) develop and implement innovative pro-
24 grams to permit members of the community to assist

1 State and local law enforcement agencies in the pre-
2 vention of crime in the community;

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

7 “(7) establish and implement innovative pro-
8 grams to increase and enhance proactive crime con-
9 trol and prevention programs involving law enforce-
10 ment officers and young persons in the community;
11 and

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

16 “(d) PREFERENTIAL CONSIDERATION OF APPLICA-
17 TIONS FOR CERTAIN GRANTS.—In awarding grants under
18 this part, the Attorney General may give preferential con-
19 sideration to grants for hiring and rehiring additional ca-
20 reer law enforcement officers that involve a non-Federal
21 contribution exceeding the 25 percent minimum under
22 subsection (h).

23 “(e) TECHNICAL ASSISTANCE.—(1) The Attorney
24 General may provide technical assistance to units of State
25 and local government, and to other public and private enti-

1 ties, in furtherance of the purposes of the Public Safety
2 Partnership and Community Policing Act of 1993.

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

9 “(3) The technical assistance provided by the Attor-
10 ney General may include the establishment and operation
11 of training centers or facilities, either directly or by con-
12 tracting or cooperative arrangements. The functions of the
13 centers or facilities established under this paragraph may
14 include instruction and seminars for police executives,
15 managers, trainers and supervisors concerning community
16 or problem-oriented policing and improvements in police-
17 community interaction and cooperation that further the
18 purposes of the Public Safety Partnership and Community
19 Policing Act of 1993.

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

23 “(g) MINIMUM AMOUNT.—Each qualifying State, to-
24 gether with grantees within the State, shall receive in each
25 fiscal year pursuant to subsection (a) not less than 0.5

1 percent of the total amount appropriated in the fiscal year
2 for grants pursuant to that subsection. In this subsection,
3 ‘qualifying State’ means any State which has submitted
4 an application for a grant, or in which an eligible entity
5 has submitted an application for a grant, which meets the
6 requirements prescribed by the Attorney General and the
7 conditions set out in this part.

8 “(h) MATCHING FUNDS.—The portion of the costs
9 of a program, project, or activity provided by a grant
10 under subsection (a) may not exceed 75 percent, unless
11 the Attorney General waives, wholly or in part, the re-
12 quirement under this subsection of a non-Federal con-
13 tribution to the costs of a program, project, or activity.
14 In relation to a grant for a period exceeding 1 year for
15 hiring or rehiring career law enforcement officers, the
16 Federal share shall decrease from year to year for up to
17 5 years, looking toward the continuation of the increased
18 hiring level using State or local sources of funding follow-
19 ing the conclusion of Federal support, as provided in an
20 approved plan pursuant to section 1702(c)(8).

21 “(i) ALLOCATION OF FUNDS.—The funds available
22 under this part shall be allocated as provided in section
23 1001(a)(11)(B).

24 “(j) TERMINATION OF GRANTS FOR HIRING OFFI-
25 CERS.—The authority under subsection (a) of this section

1 to make grants for the hiring and rehiring of additional
2 career law enforcement officers shall lapse at the conclu-
3 sion of 6 years from the date of enactment of this part.
4 Prior to the expiration of this grant authority, the Attor-
5 ney General shall submit a report to Congress concerning
6 the experience with and effects of such grants. The report
7 may include any recommendations the Attorney General
8 may have for amendments to this part and related provi-
9 sions of law in light of the termination of the authority
10 to make grants for the hiring and rehiring of additional
11 career law enforcement officers.

12 **“SEC. 1702. APPLICATIONS.**

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

16 “(b) APPLICATION.—An application for a grant
17 under this part shall be submitted in such form, and con-
18 tain such information, as the Attorney General may pre-
19 scribe by regulation or guidelines.

20 “(c) CONTENTS.—In accordance with the regulations
21 or guidelines established by the Attorney General, each ap-
22 plication for a grant under this part shall—

23 “(1) include a long-term strategy and detailed
24 implementation plan that reflects consultation with
25 community groups and appropriate private and pub-

1 lic agencies and reflects consideration of the state-
2 wide strategy under section 503(a)(1);

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

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

6 “(4) identify related governmental and commu-
7 nity initiatives which complement or will be coordi-
8 nated with the proposal;

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

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

15 “(7) specify plans for obtaining necessary sup-
16 port and continuing the proposed program, project,
17 or activity following the conclusion of Federal sup-
18 port; and

19 “(8) if the application is for a grant for hiring
20 or rehiring additional career law enforcement offi-
21 cers—

22 “(A) specify plans for the assumption by
23 the grantee of a progressively larger share of
24 the cost in the course of time, looking toward
25 the continuation of the increased hiring level

1 using State or local sources of funding following
2 the conclusion of Federal support;

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

6 “(C) explain how the grant will be utilized
7 to reorient the affected law enforcement agen-
8 cy’s mission toward community-oriented polic-
9 ing or enhance its involvement in or commit-
10 ment to community-oriented policing.

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

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

17 “(b) INITIAL REVIEW OF APPLICATION.—(1) The
18 State office referred to in subsection (a) shall review appli-
19 cations for grants under this part submitted to it, based
20 upon criteria specified by the Attorney General by regula-
21 tion or guidelines.

22 “(2) Upon completion of the reviews required by
23 paragraph (1), the State office referred to in subsection
24 (a) shall determine which, if any, of the applications for
25 grants under this part are most likely to be successful in

1 achieving the purposes of the Public Safety Partnership
2 and Community Policing Act of 1993.

3 “(3)(A) The State office referred to in subsection (a)
4 shall list the applications for grants under this part in
5 order of their likelihood of achieving the purposes of the
6 Public Safety Partnership and Community Policing Act
7 of 1993 and shall submit the list along with all grant ap-
8 plications and supporting materials received to the Attor-
9 ney General.

10 “(B) In making the submission to the Attorney Gen-
11 eral required by subparagraph (A), the State office re-
12 ferred to in subsection (a) may recommend that a particu-
13 lar application or applications should receive special prior-
14 ity and provide supporting reasons for the recommenda-
15 tion.

16 “(c) DIRECT APPLICATION TO THE ATTORNEY GEN-
17 ERAL BY CERTAIN MUNICIPALITIES.—Notwithstanding
18 subsection (a), municipalities the population of which ex-
19 ceeds 150,000 may submit an application for a grant
20 under this part directly to the Attorney General. In this
21 subsection, ‘municipalities the population of which exceeds
22 150,000’ means units of local government or law enforce-
23 ment agencies having jurisdiction over areas with popu-
24 lations exceeding 150,000, and consortia or associations

1 that include one or more such units of local government
2 or law enforcement agencies.

3 “(d) DIRECT APPLICATION TO THE ATTORNEY GEN-
4 ERAL BY OTHER APPLICANTS.—Notwithstanding sub-
5 section (a), if a State chooses not to carry out the func-
6 tions described in subsection (b), an applicant in the State
7 may submit an application for a grant under this part di-
8 rectly to the Attorney General.

9 **“SEC. 1704. RENEWAL OF GRANTS.**

10 “(a) IN GENERAL.—Except for grants made for hir-
11 ing or rehiring additional career law enforcement officers,
12 a grant under this part may be renewed for up to 2 addi-
13 tional years after the first fiscal year during which a recip-
14 ient receives its initial grant, if the Attorney General de-
15 termines that the funds made available to the recipient
16 were used in a manner required under an approved appli-
17 cation and if the recipient can demonstrate significant
18 progress in achieving the objectives of the initial applica-
19 tion.

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

1 “(c) MULTIYEAR GRANTS.—A grant for a period ex-
2 ceeding 1 year may be renewed as provided in this section,
3 except that the total duration of such a grant including
4 any renewals may not exceed 3 years, or 6 years if it is
5 a grant made for hiring or rehiring additional career law
6 enforcement officers.

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

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

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

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

23 “(d) HIRING COSTS.—Annual funding provided
24 under this part for hiring or rehiring a career law enforce-

1 ment officer may not exceed \$50,000, unless the Attorney
2 General grants a waiver from this limitation.

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

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

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

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

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

1 pliance with the terms and requirements of an approved
2 grant application submitted under section 1702, the Attor-
3 ney General may revoke or suspend funding of that grant,
4 in whole or in part.

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

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

14 “(b) BY THE COMPTROLLER GENERAL.—Subsection
15 (a) shall apply with respect to audits and examinations
16 conducted by the Comptroller General of the United
17 States or by an authorized representative of the Comptrol-
18 ler General.

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

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

22 **“SEC. 1710. DEFINITION.**

23 “In this part, ‘career law enforcement officer’ means
24 a person hired on a permanent basis who is authorized
25 by law or by a State or local public agency to engage in

1 or supervise the prevention, detection, or investigation of
2 violations of criminal laws.”.

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

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

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

“Sec. 1702. Applications.

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

“Sec. 1704. Renewal of grants.

“Sec. 1705. Limitation on use of funds.

“Sec. 1706. Performance evaluation.

“Sec. 1707. Revocation or suspension of funding.

“Sec. 1708. Access to documents.

“Sec. 1709. General regulatory authority.

“Sec. 1710. Definition.

“PART R—TRANSITION; EFFECTIVE DATE; REPEALER

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

7 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
8 1001(a) of title I of the Omnibus Crime Control and Safe
9 Streets Act of 1968 (42 U.S.C. 3793) is amended—

10 (1) in paragraph (3) by striking “and O” and
11 inserting “O, P, and Q”; and

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

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

16 “(i) \$620,000,000 for fiscal year 1994;

17 “(ii) \$1,040,000,000 for fiscal year 1995;

18 “(iii) \$1,160,000,000 for fiscal year 1996;

1 “(iv) \$1,225,000,000 for fiscal year 1997; and

2 “(v) \$1,200,000,000 for fiscal year 1998.

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

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

4 **TITLE II—DEATH PENALTY**

5 **SEC. 201. SHORT TITLE.**

6 This title may be cited as the “Federal Death Penalty
 7 Act of 1993”.

8 **SEC. 202. CONSTITUTIONAL PROCEDURES FOR THE IMPO-** 9 **SITION OF THE SENTENCE OF DEATH.**

10 (a) IN GENERAL.—Part II of title 18, United States
 11 Code, is amended by inserting after chapter 227 the fol-
 12 lowing new chapter:

13 **“CHAPTER 228—DEATH SENTENCE**

“Sec.

“3591. Sentence of death.

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

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

“3594. Imposition of a sentence of death.

“3595. Review of a sentence of death.

“3596. Implementation of a sentence of death.

“3597. Use of State facilities.

“3598. Special provisions for Indian country.

14 **“§ 3591. Sentence of death**

15 “A defendant who has been found guilty of—

16 “(1) an offense described in section 794 or sec-
 17 tion 2381;

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

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

5 “(3) any other offense for which a sentence of
6 death is provided, if the defendant, as determined
7 beyond a reasonable doubt at the hearing under sec-
8 tion 3593—

9 “(A) intentionally killed the victim;

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

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

18 “(D) intentionally and specifically engaged
19 in an act, knowing that the act created a grave
20 risk of death to a person, other than one of the
21 participants in the offense, such that participa-
22 tion in the act constituted a reckless disregard
23 for human life and the victim died as a direct
24 result of the act,

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

7 **“§ 3592. Mitigating and aggravating factors to be con-**
8 **sidered in determining whether a sen-**
9 **tence of death is justified**

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

14 “(1) IMPAIRED CAPACITY.—The defendant’s ca-
15 pacity to appreciate the wrongfulness of the defend-
16 ant’s conduct or to conform conduct to the require-
17 ments of law was significantly impaired, regardless
18 of whether the capacity was so impaired as to con-
19 stitute a defense to the charge.

20 “(2) DURESS.—The defendant was under un-
21 usual and substantial duress, regardless of whether
22 the duress was of such a degree as to constitute a
23 defense to the charge.

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

1 committed by another, but the defendant's participa-
2 tion was relatively minor, regardless of whether the
3 participation was so minor as to constitute a defense
4 to the charge.

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

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

11 “(6) DISTURBANCE.—The defendant committed
12 the offense under severe mental or emotional dis-
13 turbance.

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

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

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

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

3 “(1) PRIOR ESPIONAGE OR TREASON OF-
4 FENSE.—The defendant has previously been con-
5 victed of another offense involving espionage or trea-
6 son for which a sentence of either life imprisonment
7 or death was authorized by law.

8 “(2) GRAVE RISK TO NATIONAL SECURITY.—In
9 the commission of the offense the defendant know-
10 ingly created a grave risk of substantial danger to
11 the national security.

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

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

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

1 “(1) DEATH DURING COMMISSION OF ANOTHER
2 CRIME.—The death, or injury resulting in death, oc-
3 curred during the commission or attempted commis-
4 sion of, or during the immediate flight from the
5 commission of, an offense under section 32 (destruc-
6 tion of aircraft or aircraft facilities), section 33 (de-
7 struction of motor vehicles or motor vehicle facili-
8 ties), section 36 (violence at international airports),
9 section 351 (violence against Members of Congress,
10 Cabinet officers, or Supreme Court Justices), an of-
11 fense under section 751 (prisoners in custody of in-
12 stitution or officer), section 794 (gathering or deliv-
13 ering defense information to aid foreign govern-
14 ment), section 844(d) (transportation of explosives
15 in interstate commerce for certain purposes), section
16 844(f) (destruction of Government property by ex-
17 plosives), section 1118 (prisoners serving life term),
18 section 1201 (kidnaping), section 844(i) (destruction
19 of property affecting interstate commerce by explo-
20 sives), section 1116 (killing or attempted killing of
21 diplomats), section 1203 (hostage taking), section
22 1992 (wrecking trains), section 2280 (maritime vio-
23 lence), section 2281 (maritime platform violence),
24 section 2332 (terrorist acts abroad against United
25 States nationals), section 2339 (use of weapons of

1 mass destruction), or section 2381 (treason) of this
2 title, or section 902 (i) or (n) of the Federal Avia-
3 tion Act of 1958 (49 U.S.C. 1472 (i) or (n)) (air-
4 craft piracy).

5 “(2) INVOLVEMENT OF FIREARM OR PREVIOUS
6 CONVICTION OF VIOLENT FELONY INVOLVING FIRE-
7 ARM.—For any offense, other than an offense for
8 which a sentence of death is sought on the basis of
9 section 924(c), the defendant—

10 “(A) during and in relation to the commis-
11 sion of the offense or in escaping or attempting
12 to escape apprehension used or possessed a fire-
13 arm (as defined in section 921); or

14 “(B) has previously been convicted of a
15 Federal or State offense punishable by a term
16 of imprisonment of more than 1 year, involving
17 the use or attempted or threatened use of a
18 firearm (as defined in section 921) against an-
19 other person.

20 “(3) PREVIOUS CONVICTION OF OFFENSE FOR
21 WHICH A SENTENCE OF DEATH OR LIFE IMPRISON-
22 MENT WAS AUTHORIZED.—The defendant has pre-
23 viously been convicted of another Federal or State
24 offense resulting in the death of a person, for which

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

3 “(4) PREVIOUS CONVICTION OF OTHER SERI-
4 OUS OFFENSES.—The defendant has previously been
5 convicted of 2 or more Federal or State offenses,
6 punishable by a term of imprisonment of more than
7 1 year, committed on different occasions, involving
8 the infliction of, or attempted infliction of, serious
9 bodily injury or death upon another person.

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

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

21 “(7) PROCUREMENT OF OFFENSE BY PAY-
22 MENT.—The defendant procured the commission of
23 the offense by payment, or promise of payment, of
24 anything of pecuniary value.

1 “(8) PECUNIARY GAIN.—The defendant com-
2 mitted the offense as consideration for the receipt,
3 or in the expectation of the receipt, of anything of
4 pecuniary value.

5 “(9) SUBSTANTIAL PLANNING AND
6 PREMEDITATION.—The defendant committed the of-
7 fense after substantial planning and premeditation
8 to cause the death of a person or commit an act of
9 terrorism.

10 “(10) CONVICTION FOR TWO FELONY DRUG OF-
11 FENSES.—The defendant has previously been con-
12 victed of 2 or more State or Federal offenses pun-
13 ishable by a term of imprisonment of more than one
14 year, committed on different occasions, involving the
15 distribution of a controlled substance.

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

19 “(12) CONVICTION FOR SERIOUS FEDERAL
20 DRUG OFFENSES.—The defendant had previously
21 been convicted of violating title II or III of the Con-
22 trolled Substances Act for which a sentence of 5 or
23 more years may be imposed or had previously been
24 convicted of engaging in a continuing criminal enter-
25 prise.

1 “(13) CONTINUING CRIMINAL ENTERPRISE IN-
2 VOLVING DRUG SALES TO MINORS.—The defendant
3 committed the offense in the course of engaging in
4 a continuing criminal enterprise in violation of sec-
5 tion 408(c) of the Controlled Substances Act (21
6 U.S.C. 848(c)), and that violation involved the dis-
7 tribution of drugs to persons under the age of 21 in
8 violation of section 418 of that Act (21 U.S.C. 859).

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

11 “(A) the President of the United States,
12 the President-elect, the Vice President, the
13 Vice-President-elect, the Vice-President-des-
14 ignate, or, if there is no Vice President, the of-
15 ficer next in order of succession to the office of
16 the President of the United States, or any per-
17 son who is acting as President under the Con-
18 stitution and laws of the United States;

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

21 “(C) a foreign official listed in section
22 1116(b)(3)(A), if the official is in the United
23 States on official business; or

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

1 ployee of a United States penal or correctional
2 institution—

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

5 “(ii) because of the performance of his
6 or her official duties; or

7 “(iii) because of his or her status as
8 a public servant.

9 For purposes of this subparagraph, a ‘law en-
10 forcement officer’ is a public servant authorized
11 by law or by a Government agency or Congress
12 to conduct or engage in the prevention, inves-
13 tigation, or prosecution or adjudication of an
14 offense, and includes those engaged in correc-
15 tions, parole, or probation functions.

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

19 **“§ 3593. Special hearing to determine whether a sen-
20 tence of death is justified**

21 “(a) NOTICE BY THE GOVERNMENT.—If, in a case
22 involving an offense described in section 3591, the attor-
23 ney for the government believes that the circumstances of
24 the offense are such that a sentence of death is justified
25 under this chapter, the attorney shall, a reasonable time

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

4 “(1) stating that the government believes that
5 the circumstances of the offense are such that, if the
6 defendant is convicted, a sentence of death is justi-
7 fied under this chapter and that the government will
8 seek the sentence of death; and

9 “(2) setting forth the aggravating factor or fac-
10 tors that the government, if the defendant is con-
11 victed, proposes to prove as justifying a sentence of
12 death.

13 The factors for which notice is provided under this sub-
14 section may include factors concerning the effect of the
15 offense on the victim and the victim’s family, and may
16 include oral testimony, a victim impact statement that
17 identifies the victim of the offense and the extent and
18 scope of the injury and loss suffered by the victim and
19 the victim’s family, and any other relevant information.
20 The court may permit the attorney for the government
21 to amend the notice upon a showing of good cause.

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

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

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

8 “(2) before a jury impaneled for the purpose of
9 the hearing if—

10 “(A) the defendant was convicted upon a
11 plea of guilty;

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

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

16 “(D) after initial imposition of a sentence
17 under this section, reconsideration of the sen-
18 tence under this section is necessary; or

19 “(3) before the court alone, upon the motion of
20 the defendant and with the approval of the attorney
21 for the government.

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

1 “(c) PROOF OF MITIGATING AND AGGRAVATING FAC-
2 TORS.—Notwithstanding rule 32(c) of the Federal Rules
3 of Criminal Procedure, when a defendant is found guilty
4 or pleads guilty to an offense under section 3591, no
5 presentence report shall be prepared. At the sentencing
6 hearing, information may be presented as to any matter
7 relevant to the sentence, including any mitigating or ag-
8 gravating factor permitted or required to be considered
9 under section 3592. Information presented may include
10 the trial transcript and exhibits if the hearing is held be-
11 fore a jury or judge not present during the trial. The de-
12 fendant may present any information relevant to a miti-
13 gating factor. The government may present any informa-
14 tion relevant to an aggravating factor for which notice has
15 been provided under subsection (a). The government and
16 the defendant shall be permitted to rebut any information
17 received at the hearing, and shall be given fair opportunity
18 to present argument as to the adequacy of the information
19 to establish the existence of any aggravating or mitigating
20 factor, and as to the appropriateness in the case of impos-
21 ing a sentence of death. The government shall open the
22 argument. The defendant shall be permitted to reply. The
23 government shall then be permitted to reply in rebuttal.
24 The burden of establishing the existence of any aggravat-
25 ing factor is on the government, and is not satisfied unless

1 the existence of such a factor is established beyond a rea-
2 sonable doubt. The burden of establishing the existence
3 of any mitigating factor is on the defendant, and is not
4 satisfied unless the existence of such a factor is established
5 by a preponderance of the information.

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

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

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

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

7 the jury, or if there is no jury, the court, shall consider
8 whether all the aggravating factor or factors found to exist
9 sufficiently outweigh all the mitigating factor or factors
10 found to exist to justify a sentence of death, or, in the
11 absence of a mitigating factor, whether the aggravating
12 factor or factors alone are sufficient to justify a sentence
13 of death. Based upon this consideration, the jury by unan-
14 imous vote, or if there is no jury, the court, shall rec-
15 ommend whether the defendant should be sentenced to
16 death, to life imprisonment without possibility of release
17 or some other lesser sentence. The jury or the court, if
18 there is no jury, regardless of its findings with respect to
19 aggravating and mitigating factors, is never required to
20 impose a death sentence and the jury shall be so in-
21 structed.

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

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

18 **“§ 3594. Imposition of a sentence of death**

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

1 may impose a sentence of life imprisonment without possi-
2 bility of release.

3 **“§ 3595. Review of a sentence of death**

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

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

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

14 “(2) the information submitted during the sen-
15 tencing hearing;

16 “(3) the procedures employed in the sentencing
17 hearing; and

18 “(4) the special findings returned under section
19 3593(d).

20 “(c) DECISION AND DISPOSITION.—

21 “(1) The court of appeals shall address all sub-
22 stantive and procedural issues raised on the appeal
23 of a sentence of death, and shall consider whether
24 the sentence of death was imposed under the influ-
25 ence of passion, prejudice, or any other arbitrary

1 factor and whether the evidence supports the special
2 finding of the existence of an aggravating factor re-
3 quired to be considered under section 3592.

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

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

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

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

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

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

23 **“§ 3596. Implementation of a sentence of death**

24 “(a) IN GENERAL.—A person who has been sen-
25 tenced to death pursuant to this chapter shall be commit-

1 ted to the custody of the Attorney General until exhaus-
2 tion of the procedures for appeal of the judgment of con-
3 viction and for review of the sentence. When the sentence
4 is to be implemented, the Attorney General shall release
5 the person sentenced to death to the custody of a United
6 States marshal, who shall supervise implementation of the
7 sentence in the manner prescribed by the law of the State
8 in which the sentence is imposed. If the law of the State
9 does not provide for implementation of a sentence of
10 death, the court shall designate another State, the law of
11 which does provide for the implementation of a sentence
12 of death, and the sentence shall be implemented in the
13 latter State in the manner prescribed by such law.

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

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

22 **“§ 3597. Use of State facilities**

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

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

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

20 **“§ 3598. Special provisions for Indian country**

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

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

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

“**228. Death sentence** **3591”.**

9 **SEC. 203. SPECIFIC OFFENSES FOR WHICH DEATH PEN-**
 10 **ALTY IS AUTHORIZED.**

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

13 (1) AIRCRAFT AND MOTOR VEHICLES.—Section
 14 34 of title 18, United States Code, is amended by
 15 striking the comma after “imprisonment for life”,
 16 inserting a period, and striking the remainder of the
 17 section.

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

1 iation against large-scale attack; war plans; commu-
2 nications intelligence or cryptographic information;
3 or any other major weapons system or major ele-
4 ment of defense strategy.”.

5 (3) EXPLOSIVE MATERIALS.—(A) Section
6 844(d) of title 18, United States Code, is amended
7 by striking “as provided in section 34 of this title”.

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

11 (C) Section 844(i) of title 18, United States
12 Code, is amended by striking “as provided in section
13 34 of this title”.

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

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

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

1 (6) KIDNAPPING.—Section 1201(a) of title 18,
2 United States Code, is amended by inserting after
3 “or for life” the following: “and, if the death of any
4 person results, shall be punished by death or life im-
5 prisonment”.

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

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

14 “(c) Whoever attempts to kill or kidnap any individ-
15 ual designated in subsection (a) of this section, shall be
16 punished—

17 “(1) by imprisonment for any term of years or
18 for life; or

19 “(2) if the conduct constitutes an attempt to in-
20 tentiously kill the President of the United States
21 and results in bodily injury to the President or oth-
22 erwise comes dangerously close to causing the death
23 of the President, by death or imprisonment for any
24 term of years or for life.”.

1 (9) WRECKING TRAINS.—The second to the last
2 undesignated paragraph of section 1992 of title 18,
3 United States Code, is amended by striking the
4 comma after “imprisonment for life”, inserting a pe-
5 riod, and striking the remainder of the section.

6 (10) BANK ROBBERY.—Section 2113(e) of title
7 18, United States Code, is amended by striking “or
8 punished by death if the verdict of the jury shall so
9 direct” and inserting “or if death results shall be
10 punished by death or life imprisonment”.

11 (11) HOSTAGE TAKING.—Section 1203(a) of
12 title 18, United States Code, is amended by insert-
13 ing after “or for life” the following: “and, if the
14 death of any person results, shall be punished by
15 death or life imprisonment”.

16 (12) MURDER FOR HIRE.—Section 1958 of title
17 18, United States Code, is amended by striking
18 “and if death results, shall be subject to imprison-
19 ment for any term of years or for life, or shall be
20 fined not more than \$50,000, or both” and inserting
21 “and if death results, shall be punished by death or
22 life imprisonment, or shall be fined not more than
23 \$250,000, or both”.

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

4 “(1) for murder, by death or life imprisonment,
5 or a fine of not more than \$250,000, or both; and
6 for kidnapping, by imprisonment for any term of
7 years or for life, or a fine of not more than
8 \$250,000, or both;”.

9 (14) GENOCIDE.—Section 1091(b)(1) of title
10 18, United States Code, is amended by striking “a
11 fine of not more than \$1,000,000 or imprisonment
12 for life,” and inserting “, where death results, by
13 death or imprisonment for life and a fine of not
14 more than \$1,000,000, or both;”.

15 (15) CARJACKING.—Section 2119(3) of title 18,
16 United States Code, is amended by striking the pe-
17 riod after “both” and inserting “, or sentenced to
18 death.”.

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

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

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

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

8 (a) IN GENERAL.—Chapter 51 of title 18, United
9 States Code, is amended by adding at the end the follow-
10 ing new section:

11 **“§ 1118. Murder by a Federal prisoner**

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

16 “(b) DEFINITIONS.—In this section—

17 “‘Federal correctional institution’ means any
18 Federal prison, Federal correctional facility, Federal
19 community program center, or Federal halfway
20 house.

21 “‘murder’ means a first degree or second de-
22 gree murder (as defined by section 1111).

23 “‘term of life imprisonment’ means a sentence
24 for the term of natural life, a sentence commuted to
25 natural life, an indeterminate term of a minimum of

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

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

“1118. Murder by a Federal prisoner.”.

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

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

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

15 (c) FEDERALLY PROTECTED ACTIVITIES.—Section
16 245(b) of title 18, United States Code, is amended in the
17 matter following paragraph (5) by inserting “, or may be
18 sentenced to death” after “or for life”.

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

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

3 Section 1114(a) of title 18, United States Code, is
4 amended by striking “punished as provided under sections
5 1111 and 1112 of this title,” and inserting “punished, in
6 the case of murder, by a sentence of death or life imprison-
7 ment as provided under section 1111, or, in the case of
8 manslaughter, a sentence as provided under section
9 1112.”.

10 **SEC. 208. NEW OFFENSE FOR THE INDISCRIMINATE USE OF**
11 **WEAPONS TO FURTHER DRUG CONSPIR-**
12 **ACIES.**

13 (a) **SHORT TITLE.**—This section may be cited as the
14 “Drive-By Shooting Prevention Act of 1993”.

15 (b) **IN GENERAL.**—Chapter 2 of title 18, United
16 States Code, is amended by adding at the end the follow-
17 ing new section:

18 **“§ 36. Drive-by shooting**

19 “(a) **DEFINITION.**—In this section, ‘major drug of-
20 fense’ means—

21 “(1) a continuing criminal enterprise punish-
22 able under section 403(c) of the Controlled Sub-
23 stances Act (21 U.S.C. 848(c));

24 “(2) a conspiracy to distribute controlled sub-
25 stances punishable under section 406 of the Con-
26 trolled Substances Act (21 U.S.C. 846) section 1013

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

3 “(3) an offense involving major quantities of
4 drugs and punishable under section 401(b)(1)(A) of
5 the Controlled Substances Act (21 U.S.C.
6 841(b)(1)(A)) or section 1010(b)(1) of the Con-
7 trolled Substances Import and Export Act (21
8 U.S.C. 960(b)(1)).

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

16 “(2) A person who, in furtherance or to escape detec-
17 tion of a major drug offense and with the intent to intimi-
18 date, harass, injure, or maim, fires a weapon into a group
19 of 2 or more persons and who, in the course of such con-
20 duct, kills any person shall, if the killing—

21 “(A) is a first degree murder (as defined in sec-
22 tion 1111(a)), be punished by death or imprison-
23 ment for any term of years or for life, fined under
24 this title, or both; or

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

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

14 (b) TECHNICAL AMENDMENTS.—(1) Section 1117 of
15 title 18, United States Code, is amended by striking “or
16 1116” and inserting “1116, or 1118”.

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

“1118. Foreign murder of United States nationals.”.

20 **SEC. 210. DEATH PENALTY FOR RAPE AND CHILD MOLES-**
21 **TATION MURDERS.**

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

24 (1) by redesignating section 2245 as section
25 2246; and

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

3 **“§ 2245. Sexual abuse resulting in death**

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

8 (b) TECHNICAL AMENDMENTS.—The chapter analy-
9 sis for chapter 109A of title 18, United States Code, is
10 amended by striking the item for section 2245 and insert-
11 ing the following:

“2245. Sexual abuse resulting in death.

“2246. Definitions for chapter.”.

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

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

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

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

1 **“§ 1119. Murder by escaped prisoners**

2 “(a) DEFINITION.—In this section, ‘Federal prison’
3 and ‘term of life imprisonment’ have the meanings stated
4 in section 1118.

5 “(b) OFFENSE AND PENALTY.—A person, having es-
6 caped from a Federal prison where the person was con-
7 fined under a sentence for a term of life imprisonment,
8 kills another shall be punished as provided in sections
9 1111 and 1112.”.

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

“1119. Murder by escaped prisoners.”.

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

17 Section 924 of title 18, United States Code, is
18 amended by adding at the end the following new sub-
19 section:

20 “(i) A person who, in the course of a violation of sub-
21 section (c), causes the death of a person through the use
22 of a firearm, shall—

23 “(1) if the killing is a murder (as defined in
24 section 1111), be punished by death or by imprison-
25 ment for any term of years or for life; and

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

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

8 **SEC. 301. SHORT TITLE.**

9 This title may be cited as “An Act to enforce the
10 fourteenth amendment and to reform habeas corpus.”.

11 **SEC. 302. FILING DEADLINES.**

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

14 (1) by amending the heading to read as follows:

15 **“§2242. Filing of habeas corpus petition; time re-**
16 **quirements; tolling rules”;**

17 (2) by inserting “(a)(1)” before the first para-
18 graph, “(2)” before the second paragraph, “(3)” be-
19 fore the third paragraph, and “(4)” before the
20 fourth paragraph;

21 (3) by amending the third paragraph, as des-
22 ignated by paragraph (3), to read as follows:

23 “ (3) Leave to amend or supplement the petition shall
24 be freely given, as provided in the rules of procedure appli-
25 cable to civil actions.”; and

1 (4) by adding at the end the following new sub-
2 sections:

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

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

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

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

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

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

4 “(2) The time requirements established by subsection
5 (b) shall not apply unless the State has provided notice
6 to a petitioner under sentence of death of the time require-
7 ments established by this section. Such notice shall be pro-
8 vided upon the final disposition of the initial petition for
9 State post-conviction review.

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

13 “(A) during any period in which the State has
14 failed to appoint counsel for State post-conviction re-
15 view as required in section 2258;

16 “(B) during any period in which the petitioner
17 is incompetent; and

18 “(C) during an additional period, not to exceed
19 60 days, if the petitioner makes a showing of good
20 cause.

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

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

1 “(B) a request for counsel for post-conviction
2 review,
3 before the expiration of the period described in subsection
4 (b), the petitioner shall have 180 days to file a petition
5 under this chapter upon completion of the State court re-
6 view.

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

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

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

1 “(ii) the State provides counsel to the peti-
2 tioner, if a request for counsel for State post-convic-
3 tion review is not filed, upon the filing of a petition
4 for post-conviction review.

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

8 “(A) during any period in which the petitioner
9 is incompetent; and

10 “(B) during an additional period, not to exceed
11 60 days, if the petitioner makes a showing of good
12 cause.

13 “(e) An application that is not filed within the time
14 requirements established by subsection (b) shall be gov-
15 erned by section 2244(b).”.

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

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

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

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

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

1 (2) by adding at the end the following new sub-
2 sections:

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

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

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

16 “(A) the time for filing a petition for a
17 writ of certiorari expires before a petition is
18 filed;

19 “(B) a timely petition for a writ of certio-
20 rari is filed and the Supreme Court denies the
21 petition; or

22 “(C) a timely petition for certiorari is filed
23 and, upon consideration of the case, the Su-
24 preme Court disposes of it in a manner that
25 leaves the capital sentence undisturbed; or

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

6 “(c) If any 1 of the conditions in subsection (b) has
7 occurred, no Federal court thereafter shall have the au-
8 thority to enter a stay of execution unless the applicant
9 has filed a habeas corpus petition that satisfies, on its
10 face, section 2244(b) or 2256. A stay granted pursuant
11 to this subsection shall expire if, after the grant of the
12 stay, 1 of the conditions specified in subsection (b) (2)
13 or (3) occurs.”.

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

15 (a) LIMITS ON NEW RULES.—

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

20 **“§ 2257. Law applicable**

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

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

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

6 “(2) the new rule constitutes a watershed rule
7 of criminal procedure implicating the fundamental
8 fairness and accuracy of the criminal proceeding.

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

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

“2257. Law applicable.”.

17 (b) STANDARD OF REVIEW.—Section 2254(a) of title
18 28, United States Code, is amended by adding at the end
19 the following: “Except as to Fourth Amendment claims
20 controlled by *Stone v. Powell*, 428 U.S. 465 (1976), the
21 Federal courts, in reviewing an application under this sec-
22 tion, shall review *de novo* the rulings of a State court on
23 matters of Federal law, including the application of Fed-
24 eral law to facts, regardless of whether the opportunity
25 for a full and fair hearing on such Federal questions has

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

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

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

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

10 “(A) the petitioner shows that—

11 “(i) the failure to raise the claim pre-
12 viously was the result of interference by State
13 officials with the presentation of the claim, in
14 violation of the Constitution or laws of the
15 United States;

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

19 “(iii) the factual predicate for the claim
20 could not have been discovered previously
21 through the exercise of reasonable diligence;
22 and

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

1 “(i) undermine the court’s confidence in
2 the factfinder’s determination of the applicant’s
3 guilt of the offense or offenses for which the
4 sentence was imposed; or

5 “(ii) demonstrate that no reasonable sen-
6 tencing authority would have found an aggra-
7 vating circumstance or other condition of eligi-
8 bility for a capital or noncapital sentence, or
9 otherwise would have imposed a sentence of
10 death.

11 “(2) Notwithstanding other matters pending before
12 the court, claims for relief under this subsection from a
13 case in which a sentence of death was imposed shall re-
14 ceive a prompt review in a manner consistent with the in-
15 terests of justice.”.

16 **SEC. 306. NEW EVIDENCE.**

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

20 **“§ 2256. Capital cases; new evidence**

21 “For purposes of this chapter, a claim arising from
22 a violation of the Constitution, laws, or treaties of the
23 United States shall include a claim by a person under sen-
24 tence of death that is based on factual allegations that,
25 if proven and viewed in light of the evidence as a whole,

1 would be sufficient to demonstrate that no reasonable
2 factfinder would have found the petitioner guilty of the
3 offense or that no reasonable sentencing authority would
4 have found an aggravating circumstance or other condi-
5 tion of eligibility for the sentence. Such a claim shall be
6 dismissed if the facts supporting the claim were actually
7 known to the petitioner during a prior stage of the litiga-
8 tion in which the claim was not raised. Notwithstanding
9 any other provision of this chapter, the claim shall not
10 be subject to section 2244(b) or the time requirements es-
11 tablished by section 2242. In all other respects, the claim
12 shall be subject to the rules applicable to claims under this
13 chapter.”.

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

“2258. Capital cases; new evidence.”.

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

19 The third paragraph of section 2253 of title 28, Unit-
20 ed States Code, is amended by adding at the end the fol-
21 lowing: “However, an applicant under sentence of death
22 shall have a right of appeal without a certificate of prob-
23 able cause, except after denial of a habeas corpus petition
24 filed under section 2244(b).”.

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

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

5 **“§ 2258. Counsel in capital cases; State court**

6 “(a) FINDING AND DECLARATION.—The Congress
7 finds that inadequate representation in State capital
8 trials, appeals and post-conviction proceedings increases
9 unacceptably the risk of constitutional and factual error.
10 The possibility of such errors puts into question the valid-
11 ity of individual convictions and the conformity of State
12 criminal justice systems with the commands of the Due
13 Process Clause of the Fourteenth Amendment. The Con-
14 gress therefore determines that the following requirements
15 are a necessary and appropriate means, pursuant to its
16 authority under section 5 of that Amendment, of enforcing
17 the Due Process Clause.

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

21 “(A) indigents charged with offenses for which
22 capital punishment is sought;

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

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

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

6 “(c) COUNSEL CERTIFICATION AUTHORITY.—A
7 State in which a sentence of death may be imposed under
8 State law shall, within 180 days after the date of enact-
9 ment of this subsection, establish a State counsel certifi-
10 cation authority, which shall be comprised of members of
11 the bar with substantial experience in, or commitment to,
12 the representation of criminal defendants in capital cases,
13 and shall be comprised of a balanced representation from
14 each segment of the State’s criminal defense bar, such as
15 a statewide defender organization, a capital case resource
16 center, local public defender’s offices and private attorneys
17 involved in criminal trial, appellate, post-conviction, or
18 unitary review practice. If a State fails to establish a coun-
19 sel certification authority within 180 days after the date
20 of enactment of this subsection, a private cause of action
21 may be brought in Federal district court to enforce this
22 subsection by any aggrieved party, including a defendant
23 eligible for appointed representation under this subsection
24 or a member of an organization eligible for representation
25 on the counsel certification authority. If the court finds

1 that the State has failed to establish a counsel certification
2 authority as required by this subsection, the court shall
3 grant appropriate injunctive and declaratory relief, except
4 that the court shall not grant relief that disturbs any
5 criminal conviction or sentence, obstructs the prosecution
6 of State criminal proceedings, or alters proceedings arising
7 under this chapter.

8 “(d) DUTIES OF AUTHORITY; CERTIFICATION OF
9 COUNSEL.—The counsel certification authority shall—

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

12 “(A) knowledge and understanding of per-
13 tinent legal authorities regarding issues in cap-
14 ital cases;

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

21 “(C) the minimum qualifications required
22 by subsection (e); and

23 “(D) any additional qualifications relevant
24 to the representation of capital defendants;

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

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

14 “(4) establish application and certification pro-
15 cedures, to be used on a case by case basis, for at-
16 torneys who do not necessarily possess the minimum
17 qualifications required by subsection (e), but who
18 possess other extraordinary experience and resources
19 that enable them to provide quality legal representa-
20 tion comparable to that of an attorney possessing
21 the qualifications established pursuant to paragraph
22 (1);

23 “(5) publish a current roster of attorneys cer-
24 tified pursuant to paragraphs (2) and (3) to be ap-
25 pointed in capital cases;

1 “(6) establish and publish standards governing
2 the performance of counsel in capital cases, includ-
3 ing standards that proscribe abusive practices and
4 mandate sound practices in order to further the fair
5 and orderly administration of justice;

6 “(7) monitor the performance of attorneys cer-
7 tified pursuant to this subsection; and

8 “(8) delete from the roster the name of any at-
9 torney who fails to meet the qualification or per-
10 formance standards established pursuant to this
11 subsection.

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

17 “(1) familiarity with the performance standards
18 established by the counsel certification authority;

19 “(2) familiarity with the appropriate court sys-
20 tem, including the procedural rules regarding timeli-
21 ness of filings and procedural default; and

22 “(3) in the case of counsel appointed for the
23 trial or sentencing stages, at least 2 of the qualifica-
24 tions listed in subparagraph (A) and 1 of the quali-

1 fications listed in subparagraph (B), or 1 of the al-
2 ternative qualifications listed in subparagraph (C):

3 “(A) QUALIFYING TRIAL EXPERIENCE
4 (MUST HAVE 2).—Prior experience within the
5 last 10 years as—

6 “(i) lead or sole counsel in 12 jury
7 trials, of which no fewer than 5 were crimi-
8 nal jury trials;

9 “(ii) lead or sole counsel in 3 criminal
10 jury trials in which the charge was murder
11 or aggravated murder;

12 “(iii) co-counsel in 5 criminal jury
13 trials in which the charge was murder or
14 aggravated murder;

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

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

21 “(B) QUALIFYING CAPITAL TRIAL EXPERI-
22 ENCE (MUST HAVE 1).—

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

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

5 “(iii) successful completion within the
6 preceding 2 years of a training program in
7 capital trial litigation that has been cer-
8 tified by the counsel certification authority
9 or, if the authority has not certified a pro-
10 gram, successful completion of an at least
11 12-hour training program in capital trial
12 litigation for which continuing legal edu-
13 cation (CLE) credit is available, and which
14 the CLE authority in the State has cer-
15 tified as comporting with the objectives
16 and requirements of this section.

17 “(C) ALTERNATIVE QUALIFYING EXPERI-
18 ENCE FOR TRIAL.—Notwithstanding subpara-
19 graphs (A) and (B), an attorney shall be eligi-
20 ble for certification pursuant to paragraph (2)
21 or (3) of subsection (d) or appointment pursu-
22 ant to subsection (g) if the attorney—

23 “(i) has conducted 5 evidentiary hear-
24 ings and has been employed for more than
25 1 year by a capital resource center, a unit

1 or its equivalent that specializes in capital
2 cases within a public defender office, or a
3 public interest law office specializing in
4 capital litigation; or

5 “(ii) has been certified by the State
6 capital litigation resource center as com-
7 petent to be assigned to a capital trial;

8 “(4) in the case of counsel appointed for appel-
9 late or unitary review, at least 1 of the qualifications
10 listed in subparagraph (A) and 1 of the qualifica-
11 tions listed in subparagraph (B), or 1 of the alter-
12 native qualifications listed in subparagraph (C):

13 “(A) QUALIFYING APPELLATE EXPERI-
14 ENCE (MUST HAVE 1).—Prior experience within
15 the past 5 years as—

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

19 “(ii) lead or sole counsel in at least 6
20 criminal felony appeals;

21 “(iii) lead or sole counsel in 3 crimi-
22 nal or felony appeals, at least 1 of which
23 was an appeal of a murder or aggravated
24 murder conviction,

25 which were fully briefed.

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

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

6 “(ii) co-counsel in the appeal or uni-
7 tary review of no fewer than 2 capital
8 cases, 1 of which occurred within the last
9 5 years;

10 “(iii) successful completion within the
11 preceding 2 years of a training program in
12 the litigation of capital appeals that has
13 been certified by the counsel certification
14 authority or, if the authority has not cer-
15 tified a program, successful completion of
16 an at least 12-hour training program in
17 capital litigation with a focus on appeals
18 for which continuing legal education
19 (CLE) credit is available, and which the
20 CLE authority in the State has certified as
21 comporting with the objectives and the re-
22 quirements of this section.

23 “(C) ALTERNATIVE QUALIFYING EXPERI-
24 ENCE FOR APPEALS.—Notwithstanding sub-
25 paragraphs (A) and (B), an attorney shall be

1 eligible for certification pursuant to paragraph
2 (2) or (3) of subsection (c) or for appointment
3 pursuant to subsection (f) if the attorney—

4 “(i) has been employed for more than
5 1 year by a capital resource center, a unit
6 or its equivalent that specializes in capital
7 cases within a public defender office, or a
8 public interest law office specializing in
9 capital litigation; or

10 “(ii) has been certified by the State
11 capital litigation resource center as com-
12 petent to be assigned to a capital appeal;
13 and

14 “(5) in the case of counsel appointed for post-
15 conviction proceedings, at least 2 of the qualifica-
16 tions listed in subparagraph (A) and at least 1 of
17 the qualifications listed in subparagraph (B), or 1 of
18 the alternative qualifications listed in subparagraph
19 (C):

20 “(A) QUALIFYING POST-CONVICTION EXPE-
21 RIENCE (MUST HAVE 2).—Prior experience with-
22 in the past 10 years as—

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

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

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

5 “(iv) 1 of the appellate qualifications
6 listed in paragraph (4)(A).

7 “(B) QUALIFYING CAPITAL POST-CONVIC-
8 TION EXPERIENCE (MUST HAVE 1).—

9 “(i) lead or sole counsel within the
10 last 5 years in the trial (through sentenc-
11 ing), appeal, or post-conviction review of at
12 least 1 capital case;

13 “(ii) co-counsel in the trial (through
14 sentencing), appeal, or post-conviction re-
15 view of no fewer than 2 capital cases, 1 of
16 which occurred within the last 5 years;

17 “(iii) successful completion during the
18 preceding 2 years of a training program in
19 the litigation of capital post-conviction pro-
20 ceedings that has been certified by the
21 counsel certification authority or, if the au-
22 thority has not certified a program, suc-
23 cessful completion of an at least 12-hour
24 training program in capital litigation with
25 a focus on post-conviction proceedings for

1 which continuing legal education (CLE)
2 credit is available, and which the CLE au-
3 thority in the State has certified as com-
4 porting with the objectives and require-
5 ments of this section.

6 “(C) ALTERNATIVE QUALIFYING EXPERI-
7 ENCE FOR POST-CONVICTION PROCEEDINGS.—
8 Notwithstanding subparagraphs (A) and (B),
9 an attorney shall be eligible for certification
10 pursuant to paragraph (2) or (3) of subsection
11 (d) or appointment pursuant to subsection (g)
12 if the attorney—

13 “(i) has conducted 3 evidentiary hear-
14 ings and has been employed for more than
15 1 year by a capital litigation resource cen-
16 ter, by a unit or its equivalent that special-
17 izes in capital cases within a public de-
18 fender office, or by a public interest law of-
19 fice specializing in capital litigation; or

20 “(ii) has been certified by the State
21 capital litigation resource center as com-
22 petent to be assigned to a capital post-con-
23 viction proceeding.

24 “(f) APPOINTMENT OF CERTIFIED COUNSEL.—(1)
25 The State court shall appoint at least 2 attorneys to rep-

1 resent an indigent at trial, and at least 1 attorney to rep-
2 resent an indigent at the appellate, unitary or post-convic-
3 tion review stage, including—

4 “(A) a lead counsel who is named on the roster
5 published pursuant to subsection (d)(5);

6 “(B) a defender organization or resource cen-
7 ter, which shall designate appropriate attorneys af-
8 filiated with the organization, including a lead coun-
9 sel who is named on the roster; or

10 “(C) a lead counsel certified pursuant to sub-
11 section (d)(4).

12 “(2) The State court may appoint additional attor-
13 neys upon a showing of need.

14 “(g) APPOINTMENT OF NONCERTIFIED COUNSEL.—

15 (1) If there is no roster of attorneys published pursuant
16 to subsection (d)(5), or if no attorney on the roster can
17 accept the appointment and if no attorney certified pursu-
18 ant to subsection (d)(4) has been appointed, the State
19 court shall appoint at least 2 attorneys to represent an
20 indigent at trial, and at least 1 attorney to represent an
21 indigent at the appellate, unitary or post-conviction review
22 stage, including—

23 “(A) a lead counsel who possesses the minimum
24 qualifications required by subsection (e); or

1 “(B) a defender organization or resource cen-
2 ter, which shall designate appropriate attorneys af-
3 filiated with the organization, including a lead coun-
4 sel who possesses the qualifications required by sub-
5 section (e).

6 “(2) No attorney shall be appointed pursuant to this
7 subsection unless the State court has first conducted an
8 evidentiary hearing on the record in which the court deter-
9 mines, after the attorney gives sworn testimony and pre-
10 sents documentary proof that the attorney possesses each
11 of the qualifications required by subsection (e), that the
12 attorney possesses the requisite qualifications. In making
13 its determination, the court shall, as to each qualification
14 required by subsection (e), make a specific finding on the
15 record that the attorney possesses the qualification.

16 “(h) No attorney may be denied certification pursu-
17 ant to paragraph (2) or (3) of subsection (d) or appoint-
18 ment pursuant to subsection (g) solely because of prior
19 employment as a prosecutor.

20 “(i) Prior to appointing counsel pursuant to this sec-
21 tion, the State court shall inquire as to whether counsel
22 maintains a workload which, by reason of its excessive
23 size, will interfere with the rendering of quality represen-
24 tation or create a substantial risk of a breach of profes-
25 sional obligations.

1 “(j) If a person entitled to an appointment of counsel
2 declines to accept an appointment, the State court shall
3 conduct, or cause to be conducted, a hearing, at which
4 the person and counsel proposed to be appointed shall be
5 present, to determine the person’s competence to decline
6 the appointment, and whether the person has competently
7 and knowingly declined it.

8 “(k) If a State court fails to appoint counsel in a
9 proceeding specified in subsection (b), or if a State court
10 in a proceeding described in subsection (b)—

11 “(1) fails to appoint the number of counsel re-
12 quired in subsection (f);

13 “(2) appoints counsel whose name is not on the
14 roster published pursuant to subsection (d)(5);

15 “(3) appoints counsel who has failed to present
16 a certification issued pursuant to subsection (d)(4);
17 or

18 “(4) when subsection (g) applies, fails to hold
19 the hearing, receive the requisite testimony and
20 proof, or make the determination required by sub-
21 section (g),

22 a Federal court, in a proceeding under this chapter, shall
23 neither presume findings of fact made at such proceeding
24 to be correct nor decline to consider a claim on the ground
25 that it was not raised in such proceeding at the time or

1 in the manner prescribed by State law. In no cir-
2 cumstances other than those described in this subsection
3 shall a determination of noncompliance with this section
4 provide a basis for relief to a petitioner proceeding under
5 this chapter.

6 “(l) No attorney appointed to represent a prisoner
7 in State post-conviction proceedings shall have previously
8 represented the prisoner at trial or on direct appeal in the
9 case for which the appointment is made, unless the pris-
10 oner and attorney expressly request continued representa-
11 tion.

12 “(m) Notwithstanding the rates and maximum limits
13 generally applicable to criminal cases and any other provi-
14 sion of law to the contrary, the highest State court with
15 jurisdiction over criminal cases shall, after notice and com-
16 ment, establish a schedule of hourly rates for the com-
17 pensation of attorneys appointed pursuant to this section
18 that are reasonable in light of the qualifications of attor-
19 neys appointed and the local practices for legal representa-
20 tion in cases reflecting the complexity and responsibility
21 of capital cases. For each attorney appointed pursuant to
22 this section, the State court shall separately order com-
23 pensation at the rates set by the highest State court for
24 the hours the attorneys reasonably expended on the case
25 and for reasonable expenses paid for investigative, expert,

1 and other reasonably necessary services. Any aggrieved
2 party may bring a private cause of action in Federal dis-
3 trict court to enforce the provisions of this subsection for
4 the establishment of a schedule of reasonable hourly rates
5 for the compensation of attorneys. In such an action, the
6 Federal court shall not independently determine the ap-
7 propriate rates, but shall decide whether the hourly rates
8 as scheduled by the State court are within the range of
9 reasonableness consistent with the criteria stated in this
10 subsection. If the hourly rates as scheduled are not within
11 the range of reasonableness, or if no schedule of rates has
12 been established, the court shall grant appropriate injunc-
13 tive or declaratory relief, except that the court shall not
14 grant relief that disturbs any criminal conviction or sen-
15 tence, obstructs the prosecution of State criminal proceed-
16 ings, or alters proceedings arising under this chapter.

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

23 “(o) Nothing in this section changes the constitu-
24 tional standard governing claims of ineffective assistance
25 of counsel pursuant to the sixth amendment to the Con-

1 stitution of the United States. A determination of non-
2 compliance with this section (as opposed to the facts which
3 support such a determination) shall not provide a basis
4 for a claim of constitutionally ineffective assistance of
5 counsel.

6 “(p) The requirements of this section shall apply to
7 any appointment of counsel made after the effective date
8 of this section in any trial, direct appeal, or unitary review
9 of a capital indigent. Counsel shall be appointed as pro-
10 vided in this section in any post-conviction proceeding
11 commenced after the effective date of this section. In no
12 case shall counsel appointed for a proceeding commenced
13 before the effective date of this section be subject to the
14 requirements of this section, nor shall any person whose
15 counsel was appointed for any trial, appeal, post-convic-
16 tion or unitary review before the effective date of this sec-
17 tion be entitled to any relief, including application of sub-
18 section (k), based on a claim that counsel was not ap-
19 pointed in conformity with subsection (f) or (g).”.

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

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

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

2 (a) GRANTS FOR CAPITAL HABEAS CORPUS PROS-
3 ECUTIONS.—

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

8 “HABEAS CORPUS LITIGATION

9 “SEC. 511A. Notwithstanding any other provision of
10 this title, the Director shall provide grants to the States,
11 from the funding allocated pursuant to section 511, for
12 the purpose of supporting litigation pertaining to Federal
13 habeas corpus petitions in capital cases. The total funding
14 authorized for such grants within any fiscal year shall be
15 equal to the funding provided to capital resource centers,
16 pursuant to Federal appropriation, in the same fiscal
17 year.”.

18 (2) TECHNICAL AMENDMENT.—The table of
19 contents of title I of the Omnibus Crime Control and
20 Safe Streets Act of 1968 (42 U.S.C. preceding
21 3701) is amended by inserting after the item relat-
22 ing to section 511 the following new item:

“Sec. 511A. Habeas corpus litigation.”.

23 (b) GRANTS FOR STATE CAPITAL LITIGATION.—

24 (1) IN GENERAL.—Title I of the Omnibus
25 Crime Control and Safe Streets Act of 1968 (42

1 U.S.C. 3711 et seq.), as amended by section 103(a)
2 is amended—

3 (A) by redesignating part R as part S;

4 (B) by redesignating section 1801 as sec-
5 tion 1901; and

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

8 **“PART R—GRANTS FOR STATE CAPITAL**
9 **LITIGATION**

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

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

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

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

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

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

3 “(1) shall prepare an application under this sec-
4 tion; and

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

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

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

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

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

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

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

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

6 “For fiscal years 1994, 1995, and 1996, the Federal
7 share of a grant made under this part may not exceed
8 75 percent of the total costs of the activities described in
9 the application submitted under section 1702 for the fiscal
10 year for which the project receives assistance under this
11 part. Thereafter, the Federal share of a grant made under
12 this part may not exceed 50 percent.

13 **“SEC. 1805. EVALUATION.**

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

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

22 “(b) DISTRIBUTION.—A State or local entity may use
23 not more than 5 percent of the funds it receives under
24 this part to develop an evaluation program under this sec-
25 tion.”.

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

“PART R—GRANTS FOR STATE CAPITAL LITIGATION

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

“PART S—TRANSITION; EFFECTIVE DATE; REPEALER

- “Sec. 1901. Confirmation of rules, authorities, and proceedings.

7 (3) AUTHORIZATION OF APPROPRIATIONS.—
 8 Section 1001(a) of title I of the Omnibus Crime
 9 Control and Safe Streets Act of 1968 (42 U.S.C.
 10 3793(a)), as amended by section 103(c), is amend-
 11 ed—

12 (A) in paragraph (3) by striking “and Q”
 13 and inserting “Q, and R”; and

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

16 “(12) There are authorized to be appropriated \$50
 17 million for each of fiscal years 1995, 1996, and 1997 to
 18 carry out activities under part R.”.

1 **SEC. 310. ABROGATION OF STATE SOVEREIGN IMMUNITY.**

2 Any State, any instrumentality of a State, and any
3 officer or employee of a State or instrumentality of a State
4 acting in an official capacity, shall not be immune, under
5 the Eleventh Amendment to the Constitution of the
6 United States, from suit in Federal court for a violation
7 of subsection 2258(c) or (m) of title 28, United States
8 Code, as added by section 308(a).

9 **SEC. 311. EFFECTIVE DATE.**

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

14 (b) SECTION 2258(b) OF TITLE 28, UNITED STATES
15 CODE.—Section 2258(b) of title 28, United States Code,
16 as added by section 308(a), shall take effect on the date
17 of enactment of this Act.

18 **TITLE IV—GUN CRIME**
19 **PENALTIES**

20 **SEC. 401. ENHANCED PENALTY FOR USE OF A SEMIAUTO-**
21 **MATIC FIREARM DURING A CRIME OF VIO-**
22 **LENCE OR A DRUG TRAFFICKING CRIME.**

23 (a) AMENDMENT TO SENTENCING GUIDELINES.—
24 Pursuant to its authority under section 994 of title 28,
25 United States Code, the United States Sentencing Com-
26 mission shall amend its sentencing guidelines to provide

1 an appropriate enhancement of the punishment for a
2 crime of violence (as defined in section 924(c)(3) of title
3 18, United States Code) or a drug trafficking crime (as
4 defined in section 924(c)(2) of title 18, United States
5 Code) if a semiautomatic firearm is involved.

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

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

14 Pursuant to its authority under section 994 of title
15 28, United States Code, the United States Sentencing
16 Commission shall promulgate amendments to the sentenc-
17 ing guidelines to appropriately enhance penalties in a case
18 in which a defendant convicted under section 844(h) of
19 title 18, United States Code, has previously been convicted
20 under that section.

21 **SEC. 403. SMUGGLING FIREARMS IN AID OF DRUG TRAF-**
22 **FICKING.**

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

1 “(j) A person who, with intent to engage in or to pro-
2 mote conduct that—

3 “(1) is punishable under the Controlled Sub-
4 stances Act (21 U.S.C. 801 et seq.), the Controlled
5 Substances Import and Export Act (21 U.S.C. 951
6 et seq.), or the Maritime Drug Law Enforcement
7 Act (46 U.S.C. App. 1901 et seq.);

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

11 “(3) constitutes a crime of violence (as defined
12 in subsection (c)(3),

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

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

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

20 “(k) A person who steals any firearm which is moving
21 as, or is a part of, or which has moved in, interstate or
22 foreign commerce shall be imprisoned for not more than
23 10 years, fined under this title, or both.”.

1 (b) EXPLOSIVES.—Section 844 of title 18, United
2 States Code, is amended by adding at the end the follow-
3 ing new subsection:

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

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

9 Section 3583 of title 18, United States Code, is
10 amended by striking subsection (g) and inserting the fol-
11 lowing:

12 “(g) MANDATORY REVOCATION FOR POSSESSION OF
13 CONTROLLED SUBSTANCE OR FIREARM OR FOR REFUSAL
14 TO COOPERATE WITH DRUG TESTING.—If the defend-
15 ant—

16 “(1) possesses a controlled substance in viola-
17 tion of the condition set forth in subsection (d);

18 “(2) possesses a firearm, as such term is de-
19 fined in section 921 of this title, in violation of Fed-
20 eral law, or otherwise violates a condition of super-
21 vised release prohibiting the defendant from possess-
22 ing a firearm; or

23 “(3) refuses to cooperate in drug testing im-
24 posed as a condition of supervised release,

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

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

6 (a) CONTINUATION OR REVOCATION.—Section
7 3565(a) of title 18, United States Code, is amended—

8 (1) in paragraph (2) by striking “impose any
9 other sentence that was available under subchapter
10 A at the time of the initial sentencing” and inserting

11 “resentence the defendant under subchapter A”; and

12 (2) by striking the last sentence.

13 (b) MANDATORY REVOCATION.—Section 3565(b) of
14 title 18, United States Code, is amended to read as fol-
15 lows:

16 “(b) MANDATORY REVOCATION FOR POSSESSION OF
17 CONTROLLED SUBSTANCE OR FIREARM OR FOR REFUSAL
18 TO COOPERATE WITH DRUG TESTING.—If the defend-
19 ant—

20 “(1) possesses a controlled substance in viola-
21 tion of the condition set forth in section 3563(a)(3);

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

1 “(3) refuses to cooperate in drug testing in vio-
2 lation of the condition imposed under subsection
3 (a)(4),
4 the court shall revoke the sentence of probation and
5 resentence the defendant under subchapter A to a sen-
6 tence that includes a term of imprisonment.”.

7 **SEC. 407. INCREASED PENALTY FOR KNOWINGLY MAKING**
8 **FALSE, MATERIAL STATEMENT IN CONNEX-**
9 **ION WITH THE ACQUISITION OF A FIREARM**
10 **FROM A LICENSED DEALER.**

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

13 (1) in paragraph (a)(1)(B) by striking
14 “(a)(6),”; and

15 (2) in subsection (a)(2) by inserting “(a)(6),”
16 after “subsections”.

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

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

21 **SEC. 409. SUMMARY DESTRUCTION OF EXPLOSIVES SUB-**
22 **JECT TO FORFEITURE.**

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

25 (1) by inserting “(1)” after “(c)”; and

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

3 “(2) Notwithstanding paragraph (1), in the case of
4 the seizure of any explosive materials for any offense for
5 which the materials would be subject to forfeiture in which
6 it would be impracticable or unsafe to remove the mate-
7 rials to a place of storage or would be unsafe to store
8 them, the seizing officer may destroy the explosive mate-
9 rials forthwith. Any destruction under this paragraph shall
10 be in the presence of at least 1 credible witness. The seiz-
11 ing officer shall make a report of the seizure and take
12 samples as the Secretary may by regulation prescribe.

13 “(3) Within 60 days after any destruction made pur-
14 suant to paragraph (2), the owner of (including any per-
15 son having an interest in) the property so destroyed may
16 make application to the Secretary for reimbursement of
17 the value of the property. If the claimant establishes to
18 the satisfaction of the Secretary that—

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

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

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

1 **SEC. 410. ELIMINATION OF OUTMODED LANGUAGE RELAT-**
2 **ING TO PAROLE.**

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

7 (b) SECTION 924(c)(1) OF TITLE 18.—Section
8 924(c)(1) of title 18, United States Code, is amended by
9 striking “No person sentenced under this subsection shall
10 be eligible for parole during the term of imprisonment im-
11 posed under this subsection.”.

12 **SEC. 411. PROHIBITION AGAINST TRANSACTIONS INVOLV-**
13 **ING STOLEN FIREARMS WHICH HAVE MOVED**
14 **IN INTERSTATE OR FOREIGN COMMERCE.**

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

17 “(j) It shall be unlawful for any person to receive,
18 possess, conceal, store, barter, sell, or dispose of any stolen
19 firearm or stolen ammunition, or pledge or accept as secu-
20 rity for a loan any stolen firearm or stolen ammunition,
21 which is moving as, which is a part of, which constitutes,
22 or which has been shipped or transported in, interstate
23 or foreign commerce, either before or after it was stolen,
24 knowing or having reasonable cause to believe that the
25 firearm or ammunition was stolen.”.

1 **SEC. 412. USING A FIREARM IN THE COMMISSION OF COUN-**
2 **TERFEITING OR FORGERY.**

3 Pursuant to its authority under section 994 of title
4 28, United States Code, the United States Sentencing
5 Commission shall amend its sentencing guidelines to pro-
6 vide an appropriate enhancement of the punishment for
7 a defendant convicted of a felony under chapter 25 of title
8 18, United States Code, if the defendant used or carried
9 a firearm (as defined in section 921(a)(3) of title 18,
10 United States Code) during and in relation to the felony.

11 **SEC. 413. ENHANCED PENALTIES FOR FIREARMS POSSES-**
12 **SION BY VIOLENT FELONS AND SERIOUS**
13 **DRUG OFFENDERS.**

14 Pursuant to its authority under section 994 of title
15 28, United States Code, the United States Sentencing
16 Commission shall amend its sentencing guidelines to—

17 (1) appropriately enhance penalties in cases in
18 which a defendant convicted under section 922(g) of
19 title 18, United States Code, has 1 prior conviction
20 by any court referred to in section 922(g)(1) of title
21 18 for a violent felony (as defined in section
22 924(e)(2)(B) of that title) or a serious drug offense
23 (as defined in section 924(e)(2)(A) of that title); and

24 (2) appropriately enhance penalties in cases in
25 which such a defendant has 2 prior convictions for

1 a violent felony (as so defined) or a serious drug of-
2 fense (as so defined).

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

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

6 (1) by striking “and” at the end of paragraph
7 (7);

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

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

12 “(9) for any person, other than a licensed im-
13 porter, licensed manufacturer, licensed dealer, or li-
14 censed collector, who does not reside in any State to
15 receive any firearms unless such receipt is for lawful
16 sporting purposes.”.

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

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

21 “(l) A person who conspires to commit any offense
22 under this chapter shall be subject to the same penalties
23 as those prescribed for the offense the commission of
24 which was the object of the conspiracy, except that—

1 purpose of determining whether there is a reasonable
2 sporting use for such ammunition and whether there is
3 a reasonable use for such ammunition in law enforcement.

4 (b) REPORT TO THE CONGRESS.—Not later than 1
5 year after the date of enactment of this Act, the Secretary
6 of the Treasury shall submit to the Committee on the Ju-
7 diciary of the House of Representatives a report contain-
8 ing the results of the study required by subsection (a) and
9 recommendations for such legislative or administrative ac-
10 tion, with respect to the ammunition referred to in sub-
11 section (a), as the Secretary deems appropriate.

12 **SEC. 417. THEFT OF FIREARMS OR EXPLOSIVES FROM LI-**
13 **CENSEE.**

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

17 “(m) A person who steals any firearm from a licensed
18 importer, licensed manufacturer, licensed dealer, or li-
19 censed collector shall be fined under this title, imprisoned
20 not more than 10 years, or both.”.

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

24 “(m) A person who steals any explosive material from
25 a licensed importer, licensed manufacturer, or licensed

1 dealer, or from any permittee shall be fined under this
2 title, imprisoned not more than 10 years, or both.”.

3 **SEC. 418. DISPOSING OF EXPLOSIVES TO PROHIBITED PER-**
4 **SONS.**

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

7 **SEC. 419. CLARIFICATION OF “BURGLARY” UNDER THE**
8 **ARMED CAREER CRIMINAL STATUTE.**

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

11 (1) by striking “and” at the end of subpara-
12 graph (B)(ii);

13 (2) by striking the period at the end of sub-
14 paragraph (C) and inserting “; and”; and

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

17 “(D) the term ‘burglary’ means any crime pun-
18 ishable by a term of imprisonment exceeding 1 year
19 and consisting of entering or remaining surrep-
20 titiously within a building that is the property of an-
21 other with intent to engage in conduct constituting
22 a Federal or State offense.”.

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

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

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

12 **TITLE V—OBSTRUCTION OF**
13 **JUSTICE**

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

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

17 (1) by inserting “(a)” before “Whoever”;

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

21 (3) by adding at the end the following new sub-
22 section:

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

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

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

6 “(3) in any other case, imprisonment for not
7 more than 10 years.”; and

8 (4) in subsection (a), as designated by para-
9 graph (1), by striking “commissioner” each place it
10 appears and inserting “magistrate judge”.

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

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

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

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

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

21 “(A) the attendance of a witness or party at an
22 official proceeding, or any testimony given or any
23 record, document, or other object produced by a wit-
24 ness in an official proceeding; or

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

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

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

11 “(B) in the case of an attempt, imprisonment
12 for not more than 20 years.”.

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

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

1 **SEC. 504. DEATH PENALTY FOR THE MURDER OF STATE OF-**
2 **FICIALS ASSISTING FEDERAL LAW ENFORCE-**
3 **MENT OFFICIALS.**

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

7 **“§ 1120. Killing persons aiding Federal investigations**

8 “A person who intentionally kills—

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

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

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

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

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

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

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

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

“1120. Killing persons aiding Federal investigations.”.

3 **SEC. 505. DEATH PENALTY FOR MURDER OF FEDERAL WIT-**
4 **NESSES.**

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

7 “(A) in the case of murder (as defined in sec-
8 tion 1111), the death penalty or imprisonment for
9 life, and in the case of any other killing, the punish-
10 ment provided in section 1112;”.

11 **TITLE VI—YOUTH VIOLENCE**
12 **Subtitle A—Increased Penalties for**
13 **Drug Trafficking and Criminal**
14 **Street Gangs**

15 **SEC. 601. STRENGTHENING FEDERAL PENALTIES FOR EM-**
16 **PLOYING CHILDREN TO DISTRIBUTE DRUGS.**

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

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

21 (2) by inserting after subsection (b) the follow-
22 ing new subsection:

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

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

4 “(2) employs, hires, uses, persuades, induces,
5 entices, or coerces, a person under 18 years of age
6 to assist in avoiding detection or apprehension for
7 any offense of this section by any Federal, State, or
8 local law enforcement official,
9 is punishable by a term of imprisonment, or fine, or both,
10 up to triple that authorized by section 401(b).”.

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

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

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

20 (a) IN GENERAL.—Part I of title 18, United States
21 Code, is amended by inserting after chapter 25 the follow-
22 ing new chapter:

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

“Sec.
“521. Criminal street gangs.

1 **“§ 521. Criminal street gangs**

2 “(a) DEFINITIONS.—In this section—

3 “‘conviction’ includes a finding, under State or
4 Federal law, that a person has committed an act of
5 juvenile delinquency involving a violent or controlled
6 substances felony.

7 “‘criminal street gang’ means any group, club,
8 organization, or association of 5 or more persons—

9 “(A) whose members engage or have en-
10 gaged within the past 5 years, in a continuing
11 series of violations of any offense treated in
12 subsection (b); and

13 “(B) whose activities affect interstate or
14 foreign commerce.

15 “(b) PENALTY.—A person who, under the cir-
16 cumstances described in subsection (d), commits an of-
17 fense described in subsection (c), shall, in addition to any
18 other sentence authorized by law, be sentenced to a term
19 of imprisonment of not more than 10 years and may also
20 be fined under this title. Such a sentence of imprisonment
21 shall run consecutively to any other sentence imposed.

22 “(c) OFFENSES.—The offenses described in this sec-
23 tion are—

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

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

3 “(2) any Federal felony crime of violence; and

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

6 “(d) CIRCUMSTANCES.—The circumstances described
7 in this section are that the offense described in subsection
8 (c) was committed by a person as a member of, or on be-
9 half of, a criminal street gang and that person has been
10 convicted within the past 5 years for—

11 “(1) an offense described in subsection (c);

12 “(2) any State offense—

13 “(A) involving a controlled substance (as
14 defined in section 102 of the Controlled Sub-
15 stances Act (21 U.S.C. 802)) for which the
16 maximum penalty is not less than 1 year’s im-
17 prisonment; or

18 “(B) that is a crime of violence; for which
19 the maximum penalty is more than 1 year’s im-
20 prisonment;

21 “(3) any Federal or State offense that involves
22 the theft or destruction of property for which the
23 maximum penalty is more than 1 year’s imprison-
24 ment; or

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

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

 “26. Criminal street gangs 521”.

7 **Subtitle B—Juvenile Drug Traffick-**
8 **ing and Gang Prevention Grants**

9 **SEC. 611. GRANT PROGRAM.**

10 Part B of title I of the Juvenile Justice and Delin-
11 quency Prevention Act of 1974 is amended—

12 (1) by inserting after the heading the following:

13 “Subpart I—General Grant Programs”;

14 and

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

17 “Subpart II—Juvenile Drug Trafficking and Gang

18 Prevention Grants

19 “FORMULA GRANTS

20 “SEC. 231. (a) IN GENERAL.—The Administrator
21 may make grants to States and units of general local gov-
22 ernment or combinations thereof to assist them in plan-
23 ning, establishing, operating, coordinating, and evaluating
24 projects directly or through grants and contracts with
25 public and private agencies for the development of more

1 effective programs including education, prevention, treat-
2 ment and enforcement programs to reduce—

3 “(1) the formation or continuation of juvenile
4 gangs; and

5 “(2) the use and sale of illegal drugs by juve-
6 niles.

7 “(b) PURPOSES.—The grants made under this sec-
8 tion can be used for any of the following specific purposes:

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

13 “(2) To reduce juvenile involvement in orga-
14 nized crime, drug and gang-related activity, particu-
15 larly activities that involve the distribution of drugs
16 by or to juveniles.

17 “(3) To develop within the juvenile justice sys-
18 tem, including the juvenile corrections system, new
19 and innovative means to address the problems of ju-
20 veniles convicted of serious, drug-related and gang-
21 related offenses.

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

24 “(5) To provide technical assistance and train-
25 ing to personnel and agencies responsible for the ad-

1 judicatory and corrections components of the juve-
2 nile justice system to identify drug-dependent or
3 gang-involved juvenile offenders and to provide ap-
4 propriate counseling and treatment to such offend-
5 ers.

6 “(6) To promote the involvement of all juveniles
7 in lawful activities, including in-school and after-
8 school programs for academic, athletic or artistic en-
9 richment that also teach that drug and gang involve-
10 ment are wrong.

11 “(7) To facilitate Federal and State cooperation
12 with local school officials to develop education, pre-
13 vention, and treatment programs for juveniles who
14 are likely to participate in the drug trafficking, drug
15 use or gang-related activities.

16 “(8) To prevent juvenile drug and gang involve-
17 ment in public housing projects through programs
18 establishing youth sports and other activities, includ-
19 ing girls’ and boys’ clubs, scout troops, and little
20 leagues.

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

1 “(3) to provide technical assistance and train-
2 ing to public or private organizations to implement
3 similar programs.

4 “(b) PRIORITY.—In making grants under this sec-
5 tion, the Administrator shall give priority to programs
6 aimed at juvenile involvement in organized gang- and
7 drug-related activities, including supply and demand re-
8 duction programs.

9 “(c) AUTHORIZATION.—The Administrator may
10 make grants to, or enter into contracts with, public or pri-
11 vate non-profit agencies, institutions, or organizations or
12 individuals to carry out any purpose authorized in section
13 231.

14 “(d) AUTHORITY OVER FUNDS.—The Administrator
15 shall have final authority over all funds awarded under
16 this subpart.

17 “(e) RESERVATION OF FUNDS.—Of the total amount
18 appropriated for this subpart, 20 percent shall be reserved
19 and set aside for this section in a special discretionary
20 fund for use by the Administrator to carry out the pur-
21 poses specified in section 231 as described in section
22 232(a).

23 “(f) FEDERAL SHARE.—Grants made under this sec-
24 tion may be made for amounts up to 100 percent of the
25 costs of the programs or projects.

1 “SPECIAL INTERNATIONAL PORTS OF ENTRY JUVENILE
2 CRIME AND DRUG DEMAND REDUCTION GRANTS

3 “SEC. 233. (a) PURPOSE.—The purposes of this sec-
4 tion are—

5 “(1) to provide additional Federal assistance
6 and support to promising new programs that specifi-
7 cally and effectively address the unique crime and
8 drug and alcohol related challenges faced by juve-
9 niles living at or near International Ports of Entry
10 and in other international border communities, in-
11 cluding rural localities;

12 “(2) to replicate and demonstrate these pro-
13 grams to serve as models that could be used, in
14 whole or in part, in other similarly situated commu-
15 nities; and

16 “(3) to provide technical assistance and train-
17 ing to public or private organizations to implement
18 similar programs.

19 “(b) AUTHORIZATION.—The Administrator may
20 make grants to, or enter into contracts with, public or pri-
21 vate non-profit agencies, institutions, or organizations or
22 individuals to carry out any purpose authorized in section
23 231, if the beneficiaries of the grantee’s program are juve-
24 niles living at or near International Port of Entry or in

1 other international border communities, including rural lo-
2 calities.

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

6 “(d) RESERVATION OF FUNDS.—Of the total amount
7 appropriated for this subpart, 5 percent shall be reserved
8 and set aside for this section in a special discretionary
9 fund for use by the Administrator to carry out the pur-
10 poses specified in section 231 as described in section
11 233(a).

12 “(e) FEDERAL SHARE.—Grants made under this sec-
13 tion may be made for amounts up to 100 percent of the
14 costs of the programs.

15 “AUTHORIZATION OF APPROPRIATIONS

16 “SEC. 234. There are authorized to be appropriated
17 to carry out this subpart—

18 “(1) \$100,000,000 for fiscal year 1995; and

19 “(2) such sums as are necessary for fiscal year
20 1996.

21 “ALLOCATION OF FUND

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

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

3 “(2) Of the total funds remaining after the allo-
4 cation under paragraph (1), there shall be allocated
5 to each of the participating States an amount that
6 bears the same ratio to the amount of remaining
7 funds described in this paragraph as the population
8 of juveniles of the State bears to the population of
9 juveniles in all of the participating States.

10 “APPLICATIONS

11 “SEC. 236. (a) IN GENERAL.—Each State applying
12 for a grant under section 231 and each public or private
13 entity applying for a grant under section 232 shall submit
14 an application to the Administrator in such form and con-
15 taining such information as the Administrator shall pre-
16 scribe.

17 “(b) REGULATIONS.—To the extent that it is prac-
18 ticable to do so, the Administrator shall prescribe regula-
19 tions governing applications for this subpart that are sub-
20 stantially similar to the applications required under part
21 I and part C, including the procedures relating to competi-
22 tion.

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

1 funds made available under that section will be coordi-
 2 nated with Federal assistance provided in parts B and C
 3 of title II of this Act and by the Bureau of Justice Assist-
 4 ance under the Drug Control and System Improvement
 5 Grant program.

6 “REVIEW AND APPROVAL OF APPLICATIONS

7 “SEC. 237. The procedures and time limits imposed
 8 on the Federal and State Governments under sections 505
 9 and 508, respectively, of title I of the Omnibus Crime Con-
 10 trol and Safe Streets Act of 1968 (42 U.S.C. 3755 and
 11 3758) relating to the review of applications and distribu-
 12 tion of Federal funds shall apply to the review of applica-
 13 tions and distribution of funds under this subpart.”.

14 **Subtitle C—Bindover System for**
 15 **Certain Violent Juveniles**

16 **SEC. 621. BINDOVER SYSTEM.**

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

20 (1) by striking “and” at the end of paragraph
 21 (21);

22 (2) by striking the period at the end of para-
 23 graph (22) and inserting “; and”; and

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

1 “(23) programs that address the need for effective
2 bindover systems for the prosecution of violent
3 16- and 17-year-olds in courts with jurisdiction over
4 adults for the crimes of—

5 “(A) murder in the first degree;

6 “(B) murder in the second degree;

7 “(C) attempted murder;

8 “(D) armed robbery when armed with a
9 firearm;

10 “(E) aggravated battery or assault when
11 armed with a firearm;

12 “(F) criminal sexual penetration when
13 armed with a firearm; and

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

16 **TITLE VII—TERRORISM**

17 **Subtitle A—Maritime Navigation** 18 **and Fixed Platforms**

19 **SEC. 701. OFFENSES OF VIOLENCE AGAINST MARITIME** 20 **NAVIGATION OR FIXED PLATFORMS.**

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

23 **“§ 2280. Violence against maritime navigation**

24 “(a) OFFENSES.—

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

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

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

9 “(C) destroys a ship or causes damage to
10 a ship or to its cargo which is likely to endan-
11 ger the safe navigation of that ship;

12 “(D) places or causes to be placed on a
13 ship, by any means whatsoever, a device or sub-
14 stance which is likely to destroy that ship, or
15 cause damage to that ship or its cargo which
16 endangers or is likely to endanger the safe navi-
17 gation of that ship;

18 “(E) destroys or seriously damages mari-
19 time navigational facilities or seriously inter-
20 feres with their operation, if such act is likely
21 to endanger the safe navigation of a ship;

22 “(F) communicates information, knowing
23 the information to be false and under cir-
24 cumstances in which such information may rea-

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

3 “(G) injures or kills any person in connec-
4 tion with the commission or the attempted com-
5 mission of any of the offenses set forth in sub-
6 paragraphs (A) through (F); or

7 “(H) attempts to do any act prohibited
8 under subparagraphs (A) through (G),
9 shall be fined under this title, imprisoned not more
10 than 20 years, or both; and if the death of any per-
11 son results from conduct prohibited by this para-
12 graph, shall be punished by death or imprisoned for
13 any term of years or for life.

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

21 “(b) JURISDICTION.—There is jurisdiction over the
22 prohibited activity in subsection (b)—

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

24 “(A) such activity is committed—

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

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

6 “(iii) in the United States and the ac-
7 tivity is not prohibited as a crime by the
8 State in which the activity takes place; or

9 “(iv) the activity takes place on a ship
10 flying the flag of a foreign country or out-
11 side the United States, by a national of the
12 United States or by a stateless person
13 whose habitual residence is in the United
14 States;

15 “(B) during the commission of such activ-
16 ity, a national of the United States is seized,
17 threatened, injured or killed; or

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

20 “(2) in the case of a ship navigating or sched-
21 uled to navigate solely within the territorial sea or
22 internal waters of a country other than the United
23 States, if the offender is later found in the United
24 States after such activity is committed; and

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

4 “(c) DEFINITIONS.—In this section—

5 “‘covered ship’ means a ship that is navigating
6 or is scheduled to navigate into, through or from wa-
7 ters beyond the outer limit of the territorial sea of
8 a single country or a lateral limit of that country’s
9 territorial sea with an adjacent country.

10 “‘national of the United States’ has the mean-
11 ing stated in section 101(a)(22) of the Immigration
12 and Nationality Act (8 U.S.C. 1101(a)(22)).

13 “‘territorial sea of the United States’ means all
14 waters extending seaward to 12 nautical miles from
15 the baselines of the United States determined in ac-
16 cordance with international law.

17 “‘ship’ means a vessel of any type whatsoever
18 not permanently attached to the sea-bed, including
19 dynamically supported craft, submersibles or any
20 other floating craft, but does not include a warship,
21 a ship owned or operated by a government when
22 being used as a naval auxiliary or for customs or po-
23 lice purposes, or a ship which has been withdrawn
24 from navigation or laid up.

1 “‘United States’, when used in a geographical
2 sense, includes the Commonwealth of Puerto Rico,
3 the Commonwealth of the Northern Mariana Islands
4 and all territories and possessions of the United
5 States.

6 **“§ 2281. Violence against maritime fixed platforms**

7 “(a) OFFENSES.—

8 “(1) IN GENERAL.—A person who unlawfully
9 and intentionally—

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

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

16 “(C) destroys a fixed platform or causes
17 damage to it which is likely to endanger its
18 safety;

19 “(D) places or causes to be placed on a
20 fixed platform, by any means whatsoever, a de-
21 vice or substance which is likely to destroy that
22 fixed platform or likely to endanger its safety;

23 “(E) injures or kills any person in connec-
24 tion with the commission or the attempted com-

1 mission of any of the offenses set forth in sub-
2 paragraphs (A) through (D); or

3 “(F) attempts to do anything prohibited
4 under subparagraphs (A) through (E),

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

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

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

19 “(1) such activity is committed against or on
20 board a fixed platform—

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

23 “(i) by a person engaged in terrorism
24 or who acts on behalf of a terrorist group;
25 or

1 “(ii) if the activity is not prohibited as
2 a crime by the State in which the activity
3 takes place;

4 “(B) that is located on the continental
5 shelf of another country, by a national of the
6 United States or by a stateless person whose
7 habitual residence is in the United States; or

8 “(C) in an attempt to compel the United
9 States to do or abstain from doing any act;

10 “(2) during the commission of such activity
11 against or on board a fixed platform located on a
12 continental shelf, a national of the United States is
13 seized, threatened, injured or killed; or

14 “(3) such activity is committed against or on
15 board a fixed platform located outside the United
16 States and beyond the continental shelf of the
17 United States and the offender is later found in the
18 United States.

19 “(c) DEFINITIONS.—In this section—

20 “‘continental shelf’ means the sea-bed and sub-
21 soil of the submarine areas that extend beyond a
22 country’s territorial sea to the limits provided by
23 customary international law as reflected in Article
24 76 of the 1982 Convention on the Law of the Sea.

1 “‘fixed platform’ means an artificial island, in-
2 stallation or structure permanently attached to the
3 sea-bed for the purpose of exploration or exploitation
4 of resources or for other economic purposes.

5 “‘national of the United States’ has the mean-
6 ing stated in section 101(a)(22) of the Immigration
7 and Nationality Act (8 U.S.C. 1101(a)(22)).

8 “‘territorial sea of the United States’ means all
9 waters extending seaward to 12 nautical miles from
10 the baselines of the United States determined in ac-
11 cordance with international law.

12 “‘United States’, when used in a geographical
13 sense, includes the Commonwealth of Puerto Rico,
14 the Commonwealth of the Northern Mariana Islands
15 and all territories and possessions of the United
16 States.”.

17 **SEC. 702. TECHNICAL AMENDMENT.**

18 The chapter analysis for chapter 111 of title 18,
19 United States Code, is amended by adding at the end the
20 following new items:

 “2280. Violence against maritime navigation.

 “2281. Violence against maritime fixed platforms.”.

21 **SEC. 703. EFFECTIVE DATES.**

22 This subtitle and the amendments made by this sub-
23 title shall take effect on the later of—

24 (1) the date of the enactment of this Act; or

1 (2)(A) in the case of section 2280 of title 18,
2 United States Code, the date the Convention for the
3 Suppression of Unlawful Acts Against the Safety of
4 Maritime Navigation has come into force and the
5 United States has become a party to that Conven-
6 tion; and

7 (B) in the case of section 2281 of title 18,
8 United States Code, the date the Protocol for the
9 Suppression of Unlawful Acts Against the Safety of
10 Fixed Platforms Located on the Continental Shelf
11 has come into force and the United States has be-
12 come a party to that Protocol.

13 **Subtitle B—General Provisions**

14 **SEC. 711. WEAPONS OF MASS DESTRUCTION.**

15 (a) FINDINGS.—The Congress finds that the use and
16 threatened use of weapons of mass destruction (as defined
17 in section 2332a of title 18, United States Code, as added
18 by subsection (b)) gravely harm the national security and
19 foreign relations interests of the United States, seriously
20 affect interstate and foreign commerce, and disturb the
21 domestic tranquility of the United States.

22 (b) OFFENSE.—Chapter 113A of title 18, United
23 States Code, is amended by inserting after section 2332
24 the following new section:

1 **“§ 2332a. Use of weapons of mass destruction**

2 “(a) DEFINITIONS.—In this section—

3 “‘national of the United States’ has the mean-
4 ing given in section 101(a)(22) of the Immigration
5 and Nationality Act (8 U.S.C. 1101(a)(22)).

6 “‘weapon of mass destruction’ means—

7 “(A) any destructive device (as defined in
8 section 921);

9 “(B) poison gas;

10 “(C) any weapon involving a disease orga-
11 nism; or

12 “(D) any weapon that is designed to re-
13 lease radiation or radioactivity at a level dan-
14 gerous to human life.

15 “(b) OFFENSE.—A person who uses, or attempts or
16 conspires to use, a weapon of mass destruction—

17 “(1) against a national of the United States
18 while such national is outside of the United States;

19 “(2) against any person within the United
20 States; or

21 “(3) against any property that is owned, leased
22 or used by the United States or by any department
23 or agency of the United States, whether the property
24 is within or outside of the United States;

1 shall be imprisoned for any term of years or for life, and
2 if death results, shall be punished by death or imprisoned
3 for any term of years or for life.”.

4 (c) TECHNICAL AMENDMENT.—The chapter analysis
5 for chapter 113A of title 18, United States Code, is
6 amended by inserting after the item relating to section
7 2332 the following new item:

“2332a. Use of weapons of mass destruction.”.

8 **SEC. 712. ENHANCED PENALTIES FOR CERTAIN OFFENSES.**

9 (a) SECTION 1705(b).—Section 206(b) of the Inter-
10 national Economic Emergency Powers Act (50 U.S.C.
11 1705(b)) is amended by striking “\$50,000” and inserting
12 “\$1,000,000”.

13 (b) SECTION 1705(a).—Section 206(a) of the Inter-
14 national Economic Emergency Powers Act (50 U.S.C.
15 1705(a)) is amended by striking “\$10,000” and inserting
16 “\$1,000,000”.

17 (c) SECTION 1541.—Section 1541 of title 18, United
18 States Code, is amended—

19 (1) by striking “\$500” and inserting
20 “\$250,000”; and

21 (2) by striking “one year” and inserting “5
22 years”.

23 (d) CHAPTER 75.—Sections 1542, 1543, 1544 and
24 1546 of title 18, United States Code, are each amended—

1 (1) by striking “\$2,000” each place it appears
2 and inserting “\$250,000”; and

3 (2) by striking “five years” each place it ap-
4 pears and inserting “10 years”.

5 (e) SECTION 1545.—Section 1545 of title 18, United
6 States Code, is amended—

7 (1) by striking “\$2,000” and inserting
8 “\$250,000”; and

9 (2) by striking “three years” and inserting “10
10 years”.

11 **SEC. 713. TERRITORIAL SEA EXTENDING TO TWELVE MILES**
12 **INCLUDED IN SPECIAL MARITIME AND TER-**
13 **RITORIAL JURISDICTION.**

14 The Congress declares that all the territorial sea of
15 the United States, as defined by Presidential Proclamation
16 5928 of December 27, 1988, is part of the United States,
17 subject to its sovereignty, and, for purposes of Federal
18 criminal jurisdiction, is within the special maritime and
19 territorial jurisdiction of the United States wherever that
20 term is used in title 18, United States Code.

21 **SEC. 714. ASSIMILATED CRIMES IN EXTENDED TERRI-**
22 **TORIAL SEA.**

23 Section 13 of title 18, United States Code (relating
24 to the adoption of State laws for areas within Federal ju-
25 risdiction), is amended—

1 (1) by inserting after “title” in subsection (a)
2 the following: “or on, above, or below any portion of
3 the territorial sea of the United States not within
4 the territory of any State, Territory, Possession, or
5 District”; and

6 (2) by inserting at the end the following new
7 subsection:

8 “(c) Whenever any waters of the territorial sea of the
9 United States lie outside the territory of any State, Terri-
10 tory, Possession, or District, such waters (including the
11 airspace above and the seabed and subsoil below, and arti-
12 ficial islands and fixed structures erected thereon) shall
13 be deemed for purposes of subsection (a) to lie within the
14 area of that State, Territory, Possession, or District it
15 would lie within if the boundaries of such State, Territory,
16 Possession, or District were extended seaward to the outer
17 limit of the territorial sea of the United States.”.

18 **SEC. 715. JURISDICTION OVER CRIMES AGAINST UNITED**
19 **STATES NATIONALS ON CERTAIN FOREIGN**
20 **SHIPS.**

21 Section 7 of title 18, United States Code (relating
22 to the special maritime and territorial jurisdiction of the
23 United States), is amended by inserting at the end thereof
24 the following new paragraph:

1 “(8) To the extent permitted by international law,
 2 any foreign vessel during a voyage having a scheduled de-
 3 parture from or arrival in the United States with respect
 4 to an offense committed by or against a national of the
 5 United States.”.

6 **SEC. 716. TORTURE.**

7 (a) IN GENERAL.—Part I of title 18, United States
 8 Code, is amended by inserting after chapter 113A the fol-
 9 lowing new chapter:

10 **“CHAPTER 113B—TORTURE**

“Sec.

“2340. Definitions.

“2340A. Torture.

“2340B. Exclusive remedies.

11 **“§ 2340. Definitions**

12 “In this chapter—

13 “‘severe mental pain or suffering’ means the
 14 prolonged mental harm caused by or resulting
 15 from—

16 “(A) the intentional infliction or threat-
 17 ened infliction of severe physical pain or suffer-
 18 ing;

19 “(B) the administration or application, or
 20 threatened administration or application, of
 21 mind altering substances or other procedures
 22 calculated to disrupt profoundly the senses or
 23 the personality;

1 “(C) the threat of imminent death; or

2 “(D) the threat that another person will
3 imminently be subjected to death, severe phys-
4 ical pain or suffering, or the administration or
5 application of mind altering substances or other
6 procedures calculated to disrupt profoundly the
7 senses or personality.

8 “‘torture’ means an act committed by a person
9 acting under the color of law specifically intended to
10 inflict severe physical or mental pain or suffering
11 (other than pain or suffering incidental to lawful
12 sanctions) upon another person within his custody or
13 physical control.

14 “‘United States’ includes all areas under the
15 jurisdiction of the United States including any of the
16 places within the provisions of sections 5 and 7 of
17 this title and section 101(38) of the Federal Avia-
18 tion Act of 1958 (49 U.S.C. App. 1301(38)).

19 **“§ 2340A. Torture**

20 “(a) OFFENSES.—A person who outside the United
21 States commits or attempts to commit torture shall be
22 fined under this title, imprisoned not more than 20 years,
23 or both; and if death results to any person from conduct
24 prohibited by this subsection, shall be punished by death
25 or imprisoned for any term of years or for life.

1 “(b) JURISDICTION.—There is jurisdiction over the
2 prohibited activity in subsection (a) if—

3 “(1) the alleged offender is a national of the
4 United States; or

5 “(2) the alleged offender is present in the
6 United States, irrespective of the nationality of the
7 victim or the alleged offender.

8 **“§ 2340B. Exclusive remedies**

9 “Nothing in this chapter shall be construed as pre-
10 cluding the application of State or local laws on the same
11 subject, nor shall anything in this chapter be construed
12 as creating any substantive or procedural right enforceable
13 by law by any party in any civil proceeding.”.

14 (b) TECHNICAL AMENDMENT.—The part analysis for
15 part I of title 18, United States Code, is amended by in-
16 serting after the item for chapter 113A the following new
17 item:

“113B. Torture 2340.”.

18 (c) EFFECTIVE DATE.—The amendment made by
19 this section shall take effect on the later of—

20 (1) the date of enactment of this Act; or

21 (2) the date on which the United States has be-
22 come a party to the Convention Against Torture and
23 Other Cruel, Inhuman or Degrading Treatment or
24 Punishment.

1 **SEC. 717. EXTENSION OF THE STATUTE OF LIMITATIONS**
2 **FOR CERTAIN TERRORISM OFFENSES.**

3 (a) IN GENERAL.—Chapter 213 of title 18, United
4 States Code, is amended by inserting after section 3285
5 the following new section:

6 **“§ 3286. Extension of statute of limitations for certain**
7 **terrorism offenses**

8 “Notwithstanding the provisions of section 3282, no
9 person shall be prosecuted, tried, or punished for any of-
10 fense involving a violation of section 32 (aircraft destruc-
11 tion), section 36 (airport violence), section 112 (assaults
12 upon diplomats), section 351 (crimes against Congress-
13 men or Cabinet officers), section 1116 (crimes against dip-
14 lomats), section 1203 (hostage taking), section 1361 (will-
15 ful injury to government property), section 1751 (crimes
16 against the President), section 2280 (maritime violence),
17 section 2281 (maritime platform violence), section 2331
18 (terrorist acts abroad against United States nationals),
19 section 2339 (use of weapons of mass destruction), or sec-
20 tion 2340A (torture) of this title or section 902 (i), (j),
21 (k), (l), or (n) of the Federal Aviation Act of 1958, as
22 amended (49 U.S.C. App. 1572 (i), (j), (k), (l), or (n)),
23 unless the indictment is found or the information is insti-
24 tuted within ten years next after such offense shall have
25 been committed.”.

1 (b) TECHNICAL AMENDMENT.—The chapter analysis
2 for chapter 213 of title 18, United States Code, is amend-
3 ed by inserting after the item relating to section 3285 the
4 following new item:

“3286. Extension of statute of limitations for certain terrorism offenses.”.

5 **SEC. 718. FBI ACCESS TO TELEPHONE SUBSCRIBER INFOR-**
6 **MATION.**

7 (a) REQUIRED CERTIFICATION.—Section 2709(b) of
8 title 18, United States Code, is amended to read as fol-
9 lows:

10 “(b) REQUIRED CERTIFICATION.—The Director of
11 the Federal Bureau of Investigation, or his designee in
12 a position not lower than Deputy Assistant Director,
13 may—

14 “(1) request the name, address, length of serv-
15 ice, and toll billing records of a person or entity if
16 the Director (or his designee in a position not lower
17 than Deputy Assistant Director) certifies in writing
18 to the wire or electronic communication service pro-
19 vider to which the request is made that—

20 “(A) the name, address, length of service,
21 and toll billing records sought are relevant to
22 an authorized foreign counterintelligence inves-
23 tigation; and

24 “(B) there are specific and articulable
25 facts giving reason to believe that the person or

1 entity to whom the information sought pertains
2 is a foreign power or an agent of a foreign
3 power as defined in section 101 of the Foreign
4 Intelligence Surveillance Act of 1978 (50
5 U.S.C. 1801); and

6 “(2) request the name, address, and length of
7 service of a person or entity if the Director (or his
8 designee in a position not lower than Deputy Assist-
9 ant Director) certifies in writing to the wire or elec-
10 tronic communication service provider to which the
11 request is made that—

12 “(A) the information sought is relevant to
13 an authorized foreign counterintelligence inves-
14 tigation; and

15 “(B) there are specific and articulable
16 facts giving reason to believe that communica-
17 tion facilities registered in the name of the per-
18 son or entity have been used, through the serv-
19 ices of such provider, in communication with—

20 “(i) an individual who is engaging or
21 has engaged in international terrorism as
22 defined in section 101(c) of the Foreign
23 Intelligence Surveillance Act or clandestine
24 intelligence activities that involve or may

1 involve a violation of the criminal statutes
2 of the United States; or

3 “(ii) a foreign power or an agent of a
4 foreign power under circumstances giving
5 reason to believe that the communication
6 concerned international terrorism as de-
7 fined in section 101(c) of the Foreign In-
8 telligence Surveillance Act or clandestine
9 intelligence activities that involve or may
10 involve a violation of the criminal statutes
11 of the United States.”.

12 (b) REPORT TO JUDICIARY COMMITTEES.—Section
13 2709(e) of title 18, United States Code, is amended by
14 adding after “Senate” the following: “, and the Committee
15 on the Judiciary of the House of Representatives and the
16 Committee on the Judiciary of the Senate,”.

17 **SEC. 719. VIOLENCE AT AIRPORTS SERVING INTER-**
18 **NATIONAL CIVIL AVIATION.**

19 (a) OFFENSE.—Chapter 2 of title 18, United States
20 Code, is amended by adding at the end the following new
21 section:

22 **“§ 36. Violence at international airports**

23 “(a) OFFENSE.—A person who unlawfully and inten-
24 tionally, using any device, substance, or weapon—

1 “(1) performs an act of violence against a per-
2 son at an airport serving international civil aviation
3 that causes or is likely to cause serious bodily injury
4 (as defined in section 1365) or death; or

5 “(2) destroys or seriously damages the facilities
6 of an airport serving international civil aviation or a
7 civil aircraft not in service located thereon or dis-
8 rupts the services of the airport,
9 if such an act endangers or is likely to endanger safety
10 at that airport, or attempts to do such an act, shall be
11 fined under this title, imprisoned not more than 20 years,
12 or both; and if the death of any person results from con-
13 duct prohibited by this subsection, shall be punished by
14 death or imprisoned for any term of years or for life.

15 “(b) JURISDICTION.—There is jurisdiction over the
16 prohibited activity in subsection (a) if—

17 “(1) the prohibited activity takes place in the
18 United States; or

19 “(2) the prohibited activity takes place outside
20 the United States and the offender is later found in
21 the United States.

22 “(c) BAR TO PROSECUTION.—It is a bar to Federal
23 prosecution under subsection (a) for conduct that occurred
24 within the United States that the conduct—

1 “(1) involved a domestic dispute solely affecting
2 and between members of the same family or house-
3 hold or between social acquaintances; or

4 “(2) occurred during or in relation to a labor
5 dispute, and such conduct is prohibited as a felony
6 under the law of the State in which it occurred.

7 “(d) DEFINITION.—In this section, ‘labor dispute’
8 has the same meaning that it has in the National Labor
9 Relations Act, as defined in section 2(a) of that Act (29
10 U.S.C. 152(a)).”.

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

 “36. Violence at international airports.”.

14 (c) EFFECTIVE DATE.—The amendment made by
15 subsection (a) shall take effect on the later of—

16 (1) the date of enactment of this Act; or

17 (2) the date on which the Protocol for the Sup-
18 pression of Unlawful Acts of Violence at Airports
19 Serving International Civil Aviation, Supplementary
20 to the Convention for the Suppression of Unlawful
21 Acts Against the Safety of Civil Aviation, done at
22 Montreal on 23 September 1971, has come into
23 force and the United States has become a party to
24 the Protocol.

1 **SEC. 720. PREVENTING ACTS OF TERRORISM AGAINST CI-**
2 **VILIAN AVIATION.**

3 (a) IN GENERAL.—Chapter 2 of title 18, United
4 States Code, as amended by section 719(a), is amended
5 by adding at the end the following new section:

6 **“§37. Violations of Federal aviation security regula-**
7 **tions**

8 “A person who willfully violates a security regulation
9 under part 107 or 108 of title 14, Code of Federal Regula-
10 tions (relating to airport and airline security) issued pur-
11 suant to section 315 or 316 of the Air Transportation Se-
12 curity Act of 1974 (49 U.S.C. App. 1356 and 1357), or
13 a successor part, shall be fined under this title, imprisoned
14 for not more than 1 year, or both.”.

15 (b) TECHNICAL AMENDMENT.—The chapter analysis
16 for chapter 2 of title 18, United States Code, as amended
17 by section 719(b), is amended by adding at the end the
18 following new item:

“37. Violations of Federal aviation security regulations.”.

19 **SEC. 721. COUNTERFEITING UNITED STATES CURRENCY**
20 **ABROAD.**

21 (a) IN GENERAL.—Chapter 25 of title 18, United
22 States Code, is amended by adding before section 471 the
23 following new section:

1 **“§ 470. Counterfeit acts committed outside the**
2 **United States**

3 “A person who, outside the United States, engages
4 in the act of—

5 “(1) making, dealing, or possessing any coun-
6 terfeit obligation or other security of the United
7 States; or

8 “(2) making, dealing, or possessing any plate,
9 stone, or other thing, or any part thereof, used to
10 counterfeit such obligation or security,
11 if such act would constitute a violation of section 471, 473,
12 or 474 if committed within the United States, shall be
13 fined under this title, imprisoned for not more than 15
14 years, or both.”.

15 (b) TECHNICAL AMENDMENTS.—

16 (1) CHAPTER ANALYSIS.—The chapter analysis
17 for chapter 25 of title 18, United States Code, is
18 amended by adding before section 471 the following
19 new item:

“470. Counterfeit acts committed outside the United States.”.

20 (2) PART ANALYSIS.—The part analysis for
21 part I of title 18, United States Code, is amended
22 by amending the item for chapter 25 to read as fol-
23 lows:

“25. Counterfeiting and forgery 470”.

1 **SEC. 722. ECONOMIC TERRORISM TASK FORCE.**

2 (a) ESTABLISHMENT AND PURPOSE.—There is es-
3 tablished an Economic Terrorism Task Force to—

4 (1) assess the threat of terrorist actions di-
5 rected against the United States economy, including
6 actions directed against the United States govern-
7 ment and actions against United States business in-
8 terests;

9 (2) assess the adequacy of existing policies and
10 procedures designed to prevent terrorist actions di-
11 rected against the United States economy; and

12 (3) recommend administrative and legislative
13 actions to prevent terrorist actions directed against
14 the United States economy.

15 (b) MEMBERSHIP.—The Economic Terrorism Task
16 Force shall be chaired by the Secretary of State, or the
17 Secretary's designee, and consist of—

18 (1) the Director of Central Intelligence;

19 (2) the Director of the Federal Bureau of In-
20 vestigation;

21 (3) the Director of the United States Secret
22 Service;

23 (4) the Administrator of the Federal Aviation
24 Administration;

25 (5) the Chairman of the Board of Governors of
26 the Federal Reserve;

1 (6) the Under Secretary of the Treasury for Fi-
2 nance; and

3 (7) such other members of the Departments of
4 Defense, Justice, State, Treasury, or any other
5 agency of the United States government, as the Sec-
6 retary of State may designate.

7 (c) ADMINISTRATIVE PROVISIONS.—The Federal Ad-
8 visory Committee Act (5 U.S.C. App.) shall not apply with
9 respect to the Economic Terrorism Task Force.

10 (d) REPORT.—Not later than 180 days after the date
11 of enactment of this Act, the chairman of the Economic
12 Terrorism Task Force shall submit a report to the Presi-
13 dent and the Congress detailing the findings and rec-
14 ommendations of the task force. If the report of the task
15 force is classified, an unclassified version shall be prepared
16 for public distribution.

17 **SEC. 723. TERRORIST DEATH PENALTY ACT.**

18 Section 2332(a)(1) of title 18, United States Code
19 is amended to read as follows:

20 “(1) if the killing is murder (as defined in sec-
21 tion 1111(a)), be fined under this title, punished by
22 death or imprisonment for any term of years or for
23 life, or both;”.

1 **SEC. 724. SENTENCING GUIDELINES INCREASE FOR TER-**
2 **RORIST CRIMES.**

3 The United States Sentencing Commission is directed
4 to amend its sentencing guidelines to provide an appro-
5 priate enhancement for any felony, whether committed
6 within or outside the United States, that involves or is
7 intended to promote international terrorism, unless such
8 involvement or intent is itself an element of the crime.

9 **SEC. 725. ALIEN WITNESS COOPERATION.**

10 (a) ESTABLISHMENT OF NEW NONIMMIGRANT CLAS-
11 SIFICATION.—Section 101(a)(15) of the Immigration and
12 Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

13 (1) by striking “or” at the end of subparagraph
14 (Q),

15 (2) by striking the period at the end of sub-
16 paragraph (R) and inserting “; or”, and

17 (3) by adding at the end the following new sub-
18 paragraph:

19 “(S) subject to section 214(j), an alien—

20 “(i) who the Attorney General deter-
21 mines—

22 “(I) is in possession of critical reliable
23 information concerning a criminal organi-
24 zation or enterprise, and

25 “(II) is willing to supply such infor-
26 mation to Federal or State law enforce-

1 ment authorities or a Federal or State
2 court of law, and

3 “(ii) whose presence in the United States
4 the Attorney General determines is essential to
5 the success of an authorized criminal investiga-
6 tion or the successful prosecution of an individ-
7 ual involved in the criminal organization or en-
8 terprise,

9 and the spouse and minor children of the alien if ac-
10 companying, or following to join, the alien.”.

11 (b) CONDITIONS OF ENTRY.—

12 (1) WAIVER OF GROUNDS FOR EXCLUSION.—

13 Section 212(d) of the Immigration and Nationality
14 Act (8 U.S.C. 1182(d)) is amended by inserting be-
15 fore paragraph (2) the following new paragraph:

16 “(1) The Attorney General may, in the Attorney Gen-
17 eral’s discretion, waive the application of subsection (a)
18 (other than paragraph (3)(E) thereof) in the case of a
19 nonimmigrant described in section 101(a)(15)(S), if the
20 Attorney General deems it in the national interest. Any
21 such waiver shall be deemed a waiver of any comparable
22 ground for deportation under section 241(a)(1)(A).”.

23 (2) NUMERICAL LIMITATIONS; PERIOD OF AD-
24 MISSION; ETC.—Section 214 of the Immigration and

1 Nationality Act (8 U.S.C. 1184) is amended by add-
2 ing at the end the following new subsection:

3 “(j)(1) The number of aliens who may be provided
4 a visa as nonimmigrants under section 101(a)(15)(S) in
5 any fiscal year may not exceed 100.

6 “(2) No alien may be admitted into the United States
7 as such a nonimmigrant more than 5 years after the date
8 of the enactment of this subsection.

9 “(3) The period of admission of an alien as such a
10 nonimmigrant may not exceed 3 years. Such period may
11 not be extended by the Attorney General.

12 “(4) As a condition for the admission, and continued
13 stay in lawful status, of such a nonimmigrant, the non-
14 immigrant—

15 “(A) shall report not less often than quarterly
16 to the Commissioner such information concerning
17 the alien’s whereabouts and activities as the Attor-
18 ney General may require,

19 “(B) may not be convicted of any criminal of-
20 fense in the United States after the date of such ad-
21 mission, and

22 “(C) must have executed a form that waives the
23 nonimmigrant’s right to contest, other than on the
24 basis of an application for withholding of deporta-
25 tion, any action for deportation of the alien insti-

1 tuted before the alien obtains lawful permanent resi-
2 dent status.

3 “(5) The Attorney General shall submit a report an-
4 nually to the Committees on the Judiciary of the House
5 of Representatives and of the Senate concerning—

6 “(A) the number of such nonimmigrants admit-
7 ted,

8 “(B) the number of successful criminal prosecu-
9 tions or investigations resulting from cooperation of
10 such aliens,

11 “(C) the number of such nonimmigrants whose
12 admission has not resulted in successful criminal
13 prosecution or investigation, and

14 “(D) the number of such nonimmigrants who
15 have failed to report quarterly (as required under
16 paragraph (4)) or who have been convicted of crimes
17 in the United States after the date of their admis-
18 sion as such a nonimmigrant.”.

19 (3) PROHIBITION OF CHANGE OF STATUS.—
20 Section 248(1) of the Immigration and Nationality
21 Act (8 U.S.C. 1258(1)) is amended by striking “or
22 (K)” and inserting “(K), or (S)”.

23 (c) ADJUSTMENT TO PERMANENT RESIDENT STA-
24 TUS.—

1 (1) IN GENERAL.—Section 245 of the Immigra-
2 tion and Nationality Act (8 U.S.C. 1255) is amend-
3 ed by adding at the end the following new sub-
4 section:

5 “(h)(1) If, in the opinion of the Attorney General—

6 “(A) a nonimmigrant admitted into the United
7 States under section 101(a)(15)(S) has supplied in-
8 formation described in clauses (i) and (ii) of that
9 section, and

10 “(B) the provision of such information has sub-
11 stantially contributed to the success of an authorized
12 criminal investigation or the successful prosecution
13 of an individual described in clause (ii) of that sec-
14 tion,

15 the Attorney General may adjust the status of the alien
16 (and the spouse and child of the alien if admitted under
17 such section) to that of an alien lawfully admitted for per-
18 manent residence if the alien is not described in section
19 212(a)(3)(E).

20 “(2) Upon the approval of adjustment of status under
21 paragraph (1), the Attorney General shall record the
22 alien’s lawful admission for permanent residence as of the
23 date of such approval, and the Secretary of State shall
24 reduce by 1 the number of visas authorized to be issued

1 under section 201(d) and 203(b)(4) for the fiscal year
2 then current.”.

3 (2) EXCLUSIVE MEANS OF ADJUSTMENT.—Sec-
4 tion 245(c) of the Immigration and Nationality Act
5 (8 U.S.C. 1255(c)) is amended—

6 (A) by striking “or” before “(3)” and
7 “(4)”; and

8 (B) by inserting before the period at the
9 end the following: “; or (5) an alien who was
10 admitted as a nonimmigrant described in sec-
11 tion 101(a)(15)(S)”.

12 (d) EXTENDING PERIOD OF DEPORTATION FOR CON-
13 VICTION OF A CRIME.—Section 241(a)(2)(A)(i)(I) of the
14 Immigration and Nationality Act (8 U.S.C.
15 1251(a)(2)(A)(i)(I)) is amended by inserting “(or
16 years in the case of an alien provided lawful permanent
17 resident status under section 245(h))” after “five years”.

18 **SEC. 726. PROVIDING MATERIAL SUPPORT TO TERRORISTS.**

19 (a) OFFENSE.—Chapter 113A of title 18, United
20 States Code, is amended by adding the following new sec-
21 tion:

22 **“§ 2339A. Providing material support to terrorists**

23 “(a) DEFINITION.—In this section, ‘material support
24 or resources’ means currency or other financial securities,
25 financial services, lodging, training, safehouses, false doc-

1 umentation or identification, communications equipment,
2 facilities, weapons, lethal substances, explosives, person-
3 nel, transportation, and other physical assets, but does not
4 include humanitarian assistance to persons not directly in-
5 volved in such violations.

6 “(b) OFFENSE.—A person who, within the United
7 States, provides material support or resources or conceals
8 or disguises the nature, location, source, or ownership of
9 material support or resources, knowing or intending that
10 they are to be used in preparation for, or in carrying out,
11 a violation of section 32, 36, 351, 844 (f) or (i), 1114,
12 1116, 1203, 1361, 1363, 1751, 2280, 2281, 2331, or
13 2339 of this title or section 902(i) of the Federal Aviation
14 Act of 1958 (49 U.S.C. App. 1472(i)), or in preparation
15 for or carrying out the concealment of an escape from the
16 commission of any such violation, shall be fined under this
17 title, imprisoned not more than 10 years, or both.”.

18 (b) TECHNICAL AMENDMENT.—The chapter analysis
19 for chapter 113A of title 18, United States Code, is
20 amended by adding the following new item:

“2339A. Providing material support to terrorists.”.

1 **TITLE VIII—SEXUAL VIOLENCE**
2 **AND CHILD ABUSE**
3 **Subtitle A—Sexual Abuse**

4 **SEC. 801. SEXUAL ABUSE AMENDMENTS.**

5 (a) DEFINITIONS OF SEXUAL ACT AND SEXUAL CON-
6 TACT FOR VICTIMS UNDER THE AGE OF 16.—Paragraph
7 (2) of section 2245 of title 18, United States Code, is
8 amended—

9 (1) in subparagraph (B) by striking “or” after
10 the semicolon;

11 (2) in subparagraph (C) by striking “; and”
12 and inserting “; or”; and

13 (3) by inserting a new subparagraph (D) as fol-
14 lows:

15 “(D) the intentional touching, not through
16 the clothing, of the genitalia of another person
17 who has not attained the age of 16 years with
18 an intent to abuse, humiliate, harass, degrade,
19 or arouse or gratify the sexual desire of any
20 person;”.

21 **Subtitle B—Child Protection**

22 **SEC. 811. SHORT TITLE.**

23 This subtitle may be cited as the “National Child
24 Protection Act of 1993”.

1 **SEC. 812. PURPOSES.**

2 The purposes of this subtitle are—

3 (1) to establish a national system through
4 which child care organizations may obtain the bene-
5 fit of a nationwide criminal background check to de-
6 termine if persons who are current or prospective
7 child care providers have committed child abuse
8 crimes or other serious crimes;

9 (2) to establish minimum criteria for State laws
10 and procedures that permit child care organizations
11 to obtain the benefit of nationwide criminal back-
12 ground checks to determine if persons who are cur-
13 rent or prospective child care providers have commit-
14 ted child abuse crimes or other serious crimes;

15 (3) to provide procedural rights for persons who
16 are subject to nationwide criminal background
17 checks, including procedures to challenge and correct
18 inaccurate background check information;

19 (4) to establish a national system for the re-
20 porting by the States of child abuse crime informa-
21 tion; and

22 (5) to document and study the problem of child
23 abuse by providing statistical and informational data
24 on child abuse and related crimes to the Department
25 of Justice and other interested parties.

1 **SEC. 813. DEFINITIONS.**

2 For the purposes of this subtitle—

3 (1) the term “authorized agency” means a divi-
4 sion or office of a State designated by a State to re-
5 port, receive, or disseminate information under this
6 subtitle;

7 (2) the term “background check crime” means
8 a child abuse crime, murder, manslaughter, aggra-
9 vated assault, kidnapping, arson, sexual assault, do-
10 mestic violence, incest, indecent exposure, prostitu-
11 tion, promotion of prostitution, and a felony offense
12 involving the use or distribution of a controlled sub-
13 stance;

14 (3) the term “child” means a person who is a
15 child for purposes of the criminal child abuse law of
16 a State;

17 (4) the term “child abuse” means the physical
18 or mental injury, sexual abuse or exploitation, ne-
19 glectful treatment, negligent treatment, or maltreat-
20 ment of a child by any person in violation of the
21 criminal child abuse laws of a State, but does not in-
22 clude discipline administered by a parent or legal
23 guardian to his or her child provided it is reasonable
24 in manner and moderate in degree and otherwise
25 does not constitute cruelty;

1 (5) the term “child abuse crime” means a crime
2 committed under any law of a State that establishes
3 criminal penalties for the commission of child abuse
4 by a parent or other family member of a child or by
5 any other person;

6 (6) the term “child abuse crime information”
7 means the following facts concerning a person who
8 is under indictment for, or has been convicted of, a
9 child abuse crime: full name, race, sex, date of birth,
10 height, weight, a brief description of the child abuse
11 crime or offenses for which the person has been ar-
12 rested or is under indictment or has been convicted,
13 the disposition of the charge, and any other informa-
14 tion that the Attorney General determines may be
15 useful in identifying persons arrested for, under in-
16 dictment for, or convicted of, a child abuse crime;

17 (7) the term “child care” means the provision
18 of care, treatment, education, training, instruction,
19 supervision, or recreation to children;

20 (8) the term “domestic violence” means a fel-
21 ony or misdemeanor involving the use or threatened
22 use of force by—

23 (A) a present or former spouse of the vic-
24 tim;

1 (B) a person with whom the victim shares
2 a child in common;

3 (C) a person who is cohabiting with or has
4 cohabited with the victim as a spouse; or

5 (D) any person defined as a spouse of the
6 victim under the domestic or family violence
7 laws of a State;

8 (9) the term “exploitation” means child pornog-
9 raphy and child prostitution;

10 (10) the term “mental injury” means harm to
11 a child’s psychological or intellectual functioning,
12 which may be exhibited by severe anxiety, depres-
13 sion, withdrawal or outward aggressive behavior, or
14 a combination of those behaviors or by a change in
15 behavior, emotional response, or cognition;

16 (11) the term “national criminal background
17 check system” means the system maintained by the
18 Federal Bureau of Investigation based on fingerprint
19 identification or any other method of positive identi-
20 fication;

21 (12) the term “negligent treatment” means the
22 failure to provide, for a reason other than poverty,
23 adequate food, clothing, shelter, or medical care so
24 as to seriously endanger the physical health of a
25 child;

1 (13) the term “physical injury” includes lacera-
2 tions, fractured bones, burns, internal injuries, se-
3 vere bruising, and serious bodily harm;

4 (14) the term “provider” means

5 (A) a person who—

6 (i) is employed by or volunteers with
7 a qualified entity;

8 (ii) who owns or operates a qualified
9 entity; or

10 (iii) who has or may have unsuper-
11 vised access to a child to whom the quali-
12 fied entity provides child care; and

13 (B) a person who—

14 (i) seeks to be employed by or volun-
15 teer with a qualified entity;

16 (ii) seeks to own or operate a qualified
17 entity; or

18 (iii) seeks to have or may have unsu-
19 pervised access to a child to whom the
20 qualified entity provides child care;

21 (15) the term “qualified entity” means a busi-
22 ness or organization, whether public, private, for-
23 profit, not-for-profit, or voluntary, that provides
24 child care or child care placement services, including
25 a business or organization that licenses or certifies

1 others to provide child care or child care placement
2 services;

3 (16) the term “sex crime” means an act of sex-
4 ual abuse that is a criminal act;

5 (17) the term “sexual abuse” includes the em-
6 ployment, use, persuasion, inducement, enticement,
7 or coercion of a child to engage in, or assist another
8 person to engage in, sexually explicit conduct or the
9 rape, molestation, prostitution, or other form of sex-
10 ual exploitation of children or incest with children;
11 and

12 (18) the term “State” means a State, the Dis-
13 trict of Columbia, the Commonwealth of Puerto
14 Rico, American Samoa, the Virgin Islands, Guam,
15 and the Trust Territories of the Pacific.

16 **SEC. 814. REPORTING BY THE STATES.**

17 (a) IN GENERAL.—An authorized criminal justice
18 agency of a State shall report child abuse crime informa-
19 tion to, or index child abuse crime information in, the na-
20 tional criminal background check system.

21 (b) PROVISION OF STATE CHILD ABUSE CRIME
22 RECORDS THROUGH THE NATIONAL CRIMINAL BACK-
23 GROUND CHECK SYSTEM.—(1) Not later than 180 days
24 after the date of enactment of this Act, the Attorney Gen-
25 eral shall, subject to the availability of appropriations—

1 (A) investigate the criminal records of each
2 State and determine for each State a timetable by
3 which the State should be able to provide child
4 abuse crime records on an on-line capacity basis
5 through the national criminal background check sys-
6 tem;

7 (B) establish guidelines for the reporting or in-
8 dexing of child abuse crime information, including
9 guidelines relating to the format, content, and accu-
10 racy of child abuse crime information and other pro-
11 cedures for carrying out this Act; and

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

14 (2) The Attorney General shall require as a part of
15 the State timetable that the State—

16 (A) achieve, by not later than the date that is
17 3 years after the date of enactment of this Act, at
18 least 80 percent currency of final case dispositions
19 in computerized criminal history files for all identifi-
20 able child abuse crime cases in which there has been
21 an event of activity within the last 5 years;

22 (B) continue to maintain at least 80 percent
23 currency of final case dispositions in all identifiable
24 child abuse crime cases in which there has been an
25 event of activity within the preceding 5 years; and

1 (C) take steps to achieve full disposition report-
2 ing, including data quality audits and periodic no-
3 tices to criminal justice agencies identifying records
4 that lack final dispositions and requesting those dis-
5 positions.

6 (c) LIAISON.—An authorized agency of a State shall
7 maintain close liaison with the National Center on Child
8 Abuse and Neglect, the National Center for Missing and
9 Exploited Children, and the National Center for the Pros-
10 ecution of Child Abuse for the exchange of technical as-
11 sistance in cases of child abuse.

12 (d) ANNUAL SUMMARY.—(1) The Attorney General
13 shall publish an annual statistical summary of the child
14 abuse crime information reported under this subtitle.

15 (2) The annual statistical summary described in
16 paragraph (1) shall not contain any information that may
17 reveal the identity of any particular victim or alleged viola-
18 tor.

19 (e) ANNUAL REPORT.—The Attorney General shall
20 publish an annual summary of each State's progress in
21 reporting child abuse crime information to the national
22 criminal background check system.

23 (f) STUDY OF CHILD ABUSE OFFENDERS.—(1) Not
24 later than 180 days after the date of enactment of this
25 Act, the Administrator of the Office of Juvenile Justice

1 and Delinquency Prevention shall begin a study based on
2 a statistically significant sample of convicted child abuse
3 offenders and other relevant information to determine—

4 (A) the percentage of convicted child abuse of-
5 fenders who have more than 1 conviction for an of-
6 fense involving child abuse;

7 (B) the percentage of convicted child abuse of-
8 fenders who have been convicted of an offense in-
9 volving child abuse in more than 1 State;

10 (C) whether there are crimes or classes of
11 crimes, in addition to those defined as background
12 check crimes in section 3, that are indicative of a
13 potential to abuse children; and

14 (D) the extent to which and the manner in
15 which instances of child abuse form a basis for con-
16 victions for crimes other than child abuse crimes.

17 (2) Not later than 1 year after the date of enactment
18 of this Act, the Administrator shall submit a report to the
19 Chairman of the Committee on the Judiciary of the Senate
20 and the Chairman of the Committee on the Judiciary of
21 the House of Representatives containing a description of
22 and a summary of the results of the study conducted pur-
23 suant to paragraph (1).

1 **SEC. 815. BACKGROUND CHECKS.**

2 (a) IN GENERAL.—(1) A State may have in effect
3 procedures (established by or under State statute or regu-
4 lation) to permit a qualified entity to contact an author-
5 ized agency of the State to request a nationwide back-
6 ground check for the purpose of determining whether
7 there is a report that a provider is under indictment for,
8 or has been convicted of, a background check crime.

9 (2) The authorized agency shall access and review
10 State and Federal records of background check crimes
11 through the national criminal background check system
12 and shall respond promptly to the inquiry.

13 (b) GUIDELINES.—(1) The Attorney General shall es-
14 tablish guidelines for State background check procedures
15 established under subsection (a), which guidelines shall in-
16 clude the requirements and protections of this subtitle.

17 (2) The guidelines established under paragraph (1)
18 shall require—

19 (A) that no qualified entity may request a back-
20 ground check of a provider under subsection (a) un-
21 less the provider first completes and signs a state-
22 ment that—

23 (i) contains the name, address, and date of
24 birth appearing on a valid identification docu-
25 ment (as defined by section 1028(d)(1) of title
26 18, United States Code) of the provider;

1 (ii) the provider is not under indictment
2 for, and has not been convicted of, a back-
3 ground check crime and, if the provider is
4 under indictment for or has been convicted of
5 a background check crime, contains a descrip-
6 tion of the crime and the particulars of the in-
7 dictment or conviction;

8 (iii) notifies the provider that the entity
9 may request a background check under sub-
10 section (a);

11 (iv) notifies the provider of the provider's
12 rights under subparagraph (B); and

13 (v) notifies the provider that prior to the
14 receipt of the background check the qualified
15 entity may choose to deny the provider unsuper-
16 vised access to a child to whom the qualified en-
17 tity provides child care;

18 (B) that each State establish procedures under
19 which a provider who is the subject of a background
20 check under subsection (a) is entitled—

21 (i) to obtain a copy of any background
22 check report and any record that forms the
23 basis for any such report; and

24 (ii) to challenge the accuracy and com-
25 pleteness of any information contained in any

1 such report or record and obtain a prompt de-
2 termination from an authorized agency as to
3 the validity of such challenge;

4 (C) that an authorized agency to which a quali-
5 fied entity has provided notice pursuant to sub-
6 section (a) make reasonable efforts to complete re-
7 search in whatever State and local recordkeeping
8 systems are available and in the national criminal
9 background check system and respond to the quali-
10 fied entity within 15 business days;

11 (D) that the response of an authorized agency
12 to an inquiry pursuant to subsection (a) inform the
13 qualified entity that the background check pursuant
14 to this section—

15 (i) may not reflect all indictments or con-
16 victions for a background check crime; and

17 (ii) may not be the sole basis for determin-
18 ing the fitness of a provider;

19 (E) that the response of an authorized agency
20 to an inquiry pursuant to subsection (a) be limited
21 to the conviction or pending indictment information
22 reasonably required to accomplish the purposes of
23 this Act;

24 (F) that the qualified entity may choose to deny
25 the provider unsupervised access to a child to whom

1 the qualified entity provides child care on the basis
2 of a background check under subsection (a) until the
3 provider has obtained a determination as to the va-
4 lidity of any challenge under subparagraph (B) or
5 waived the right to make such challenge; and

6 (G) that each State establish procedures to en-
7 sure that any background check under subsection
8 (a) and the results thereof shall be requested by and
9 provided only to—

10 (i) qualified entities identified by States;

11 (ii) authorized representatives of a quali-
12 fied entity who have a need to know such infor-
13 mation;

14 (iii) the provider who is the subject of a
15 background check;

16 (iv) law enforcement authorities; or

17 (v) pursuant to the direction of a court of
18 law;

19 (H) that background check information con-
20 veyed to a qualified entity pursuant to subsection (a)
21 shall not be conveyed to any person except as pro-
22 vided under subparagraph (G);

23 (I) that an authorized agency shall not be liable
24 in an action at law for damages for failure to pre-

1 vent a qualified entity from taking action adverse to
2 a provider on the basis of a background check;

3 (J) that a State employee or a political subdivi-
4 sion of a State or employee thereof responsible for
5 providing information to the national criminal back-
6 ground check system shall not be liable in an action
7 at law for damages for failure to prevent a qualified
8 entity from taking action adverse to a provider on
9 the basis a background check; and

10 (K) that a State or Federal provider of criminal
11 history records, and any employee thereof, shall not
12 be liable in an action at law for damages for failure
13 to prevent a qualified entity from taking action ad-
14 verse to a provider on the basis of a criminal back-
15 ground check, or due to a criminal history record's
16 being incomplete.

17 (c) EQUIVALENT PROCEDURES.—(1) Notwithstand-
18 ing anything to the contrary in this section, the Attorney
19 General may certify that a State licensing or certification
20 procedure that differs from the procedures described in
21 subsections (a) and (b) shall be deemed to be the equiva-
22 lent of such procedures for purposes of this Act, but the
23 procedures described in subsections (a) and (b) shall con-
24 tinue to apply to those qualified entities, providers, and
25 background check crimes that are not governed by or in-

1 cluded within the State licensing or certification proce-
2 dure.

3 (2) The Attorney General shall by regulation estab-
4 lish criteria for certifications under this subsection. Such
5 criteria shall include a finding by the Attorney General
6 that the State licensing or certification procedure accom-
7 plishes the purposes of this Act and incorporates a nation-
8 wide review of State and Federal records of background
9 check offenses through the national criminal background
10 check system.

11 (d) REGULATIONS.—(1) The Attorney General may
12 by regulation prescribe such other measures as may be
13 required to carry out the purposes of this Act, including
14 measures relating to the security, confidentiality, accu-
15 racy, use, misuse, and dissemination of information, and
16 audits and recordkeeping.

17 (2) The Attorney General shall, to the maximum ex-
18 tent possible, encourage the use of the best technology
19 available in conducting background checks.

20 **SEC. 816. FUNDING FOR IMPROVEMENT OF CHILD ABUSE**
21 **CRIME INFORMATION.**

22 (a) USE OF FORMULA GRANTS FOR IMPROVEMENTS
23 IN STATE RECORDS AND SYSTEMS.—Section 509(b) of
24 the Omnibus Crime Control and Safe Streets Act of 1968
25 (42 U.S.C. 3759(b)) is amended—

1 (1) in paragraph (2) by striking “and” after
2 the semicolon;

3 (2) in paragraph (3) by striking the period and
4 inserting “; and”; and

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

7 “(4) the improvement of State record systems
8 and the sharing of all of the records described in
9 paragraphs (1), (2), and (3) and the records re-
10 quired by the Attorney General under section 914 of
11 the National Child Protection Act of 1993 with the
12 Attorney General for the purpose of implementing
13 the National Child Protection Act of 1993.”.

14 (b) ADDITIONAL FUNDING GRANTS FOR THE IM-
15 PROVEMENT OF CHILD ABUSE CRIME INFORMATION.—

16 (1) The Attorney General shall, subject to appropriations
17 and with preference to States that as of the date of enact-
18 ment of this Act have the lowest percent currency of case
19 dispositions in computerized criminal history files, make
20 a grant to each State to be used—

21 (A) for the computerization of criminal history
22 files for the purposes of this subtitle;

23 (B) for the improvement of existing computer-
24 ized criminal history files for the purposes of this
25 subtitle;

1 (C) to improve accessibility to the national
2 criminal background check system for the purposes
3 of this subtitle; and

4 (D) to assist the State in the transmittal of
5 criminal records to, or the indexing of criminal his-
6 tory record in, the national criminal background
7 check system for the purposes of this subtitle.

8 (2) There are authorized to be appropriated for
9 grants under paragraph (1) a total of \$20,000,000 for fis-
10 cal years 1995, 1996, and 1997.

11 (c) WITHHOLDING STATE FUNDS.—Effective 1 year
12 after the date of enactment of this Act, the Attorney Gen-
13 eral may reduce by up to 10 percent the allocation to a
14 State for a fiscal year under title I of the Omnibus Crime
15 Control and Safe Streets Act of 1968 of a State that is
16 not in compliance with the timetable established for that
17 State under section 914 of this Act.

18 **Subtitle C—Crimes Against** 19 **Children**

20 **SEC. 821. SHORT TITLE.**

21 This subtitle may be cited as the “Jacob Wetterling
22 Crimes Against Children Registration Act”.

23 **SEC. 822. ESTABLISHMENT OF PROGRAM.**

24 (a) IN GENERAL.—

1 (1) STATE GUIDELINES.—The Attorney General
2 shall establish guidelines for State programs requir-
3 ing any person who is convicted of a criminal offense
4 against a victim who is a minor to register a current
5 address with a designated State law enforcement
6 agency for 10 years after release from prison, being
7 placed on parole, or being placed on supervised re-
8 lease.

9 (2) DEFINITION.—For purposes of this sub-
10 section, the term “criminal offense against a victim
11 who is a minor” includes—

12 (A) kidnapping of a minor, except by a
13 noncustodial parent;

14 (B) false imprisonment of a minor, except
15 by a noncustodial parent;

16 (C) criminal sexual conduct toward a
17 minor;

18 (D) solicitation of minors to engage in sex-
19 ual conduct;

20 (E) use of minors in a sexual performance;
21 or

22 (F) solicitation of minors to practice pros-
23 titution.

24 (b) REGISTRATION REQUIREMENT UPON RELEASE,
25 PAROLE, OR SUPERVISED RELEASE.—An approved State

1 registration program established by this section shall con-
2 tain the following requirements:

3 (1) NOTIFICATION.—If a person who is re-
4 quired to register under this section is released from
5 prison, paroled, or placed on supervised release, a
6 State prison officer shall—

7 (A) inform the person of the duty to reg-
8 ister;

9 (B) inform the person that if the person
10 changes residence address, the person shall give
11 the new address to a designated State law en-
12 forcement agency in writing within 10 days;

13 (C) obtain fingerprints and a photograph
14 of the person if these have not already been ob-
15 tained in connection with the offense that trig-
16 gers registration; and

17 (D) require the person to read and sign a
18 form stating that the duty of the person to reg-
19 ister under this section has been explained.

20 (2) TRANSFER OF INFORMATION TO STATE AND
21 THE FBI.—The officer shall, within 3 days after re-
22 ceipt of information described in paragraph (1), for-
23 ward it to a designated State law enforcement agen-
24 cy. The State law enforcement agency shall imme-
25 diately enter the information into the appropriate

1 State law enforcement record system and notify the
2 appropriate law enforcement agency having jurisdic-
3 tion where the person expects to reside. The State
4 law enforcement agency shall also immediately
5 transmit the conviction data and fingerprints to the
6 Identification Division of the Federal Bureau of In-
7 vestigation.

8 (3) ANNUAL VERIFICATION.—On each anniver-
9 sary of a person's initial registration date during the
10 period in which the person is required to register
11 under this section, the designated State law enforce-
12 ment agency shall mail a nonforwardable verification
13 form to the last reported address of the person. The
14 person shall mail the verification form to the officer
15 within 10 days after receipt of the form. The ver-
16 ification form shall be signed by the person, and
17 state that the person still resides at the address last
18 reported to the designated State law enforcement
19 agency. If the person fails to mail the verification
20 form to the designated State law enforcement agen-
21 cy within 10 days after receipt of the form, the per-
22 son shall be in violation of this section unless the
23 person proves that the person has not changed his
24 or her residence address.

1 (4) NOTIFICATION OF LOCAL LAW ENFORCE-
2 MENT AGENCIES OF CHANGES IN ADDRESS.—Any
3 change of address by a person required to register
4 under this section reported to the designated State
5 law enforcement agency shall immediately be re-
6 ported to the appropriate law enforcement agency
7 having jurisdiction where the person is residing.

8 (c) REGISTRATION FOR 10 YEARS.—A person re-
9 quired to register under this section shall continue to com-
10 ply with this section until 10 years have elapsed since the
11 person was released from imprisonment, or placed on pa-
12 role or supervised release.

13 (d) PENALTY.—A person required to register under
14 a State program established pursuant to this section who
15 knowingly fails to so register and keep such registration
16 current shall be subject to criminal penalties in such State.
17 It is the sense of Congress that such penalties should in-
18 clude at least 6 months imprisonment.

19 (e) PRIVATE DATA.—The information provided under
20 this section is private data on individuals and may be used
21 for law enforcement purposes and confidential background
22 checks conducted with fingerprints by a designated State
23 law enforcement agency for child care services providers.

1 **SEC. 823. STATE COMPLIANCE.**

2 (a) COMPLIANCE DATE.—Each State shall have 3
3 years from the date of enactment of this Act in which to
4 implement the provisions of this subtitle.

5 (b) INELIGIBILITY FOR FUNDS.—The allocation of
6 funds under section 506 of title I of the Omnibus Crime
7 Control and Safe Streets Act of 1968 (42 U.S.C. 3756)
8 received by a State not complying with this subtitle 3
9 years after the date of enactment of this Act shall be re-
10 duced by 10 percent and the unallocated funds shall be
11 reallocated to the States in compliance with this section.

12 **TITLE IX—CRIME VICTIMS**

13 **Subtitle A—Victims’ Rights**

14 **SEC. 901. VICTIM’S RIGHT OF ALLOCUTION IN SENTENCING.**

15 Rule 32 of the Federal Rules of Criminal Procedure
16 is amended by—

17 (1) striking “and” following the semicolon in
18 subdivision (a)(1)(B);

19 (2) striking the period at the end of subdivision
20 (a)(1)(C) and inserting in lieu thereof “; and”;

21 (3) inserting after subdivision (a)(1)(C) the
22 following:

23 “(D) if sentence is to be imposed for a
24 crime of violence or sexual abuse, address the
25 victim personally if the victim is present at the
26 sentencing hearing and determine if the victim

1 wishes to make a statement and to present any
2 information in relation to the sentence.”;

3 (4) in the second to last sentence of subdivision
4 (a)(1), striking “equivalent opportunity” and insert-
5 ing in lieu thereof “opportunity equivalent to that of
6 the defendant’s counsel”;

7 (5) in the last sentence of subdivision (a)(1) in-
8 serting “the victim,” before “or the attorney for the
9 Government.”; and

10 (6) adding at the end the following:

11 “(f) DEFINITIONS.—For purposes of this rule—

12 “(1) ‘victim’ means any individual against
13 whom an offense for which a sentence is to be im-
14 posed has been committed, but the right of allocu-
15 tion under subdivision (a)(1)(D) may be exercised
16 instead by—

17 “(A) a parent or legal guardian in case the
18 victim is below the age of eighteen years or in-
19 competent; or

20 “(B) one or more family members or rel-
21 atives designated by the court in case the victim
22 is deceased or incapacitated;

23 if such person or persons are present at the sentenc-
24 ing hearing, regardless of whether the victim is
25 present; and

1 (2) in subsection (b)(1)(A) by striking “imprac-
2 tical” and inserting “impracticable”;

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

5 (4) in subsection (c) by striking “If the Court
6 decides to order restitution under this section, the”
7 and inserting “The”;

8 (5) by striking subsections (d), (e), (f), (g), and
9 (h); and

10 (6) by adding at the end the following new sub-
11 sections:

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

15 “(A) the economic circumstances of the of-
16 fender; or

17 “(B) the fact that a victim has received or is
18 entitled to receive compensation with respect to a
19 loss from insurance or any other source.

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

24 “(A) the financial resources and other assets of
25 the offender;

1 “(B) projected earnings and other income of
2 the offender; and

3 “(C) any financial obligations of the offender,
4 including obligations to dependents.

5 “(3) A restoration order may direct the offender to
6 make a single, lump-sum payment, partial payment at
7 specified intervals, or such in-kind payments as may be
8 agreeable to the victim and the offender.

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

11 “(A) return of property;

12 “(B) replacement of property; or

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

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

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

1 “(g)(1) If the victim has received or is entitled to re-
2 ceive compensation with respect to a loss from insurance
3 or any other source, the court shall order that restitution
4 be paid to the person who provided or is obligated to pro-
5 vide the compensation, but the restitution order shall pro-
6 vide that all restitution of victims required by the order
7 be paid to the victims before any restitution is paid to
8 such a provider of compensation.

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

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

20 “(A) any Federal civil proceeding; and

21 “(B) any State civil proceeding, to the extent
22 provided by the law of the State.

23 “(h) A restitution order shall provide that—

24 “(1) all fines, penalties, costs, restitution pay-
25 ments and other forms of transfers of money or

1 property made pursuant to the sentence of the court
2 shall be made by the offender to an entity des-
3 igned by the Director of the Administrative Office
4 of the United States Courts for accounting and pay-
5 ment by the entity in accordance with this sub-
6 section;

7 “(2) the entity designated by the Director of
8 the Administrative Office of the United States
9 Courts shall—

10 “(A) log all transfers in a manner that
11 tracks the offender’s obligations and the cur-
12 rent status in meeting those obligations, unless,
13 after efforts have been made to enforce the res-
14 titution order and it appears that compliance
15 cannot be obtained, the court determines that
16 continued recordkeeping under this subpara-
17 graph would not be useful;

18 “(B) notify the court and the interested
19 parties when an offender is 90 days in arrears
20 in meeting those obligations; and

21 “(C) disburse money received from an of-
22 fender so that each of the following obligations
23 is paid in full in the following sequence:

24 “(i) a penalty assessment under sec-
25 tion 3013 of title 18, United States Code;

1 “(ii) restitution of all victims; and

2 “(iii) all other fines, penalties, costs,
3 and other payments required under the
4 sentence; and

5 “(3) the offender shall advise the entity des-
6 ignated by the Director of the Administrative Office
7 of the United States Courts of any change in the of-
8 fender’s address during the term of the restitution
9 order.

10 “(i) A restitution order shall constitute a lien against
11 all property of the offender and may be recorded in any
12 Federal or State office for the recording of liens against
13 real or personal property.

14 “(j) Compliance with the schedule of payment and
15 other terms of a restitution order shall be a condition of
16 any probation, parole, or other form of release of an of-
17 fender. If a defendant fails to comply with a restitution
18 order, the court may revoke probation or a term of super-
19 vised release, modify the term or conditions of probation
20 or a term of supervised release, hold the defendant in con-
21 tempt of court, enter a restraining order or injunction,
22 order the sale of property of the defendant, accept a per-
23 formance bond, or take any other action necessary to ob-
24 tain compliance with the restitution order. In determining
25 what action to take, the court shall consider the defend-

1 ant's employment status, earning ability, financial re-
2 sources, the willfulness in failing to comply with the res-
3 titution order, and any other circumstances that may have
4 a bearing on the defendant's ability to comply with the
5 restitution order.

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

7 “(1) by the United States—

8 “(A) in the manner provided for the collec-
9 tion and payment of fines in subchapter (B) of
10 chapter 229 of this title; or

11 “(B) in the same manner as a judgment in
12 a civil action; and

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

16 “(l) A victim or the offender may petition the court
17 at any time to modify a restitution order as appropriate
18 in view of a change in the economic circumstances of the
19 offender.”.

20 (b) PROCEDURE FOR ISSUING ORDER OF RESTITU-
21 TION.—Section 3664 of title 18, United States Code, is
22 amended—

23 (1) by striking subsection (a);

24 (2) by redesignating subsections (b), (c), (d),

25 and (e) as subsections (a), (b), (c), and (d);

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

3 “(a) The court may order the probation service of the
4 court to obtain information pertaining to the amount of
5 loss sustained by any victim as a result of the offense,
6 the financial resources of the defendant, the financial
7 needs and earning ability of the defendant and the defend-
8 ant’s dependents, and such other factors as the court
9 deems appropriate. The probation service of the court
10 shall include the information collected in the report of
11 presentence investigation or in a separate report, as the
12 court directs.”; and

13 (4) by adding at the end thereof the following
14 new subsection:

15 “(e) The court may refer any issue arising in connec-
16 tion with a proposed order of restitution to a magistrate
17 or special master for proposed findings of fact and rec-
18 ommendations as to disposition, subject to a de novo de-
19 termination of the issue by the court.”.

20 **Subtitle B—Crime Victims’ Fund**

21 **SEC. 911. AMOUNTS OF FUNDS FOR COSTS AND GRANTS.**

22 Section 1402(d)(2) of the Victims of Crime Act of
23 1984 (42 U.S.C. 10601(d)(2)) is amended—

24 (1) by striking “and” at the end of subpara-
25 graph (A);

1 (2) by striking the period at the end of sub-
2 paragraph (B) and inserting a semicolon; and

3 (3) by adding at the end the following new sub-
4 paragraphs:

5 “(C) 1 percent shall be available for grants
6 under section 1404(c); and

7 “(D) 4.5 percent shall be available for
8 grants as provided in section 1404A.”.

9 **SEC. 912. RELATIONSHIP OF CRIME VICTIM COMPENSA-**
10 **TION TO CERTAIN FEDERAL PROGRAMS.**

11 Section 1403 of the Victims of Crime Act of 1984
12 (42 U.S.C. 10602) is amended by adding at the end the
13 following:

14 “(e) Notwithstanding any other provision of law, if
15 the compensation paid by an eligible crime victim com-
16 pensation program would cover costs that a Federal pro-
17 gram, or a federally financed State or local program,
18 would otherwise pay, then—

19 “(1) such crime victim compensation program
20 shall not pay that compensation; and

21 “(2) the other program shall make its payments
22 without regard to the existence of the crime victim
23 compensation program.”.

1 **SEC. 913. ADMINISTRATIVE COSTS FOR CRIME VICTIM COM-**
2 **PENSATION.**

3 (a) CREATION OF EXCEPTION.—The final sentence
4 of section 1403(a)(1) of the Victims of Crime Act of 1984
5 (42 U.S.C. 10602(a)(1)) is amended by striking “A
6 grant” and inserting “Except as provided in paragraph
7 (3), a grant”.

8 (b) REQUIREMENTS OF EXCEPTION.—Section
9 1403(a) of the Victims of Crime Act of 1984 (42 U.S.C.
10 10602(a)) is amended by adding at the end the following
11 new paragraph:

12 “(3) Not more than 5 percent of a grant made
13 under this section may be used for the administra-
14 tion of the State crime victim compensation program
15 receiving the grant.”.

16 **SEC. 914. USE OF UNSPENT 1402(d)(2) MONEY.**

17 Section 1404(a)(1) of the Victims of Crime Act of
18 1984 (42 U.S.C. 10603(a)(1)) is amended—

19 (1) by striking “or for the purpose of grants
20 under section 1403 but not used for that purpose”;
21 and

22 (2) by adding at the end the following:
23 “The Director, in the Director’s discretion, may use
24 amounts made available under section 1402(d)(2) for the
25 purposes of grants under section 1403 but not used for

1 that purpose, for grants under this subsection, either in
2 the year such amounts are not so used, or the next year.”.

3 **SEC. 915. GRANTS FOR DEMONSTRATION PROJECTS.**

4 Section 1404(c)(1)(A) of the Victims of Crime Act
5 of 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by insert-
6 ing “demonstration projects and” before “training”.

7 **SEC. 916. ADMINISTRATIVE COSTS FOR CRIME VICTIM AS-**
8 **SISTANCE.**

9 (a) CREATION OF EXCEPTION.—Section 1404(b)(2)
10 of the Victims of Crime Act of 1984 (42 U.S.C.
11 10603(b)(2)) is amended by striking “An eligible” and in-
12 serting “Except as provided in paragraph (3), an eligible”.

13 (b) REQUIREMENTS OF EXCEPTION.—Section
14 1404(b) of the Victims of Crime Act of 1984 (42 U.S.C.
15 10603(b)) is amended by adding at the end the following
16 new subsection:

17 “(3) Not more than 5 percent of sums received
18 under subsection (a) may be used for the adminis-
19 tration of the State crime victim assistance program
20 receiving such sums.”.

21 **SEC. 917. MAINTENANCE OF EFFORT.**

22 Section 1407 of the Victims of Crime Act of 1984
23 (42 U.S.C. 10604) is amended by adding at the end the
24 following new subsection:

1 “(h) Each entity receiving sums made available under
2 this Act for administrative purposes shall certify that such
3 sums will not be used to supplant State or local funds,
4 but will be used to increase the amount of such funds that
5 would, in the absence of Federal funds, be made available
6 for these purposes.”.

7 **TITLE X—STATE AND LOCAL**
8 **LAW ENFORCEMENT**
9 **Subtitle A—DNA Identification**

10 **SEC. 1001. SHORT TITLE.**

11 This subtitle may be cited as the “DNA Identification
12 Act of 1993”.

13 **SEC. 1002. FUNDING TO IMPROVE THE QUALITY AND AVAIL-**
14 **ABILITY OF DNA ANALYSES FOR LAW EN-**
15 **FORCEMENT IDENTIFICATION PURPOSES.**

16 (a) DRUG CONTROL AND SYSTEM IMPROVEMENT
17 GRANT PROGRAM.—Section 501(b) of title I of the Omni-
18 bus Crime Control and Safe Streets Act of 1968 (42
19 U.S.C. 3751(b)) is amended—

20 (1) by striking “and” at the end of paragraph
21 (20);

22 (2) by striking the period at the end of para-
23 graph (21) and inserting “; and”; and

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

1 “(22) developing or improving in a forensic lab-
2 oratory a capability to analyze deoxyribonucleic acid
3 (hereinafter in this title referred to as ‘DNA’) for
4 identification purposes.”.

5 (b) STATE APPLICATIONS.—Section 503(a) of title I
6 of the Omnibus Crime Control and Safe Streets Act of
7 1968 (42 U.S.C. 3753(a)) is amended by adding at the
8 end the following new paragraph:

9 “(12) If any part of funds received from a
10 grant made under this part is to be used to develop
11 or improve a DNA analysis capability in a forensic
12 laboratory, a certification that—

13 “(A) DNA analyses performed at such lab-
14 oratory will satisfy or exceed then current
15 standards for a quality assurance program for
16 DNA analysis, issued by the Director of the
17 Federal Bureau of Investigation under section
18 1003 of the DNA Identification Act of 1993;

19 “(B) DNA samples obtained by, and DNA
20 analyses performed at, such laboratory will be
21 accessible only—

22 “(i) to criminal justice agencies for
23 law enforcement identification purposes;

1 “(ii) in judicial proceedings, if other-
2 wise admissible pursuant to applicable
3 statutes or rules;

4 “(iii) for criminal defense purposes, to
5 a defendant, who shall have access to sam-
6 ples and analyses performed in connection
7 with the case in which such defendant is
8 charged; or

9 “(iv) if personally identifiable infor-
10 mation is removed, for a population statis-
11 tics database, for identification research
12 and protocol development purposes, or for
13 quality control purposes; and

14 “(C) such laboratory, and each analyst
15 performing DNA analyses at such laboratory,
16 will undergo, at regular intervals of not to ex-
17 ceed 180 days, external proficiency testing by a
18 DNA proficiency testing program meeting the
19 standards issued under section 1003 of the
20 DNA Identification Act of 1993.”.

21 (c) DNA IDENTIFICATION GRANTS.—

22 (1) PART X.—Title I of the Omnibus Crime
23 Control and Safe Streets Act of 1968 (42 U.S.C.
24 3711 et seq.), as amended by section 2802(a), is
25 amended—

1 (A) by redesignating part X as part Y,

2 (B) by redesignating section 2401 as sec-
3 tion 2501; and

4 (C) by inserting after part W the following
5 new part:

6 **“PART X—DNA IDENTIFICATION GRANTS**

7 **“SEC. 2401. GRANT AUTHORIZATION.**

8 “The Director may make funds available under this
9 part to States and units of local government, or combina-
10 tions thereof, to carry out all or a substantial part of a
11 program or project intended to develop or improve the ca-
12 pability to analyze deoxyribonucleic acid (referred to in
13 this part as “DNA”) in a forensic laboratory.

14 **“SEC. 2402. APPLICATIONS.**

15 “To request a grant under this part, the chief execu-
16 tive officer of a State or unit of local government shall
17 submit an application in such form as the Director may
18 require.

19 **“SEC. 2403. APPLICATION REQUIREMENTS.**

20 “No grant may be made under this part unless an
21 application has been submitted to the Director in which
22 the applicant certifies that—

23 “(1) DNA analyses performed at the laboratory
24 will satisfy or exceed then current standards for a
25 quality assurance program for DNA analysis issued

1 by the Director of the Federal Bureau of Investiga-
2 tion under section 1003 of the DNA Identification
3 Act of 1993.

4 “(2) DNA samples obtained by and DNA anal-
5 yses performed at the laboratory shall be made avail-
6 able only—

7 “(A) to criminal justice agencies for law
8 enforcement identification purposes;

9 “(B) in judicial proceedings, if otherwise
10 admissible pursuant to applicable statutes or
11 rules;

12 “(C) for criminal defense purposes, to a
13 defendant, who shall have access to samples
14 and analyses performed in connection with the
15 case in which the defendant is charged; and

16 “(D) to others, if personally identifiable in-
17 formation is removed, for a population statistics
18 database, for identification research and proto-
19 col development purposes, or for quality control
20 purposes; and

21 “(3) the laboratory and each analyst perform-
22 ing DNA analyses at the laboratory shall undergo,
23 at regular intervals not exceeding 180 days, external
24 proficiency testing by a DNA proficiency testing pro-

1 gram that meets the standards issued under section
2 1003 of the DNA Identification Act of 1993.

3 **“SEC. 2404. ADMINISTRATIVE PROVISIONS.**

4 “(a) REGULATION AUTHORITY.—The Director may
5 promulgate guidelines, regulations, and procedures, as
6 necessary to carry out the purposes of this part, including
7 limitations on the number of awards made during each
8 fiscal year, the submission and review of applications, se-
9 lection criteria, and the extension or continuation of
10 awards.

11 “(b) AWARD AUTHORITY.—The Director shall have
12 final authority over all funds awarded under this part.

13 “(c) TECHNICAL ASSISTANCE.—To assist and meas-
14 ure the effectiveness and performance of programs and ac-
15 tivities funded under this part, the Director shall provide
16 technical assistance as required.

17 **“SEC. 2405. RESTRICTIONS ON USE OF FUNDS.**

18 “(a) FEDERAL SHARE.—The Federal share of a
19 grant, contract, or cooperative agreement made under this
20 part may not exceed 75 percent of the total costs of the
21 project described in the application submitted for the fis-
22 cal year for which the project receives assistance.

23 “(b) ADMINISTRATIVE COSTS.—A State or unit of
24 local government may not use more than 10 percent of

1 the funds it receives from this part for administrative ex-
2 penses.

3 **“SEC. 2406. REPORTS.**

4 “(a) REPORTS TO DIRECTOR.—Each State or unit of
5 local government which receives a grant under this part
6 shall submit to the Director, for each year in which funds
7 from a grant received under this part is expended, a report
8 at such time and in such manner as the Director may rea-
9 sonably require which contains—

10 “(1) a summary of the activities carried out
11 under the grant and an assessment of whether such
12 activities are meeting the needs identified in the ap-
13 plication submitted under section 2402; and

14 “(2) such other information as the Director
15 may require.

16 “(b) REPORTS TO CONGRESS.—Not later than 90
17 days after the end of each fiscal year for which grants
18 are made under this part, the Director shall submit to the
19 Speaker of the House of Representatives and the Presi-
20 dent pro tempore of the Senate, a report that includes—

21 “(1) the aggregate amount of grants made
22 under this part to each State or unit of local govern-
23 ment for such fiscal year; and

24 “(2) a summary of the information provided in
25 compliance with subsection (a)(1).

1 **“SEC. 2407. EXPENDITURE RECORDS.**

2 “(a) RECORDS.—Each State or unit of local govern-
3 ment which receives a grant under this part shall keep
4 records as the Director may require to facilitate an effec-
5 tive audit.

6 “(b) ACCESS.—The Director, the Comptroller Gen-
7 eral, or their designated agents shall have access, for the
8 purpose of audit and examination, to any books, docu-
9 ments, and records of States and units of local government
10 which receive grants made under this part if, in the opin-
11 ion of the Director, the Comptroller General, or their des-
12 igned agents, such books, documents, and records are
13 related to the receipt or use of any such grant.”.

14 (2) TABLE OF CONTENTS.—The table of con-
15 tents of title I of the Omnibus Crime Control and
16 Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.),
17 as amended by section 2802(c), is amended by strik-
18 ing the matter relating to part W and inserting the
19 following:

“PART X—DNA IDENTIFICATION GRANTS

- “Sec. 2401. Grant Authorization.
- “Sec. 2402. Applications.
- “Sec. 2403. Application requirements.
- “Sec. 2404. Administrative provisions.
- “Sec. 2405. Restrictions on use of funds.
- “Sec. 2406. Reports.
- “Sec. 2407. Expenditure records.

“PART Y—TRANSITION; EFFECTIVE DATE; REPEALER

- “Sec. 2501. Continuation of rules, authorities, and proceedings.”.

1 (3) AUTHORIZATION OF APPROPRIATIONS.—
2 Section 1001 of the Omnibus Crime Control and
3 Safe Streets Act of 1968 (42 U.S.C. 3793), as
4 amended by section 2802(c), is amended—

5 (A) in paragraph (3) by striking “and W”
6 and inserting “W, and X”; and

7 (B) adding at the end the following new
8 paragraph:

9 “(18) There are authorized to be appropriated
10 to carry out part X \$5,000,000 for each of fiscal
11 years 1994, 1995, 1996, 1997, 1998, and 1999.”.

12 (4) EFFECTIVE DATE.—The amendments made
13 by this section shall take effect on the date that is
14 60 days after the date of enactment of this Act.

15 **SEC. 1003. QUALITY ASSURANCE AND PROFICIENCY TEST-**
16 **ING STANDARDS.**

17 (a) PUBLICATION OF QUALITY ASSURANCE AND PRO-
18 FICIENCY TESTING STANDARDS.—(1)(A) Not later than
19 180 days after the date of enactment of this Act, the Di-
20 rector of the Federal Bureau of Investigation shall appoint
21 an advisory board on DNA quality assurance methods
22 from among nominations proposed by the head of the Na-
23 tional Academy of Sciences and professional societies of
24 crime laboratory officials.

1 (B) The advisory board shall include as members sci-
2 entists from State, local, and private forensic laboratories,
3 molecular geneticists and population geneticists not affili-
4 ated with a forensic laboratory, and a representative from
5 the National Institute of Standards and Technology.

6 (C) The advisory board shall develop, and if appro-
7 priate, periodically revise, recommended standards for
8 quality assurance, including standards for testing the pro-
9 ficiency of forensic laboratories, and forensic analysts, in
10 conducting analyses of DNA.

11 (2) The Director of the Federal Bureau of Investiga-
12 tion, after taking into consideration such recommended
13 standards, shall issue (and revise from time to time)
14 standards for quality assurance, including standards for
15 testing the proficiency of forensic laboratories, and foren-
16 sic analysts, in conducting analyses of DNA.

17 (3) The standards described in paragraphs (1) and
18 (2) shall specify criteria for quality assurance and pro-
19 ficiency tests to be applied to the various types of DNA
20 analyses used by forensic laboratories. The standards shall
21 also include a system for grading proficiency testing per-
22 formance to determine whether a laboratory is performing
23 acceptably.

24 (4) Until such time as the advisory board has made
25 recommendations to the Director of the Federal Bureau

1 of Investigation and the Director has acted upon those
2 recommendations, the quality assurance guidelines adopt-
3 ed by the technical working group on DNA analysis meth-
4 ods shall be deemed the Director's standards for purposes
5 of this section.

6 (b) ADMINISTRATION OF THE ADVISORY BOARD.—

7 (1) For administrative purposes, the advisory board ap-
8 pointed under subsection (a) shall be considered an advi-
9 sory board to the Director of the Federal Bureau of Inves-
10 tigation.

11 (2) Section 14 of the Federal Advisory Committee
12 Act (5 U.S.C. App.) shall not apply with respect to the
13 advisory board appointed under subsection (a).

14 (3) The DNA advisory board established under this
15 section shall be separate and distinct from any other advi-
16 sory board administered by the FBI, and is to be adminis-
17 tered separately.

18 (4) The board shall cease to exist on the date 5 years
19 after the initial appointments are made to the board, un-
20 less the existence of the board is extended by the Director
21 of the Federal Bureau of Investigation.

22 (c) PROFICIENCY TESTING PROGRAM.—(1) Not later
23 than 1 year after the effective date of this Act, the Direc-
24 tor of the National Institute of Justice shall certify to the

1 Committees on the Judiciary of the House and Senate
2 that—

3 (A) the Institute has entered into a contract
4 with an appropriate entity for establishing a blind
5 external proficiency testing program for DNA analy-
6 ses, which shall be available to public and private
7 laboratories performing forensic DNA analyses;

8 (B) a blind external proficiency testing program
9 for DNA analyses is already readily available to pub-
10 lic and private laboratories performing forensic DNA
11 analyses; or

12 (C) it is not feasible to have blind external test-
13 ing for DNA forensic analyses.

14 (2) As used in this subsection, the term “blind exter-
15 nal proficiency test” means a test that is presented to a
16 forensic laboratory through a second agency and appears
17 to the analysts to involve routine evidence.

18 (3) Notwithstanding any other provision of law, the
19 Director of the Bureau of Justice Assistance may make
20 available to the Director of the National Institute of Jus-
21 tice during the first fiscal year in which funds are distrib-
22 uted under this subtitle up to \$250,000 from the funds
23 available under part Y of Title I of the Omnibus Crime
24 Control and Safe Streets Act of 1968 to carry out this
25 subsection.

1 **SEC. 1004. INDEX TO FACILITATE LAW ENFORCEMENT EX-**
2 **CHANGE OF DNA IDENTIFICATION INFORMA-**
3 **TION.**

4 (a) ESTABLISHMENT OF INDEX.—The Director of
5 the Federal Bureau of Investigation may establish an
6 index of—

7 (1) DNA identification records of persons con-
8 victed of crimes;

9 (2) analyses of DNA samples recovered from
10 crime scenes; and

11 (3) analyses of DNA samples recovered from
12 unidentified human remains.

13 (b) INFORMATION.—The index described in sub-
14 section (a) shall include only information on DNA identi-
15 fication records and DNA analyses that are—

16 (1) based on analyses performed by or on be-
17 half of a criminal justice agency in accordance with
18 publicly available standards that satisfy or exceed
19 the guidelines for a quality assurance program for
20 DNA analysis, issued by the Director of the Federal
21 Bureau of Investigation under section 1003;

22 (2) prepared by laboratories, and DNA ana-
23 lysts, that undergo, at regular intervals of not to ex-
24 ceed 180 days, external proficiency testing by a
25 DNA proficiency testing program meeting the stand-
26 ards issued under section 1003; and

1 (3) maintained by Federal, State, and local
2 criminal justice agencies pursuant to rules that allow
3 disclosure of stored DNA samples and DNA analy-
4 ses only—

5 (A) to criminal justice agencies for law en-
6 forcement identification purposes;

7 (B) in judicial proceedings, if otherwise ad-
8 missible pursuant to applicable statutes or
9 rules;

10 (C) for criminal defense purposes, to a de-
11 fendant, who shall have access to samples and
12 analyses performed in connection with the case
13 in which such defendant is charged; or

14 (D) if personally identifiable information is
15 removed, for a population statistics database,
16 for identification research and protocol develop-
17 ment purposes, or for quality control purposes.

18 (c) FAILURE TO COMPLY.—The exchange of records
19 authorized by this section is subject to cancellation if the
20 quality control and privacy requirements described in sub-
21 section (b) are not met.

22 **SEC. 1005. FEDERAL BUREAU OF INVESTIGATION.**

23 (a) PROFICIENCY TESTING REQUIREMENTS.—

24 (1) GENERALLY.—(A) Personnel at the Federal
25 Bureau of Investigation who perform DNA analyses

1 shall undergo, at regular intervals of not to exceed
2 180 days, external proficiency testing by a DNA
3 proficiency testing program meeting the standards
4 issued under section 1003.

5 (B) Within 1 year after the date of enactment
6 of this Act, the Director of the Federal Bureau of
7 Investigation shall arrange for periodic blind exter-
8 nal tests to determine the proficiency of DNA analy-
9 sis performed at the Federal Bureau of Investigation
10 laboratory.

11 (C) In this paragraph, “blind external test”
12 means a test that is presented to the laboratory
13 through a second agency and appears to the analysts
14 to involve routine evidence.

15 (2) REPORT.—For 5 years after the date of en-
16 actment of this Act, the Director of the Federal Bu-
17ureau of Investigation shall submit to the Committees
18 on the Judiciary of the House and Senate an annual
19 report on the results of each of the tests described
20 in paragraph (1).

21 (b) PRIVACY PROTECTION STANDARDS.—

22 (1) GENERALLY.—Except as provided in para-
23 graph (2), the results of DNA tests performed for
24 a Federal law enforcement agency for law enforce-
25 ment purposes may be disclosed only—

1 (A) to criminal justice agencies for law en-
2 forcement identification purposes;

3 (B) in judicial proceedings, if otherwise ad-
4 missible pursuant to applicable statutes or rules;
5 and

6 (C) for criminal defense purposes, to a de-
7 fendant, who shall have access to samples and
8 analyses performed in connection with the case
9 in which such defendant is charged.

10 (2) EXCEPTION.—If personally identifiable in-
11 formation is removed, test results may be disclosed
12 for a population statistics database, for identification
13 research and protocol development purposes, or for
14 quality control purposes.

15 (c) CRIMINAL PENALTY.—(1) A person who—

16 (A) by virtue of employment or official position,
17 has possession of, or access to, individually identifi-
18 able DNA information indexed in a database created
19 or maintained by any Federal law enforcement agen-
20 cy; and

21 (B) willfully discloses such information in any
22 manner to any person or agency not entitled to re-
23 ceive it,

24 shall be fined not more than \$100,000.

1 (2) A person who, without authorization, willfully ob-
2 tains DNA samples or individually identifiable DNA infor-
3 mation indexed in a database created or maintained by
4 any Federal law enforcement agency shall be fined not
5 more than \$100,000.

6 **SEC. 1006. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated to the Fed-
8 eral Bureau of Investigation to carry out sections 1003,
9 1004, and 1005 \$4,500,000 for each of fiscal years 1994,
10 1995, 1996, 1997, 1998, and 1999.

11 **Subtitle B—Department of Justice**
12 **Community Substance Abuse**
13 **Prevention**

14 **SEC. 1011. SHORT TITLE.**

15 This section may be cited as the “Department of Jus-
16 tice Community Substance Abuse Prevention Act of
17 1993”.

18 **SEC. 1012. COMMUNITY PARTNERSHIPS.**

19 (a) IN GENERAL.—Part E of title I of the Omnibus
20 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
21 3711 et seq.) is amended by adding at the end the follow-
22 ing new subpart:

1 “Subpart 4—Community Coalitions on Substance Abuse

2 “GRANTS TO COMBAT SUBSTANCE ABUSE

3 “SEC. 531. (a) DEFINITION.—As used in this section,
4 the term ‘eligible coalition’ means an association, consist-
5 ing of at least 7 organizations, agencies, and individuals
6 that are concerned about preventing substance abuse, that
7 shall include—

8 “(1) public and private organizations and agen-
9 cies that represent law enforcement, schools, health
10 and social service agencies, and community-based or-
11 ganizations; and

12 “(2) representatives of 3 of the following
13 groups: the clergy, academia, business, parents,
14 youth, the media, civic and fraternal groups, or
15 other nongovernmental interested parties.

16 “(b) GRANT PROGRAM.—The Attorney General, act-
17 ing through the Director of the Bureau of Justice Assist-
18 ance, and the appropriate State agency, may make grants
19 to eligible coalitions in order to—

20 “(1) plan and implement comprehensive long-
21 term strategies for substance abuse prevention;

22 “(2) develop a detailed assessment of existing
23 substance abuse prevention programs and activities
24 to determine community resources and to identify

1 major gaps and barriers in such programs and ac-
2 tivities;

3 “(3) identify and solicit funding sources to en-
4 able such programs and activities to become self-sus-
5 taining;

6 “(4) develop a consensus regarding the prior-
7 ities of a community concerning substance abuse;

8 “(5) develop a plan to implement such prior-
9 ities; and

10 “(6) coordinate substance abuse services and
11 activities, including prevention activities in the
12 schools or communities and substance abuse treat-
13 ment programs.

14 “(c) COMMUNITY PARTICIPATION.—In developing
15 and implementing a substance abuse prevention program,
16 a coalition receiving funds under subsection (b) shall—

17 “(1) emphasize and encourage substantial vol-
18 untary participation in the community, especially
19 among individuals involved with youth such as teach-
20 ers, coaches, parents, and clergy; and

21 “(2) emphasize and encourage the involvement
22 of businesses, civic groups, and other community or-
23 ganizations and members.

24 “(d) APPLICATION.—An eligible coalition shall sub-
25 mit an application to the Attorney General and the appro-

1 piate State agency in order to receive a grant under this
2 section. Such application shall—

3 “(1) describe and, to the extent possible, docu-
4 ment the nature and extent of the substance abuse
5 problem, emphasizing who is at risk and specifying
6 which groups of individuals should be targeted for
7 prevention and intervention;

8 “(2) describe the activities needing financial
9 assistance;

10 “(3) identify participating agencies, organiza-
11 tions, and individuals;

12 “(4) identify the agency, organization, or indi-
13 vidual that has responsibility for leading the coaliti-
14 tion, and provide assurances that such agency, orga-
15 nization or individual has previous substance abuse
16 prevention experience;

17 “(5) describe a mechanism to evaluate the suc-
18 cess of the coalition in developing and carrying out
19 the substance abuse prevention plan referred to in
20 subsection (b)(5) and to report on such plan to the
21 Attorney General on an annual basis; and

22 “(6) contain such additional information and
23 assurances as the Attorney General and the appro-
24 piate State agency may prescribe.

1 “(e) PRIORITY.—In awarding grants under this sec-
2 tion, the Attorney General and the appropriate State
3 agency shall give priority to a community that—

4 “(1) provides evidence of significant substance
5 abuse;

6 “(2) proposes a comprehensive and multifaceted
7 approach to eliminating substance abuse;

8 “(3) encourages the involvement of businesses
9 and community leaders in substance abuse preven-
10 tion activities;

11 “(4) demonstrates a commitment and a high
12 priority for preventing substance abuse; and

13 “(5) demonstrates support from the community
14 and State and local agencies for efforts to eliminate
15 substance abuse.

16 “(f) REVIEW.—Each coalition receiving money pursu-
17 ant to the provisions of this section shall submit an annual
18 report to the Attorney General, and the appropriate State
19 agency, evaluating the effectiveness of the plan described
20 in subsection (b)(5) and containing such additional infor-
21 mation as the Attorney General, or the appropriate State
22 agency, may prescribe. The Attorney General, in conjunc-
23 tion with the Director of the Bureau of Justice Assistance,
24 and the appropriate State agency, shall submit an annual
25 review to the Committee on the Judiciary of the Senate

1 and the Committee on the Judiciary of the House of Rep-
2 resentatives. Such review shall—

3 “(1) evaluate the grant program established in
4 this section to determine its effectiveness;

5 “(2) implement necessary changes to the pro-
6 gram that can be done by the Attorney General; and

7 “(3) recommend any statutory changes that are
8 necessary.

9 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to carry out this section
11 \$15,000,000 for fiscal year 1995, \$20,000,000 for fiscal
12 year 1996, and \$25,000,000 for fiscal year 1997.”.

13 (b) TECHNICAL AMENDMENT.—The table of contents
14 of title I of the Omnibus Crime Control and Safe Streets
15 Act of 1968 (42 U.S.C. 3711 et seq.) is amended by in-
16 serting after the item relating to section 522 the following:

“SUBPART 4—COMMUNITY COALITION ON SUBSTANCE ABUSE

“Sec. 531. Grants to combat substance abuse.”.

17 **Subtitle C—Racial and Ethnic Bias**
18 **Study Grants**

19 **SEC. 1021. STUDY GRANTS.**

20 (a) FINDINGS.—The Congress finds that—

21 (1) equality under law is tested most profoundly
22 by whether a legal system tolerates race playing a
23 role in the criminal justice system; and

1 (2) States should examine their criminal justice
2 systems in order to ensure that racial and ethnic
3 bias has no part in such criminal justice systems.

4 (b) AUTHORIZATION OF GRANT PROGRAM.—

5 (1) IN GENERAL.—The Attorney General, act-
6 ing through the Bureau of Justice Assistance, may
7 make grants to States that have established by State
8 law or by the court of last resort a plan for analyz-
9 ing the role of race in that State’s criminal justice
10 system. Such plan shall include recommendations de-
11 signed to correct any findings that racial and ethnic
12 bias plays such a role.

13 (2) CRITERIA FOR GRANTS.—Grants under this
14 subsection shall be awarded based upon criteria es-
15 tablished by the Attorney General. In establishing
16 the criteria, the Attorney General shall take into
17 consideration the population of the respective States,
18 the racial and ethnic composition of the population
19 of the States, and the crime rates of the States.

20 (3) REPORTS BY STATES.—Recipients of grants
21 under this subsection shall report the findings and
22 recommendations of studies funded by grants under
23 this subsection to the Congress within reasonable
24 time limits established by the Attorney General.

1 (4) REIMBURSEMENT OF STATES.—Grants may
2 be made to reimburse States for work started prior
3 to the date of enactment of this Act.

4 (c) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to carry out this section
6 \$2,000,000 for each of fiscal years 1995, 1996, 1997,
7 1998, and 1999.

8 **TITLE XI—PROVISIONS**
9 **RELATING TO POLICE OFFICERS**
10 **Subtitle A—Law Enforcement**
11 **Family Support**

12 **SEC. 1101. LAW ENFORCEMENT FAMILY SUPPORT.**

13 (a) IN GENERAL.—Title I of the Omnibus Crime
14 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
15 et seq.), as amended by section 309(b)(1), is amended—

- 16 (1) by redesignating part S as part T;
17 (2) by redesignating section 1901 as 2001; and
18 (3) by inserting after part R the following new
19 part:

20 **“PART S—FAMILY SUPPORT**

21 **“SEC. 1901. DUTIES OF DIRECTOR.**

22 “The Director shall—

- 23 “(1) establish guidelines and oversee the imple-
24 mentation of family-friendly policies within law en-

1 enforcement-related offices and divisions in the De-
2 partment of Justice;

3 “(2) study the effects of stress on law enforce-
4 ment personnel and family well-being and dissemi-
5 nate the findings of such studies to Federal, State,
6 and local law enforcement agencies, related organi-
7 zations, and other interested parties;

8 “(3) identify and evaluate model programs that
9 provide support services to law enforcement person-
10 nel and families;

11 “(4) provide technical assistance and training
12 programs to develop stress reduction and family sup-
13 port to State and local law enforcement agencies;

14 “(5) collect and disseminate information re-
15 garding family support, stress reduction, and psy-
16 chological services to Federal, State, and local law
17 enforcement agencies, law enforcement-related orga-
18 nizations, and other interested entities; and

19 “(6) determine issues to be researched by the
20 Bureau and by grant recipients.

21 **“SEC. 1902. GENERAL AUTHORIZATION.**

22 “The Director may make grants to States and local
23 law enforcement agencies and to organizations represent-
24 ing State or local law enforcement personnel to provide
25 family support services to law enforcement personnel.

1 **“SEC. 1903. USES OF FUNDS.**

2 “(a) IN GENERAL.—A State or local law enforcement
3 agency or organization that receives a grant under this
4 Act shall use amounts provided under the grant to estab-
5 lish or improve training and support programs for law en-
6 forcement personnel.

7 “(b) REQUIRED ACTIVITIES.—A law enforcement
8 agency or organization that receives funds under this part
9 shall provide at least one of the following services:

10 “(1) Counseling for law enforcement family
11 members.

12 “(2) Child care on a 24-hour basis.

13 “(3) Marital and adolescent support groups.

14 “(4) Stress reduction programs.

15 “(5) Stress education for law enforcement re-
16 cruits and families.

17 “(6) Provide technical assistance and training
18 programs to support any or all of the services de-
19 scribed in paragraphs (1), (2), (3), (4), and (5).

20 “(c) OPTIONAL ACTIVITIES.—A law enforcement
21 agency or organization that receives funds under this part
22 may provide the following services:

23 “(1) Post-shooting debriefing for officers and
24 their spouses.

25 “(2) Group therapy.

26 “(3) Hypertension clinics.

1 “(4) Critical incident response on a 24-hour
2 basis.

3 “(5) Law enforcement family crisis telephone
4 services on a 24-hour basis.

5 “(6) Counseling for law enforcement personnel
6 exposed to the human immunodeficiency virus.

7 “(7) Counseling for peers.

8 “(8) Counseling for families of personnel killed
9 in the line of duty.

10 “(9) Seminars regarding alcohol, drug use,
11 gambling, and overeating.

12 “(10) Technical assistance and training to sup-
13 port any or all of the services described in para-
14 graphs (1), (2), (3), (4), (5), (6), (7), (8), and (9).

15 **“SEC. 1904. APPLICATIONS.**

16 “A law enforcement agency or organization desiring
17 to receive a grant under this part shall submit to the Di-
18 rector an application at such time, in such manner, and
19 containing or accompanied by such information as the Di-
20 rector may reasonably require. Such application shall—

21 “(1) certify that the law enforcement agency
22 shall match all Federal funds with an equal amount
23 of cash or in-kind goods or services from other non-
24 Federal sources;

1 “(2) include a statement from the highest rank-
2 ing law enforcement official from the State or local-
3 ity or from the highest ranking official from the or-
4 ganization applying for the grant that attests to the
5 need and intended use of services to be provided
6 with grant funds; and

7 “(3) assure that the Director or the Comptrol-
8 ler General of the United States shall have access to
9 all records related to the receipt and use of grant
10 funds received under this part.

11 **“SEC. 1905. AWARD OF GRANTS; LIMITATION.**

12 “(a) GRANT DISTRIBUTION.—In approving grants
13 under this part, the Director shall assure an equitable dis-
14 tribution of assistance among the States, among urban
15 and rural areas of the United States, and among urban
16 and rural areas of a State.

17 “(b) DURATION.—The Director may award a grant
18 each fiscal year, not to exceed \$100,000 to a State or local
19 law enforcement agency or \$250,000 to a law enforcement
20 organization for a period not to exceed 5 years. In any
21 application from a State or local law enforcement agency
22 or organization for a grant to continue a program for the
23 second, third, fourth, or fifth fiscal year following the first
24 fiscal year in which a grant was awarded to such agency,
25 the Director shall review the progress made toward meet-

1 ing the objectives of the program. The Director may refuse
2 to award a grant if the Director finds sufficient progress
3 has not been made toward meeting such objectives, but
4 only after affording the applicant notice and an oppor-
5 tunity for reconsideration.

6 “(c) LIMITATION.—Not more than 10 percent of
7 grant funds received by a State or a local law enforcement
8 agency or organization may be used for administrative
9 purposes.

10 **“SEC. 1906. DISCRETIONARY RESEARCH GRANTS.**

11 “The Director may reserve 10 percent of funds to
12 award research grants to a State or local law enforcement
13 agency or organization to study issues of importance in
14 the law enforcement field as determined by the Director.

15 **“SEC. 1907. REPORTS.**

16 “(a) REPORT FROM GRANT RECIPIENTS.—A State
17 or local law enforcement agency or organization that re-
18 ceives a grant under this part shall submit to the Director
19 an annual report that includes—

20 “(1) program descriptions;

21 “(2) the number of staff employed to admin-
22 ister programs;

23 “(3) the number of individuals who participated
24 in programs; and

1 “(4) an evaluation of the effectiveness of grant
2 programs.

3 “(b) REPORT FROM DIRECTOR.—(1) The Director
4 shall submit to the Congress a report not later than March
5 31 of each fiscal year.

6 “(2) Such report shall contain—

7 “(A) a description of the types of projects de-
8 veloped or improved through funds received under
9 this part;

10 “(B) a description of exemplary projects and
11 activities developed;

12 “(C) a designation of the family relationship to
13 the law enforcement personnel of individuals served;
14 and

15 “(D) the number of individuals served in each
16 location and throughout the country.

17 **“SEC. 1908. DEFINITIONS.**

18 “For purposes of this part—

19 “(1) the term ‘family-friendly policy’ means a
20 policy to promote or improve the morale and well
21 being of law enforcement personnel and their fami-
22 lies; and

23 “(2) the term ‘law enforcement personnel’
24 means individuals employed by Federal, State, and
25 local law enforcement agencies.”.

1 (b) TECHNICAL AMENDMENT.—The table of contents
 2 of title I of the Omnibus Crime Control and Safe Streets
 3 Act of 1968 (42 U.S.C. 3711 et seq.), as amended by sec-
 4 tion 309(b)(2), is amended by striking the matter relating
 5 to part R and inserting the following:

“PART S—FAMILY SUPPORT

“Sec. 1901. Duties of director.
 “Sec. 1902. General authorization.
 “Sec. 1903. Uses of funds.
 “Sec. 1904. Applications.
 “Sec. 1905. Award of grants; limitation.
 “Sec. 1906. Discretionary research grants.
 “Sec. 1907. Reports.
 “Sec. 1908. Definitions.

“PART V—TRANSITION; EFFECTIVE DATE; REPEALS

“Sec. 2001. Continuation of rules, authorities, and privileges.”.

6 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
 7 1001(a) of the Omnibus Crime Control and Safe Streets
 8 Act of 1968 (42 U.S.C. 3711 et seq.), as amended by sec-
 9 tion 309(b)(3), is amended—

10 (1) in paragraph (3) by striking “and R” and
 11 inserting “R, and S”; and

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

14 “(13) There are authorized to be appropriated to
 15 carry out part U \$5,000,000 for each of fiscal years 1995,
 16 1996, 1997, 1998, and 1999. Not more than 20 percent
 17 of such funds may be used to accomplish the duties of
 18 the Director under that part, including administrative
 19 costs, research, and training programs.”.

1 **Subtitle B—Police Pattern or**
2 **Practice**

3 **SEC. 1111. CAUSE OF ACTION.**

4 (a) UNLAWFUL CONDUCT.—It shall be unlawful for
5 any governmental authority, or any agent thereof, or any
6 person acting on behalf of a governmental authority, to
7 engage in a pattern or practice of conduct by law enforce-
8 ment officers that deprives persons of rights, privileges,
9 or immunities secured or protected by the Constitution or
10 laws of the United States.

11 (b) CIVIL ACTION BY ATTORNEY GENERAL.—When-
12 ever the Attorney General has reasonable cause to believe
13 that a violation of paragraph (1) has occurred, the Attor-
14 ney General, for or in the name of the United States, may
15 in a civil action obtain appropriate equitable and declara-
16 tory relief to eliminate the pattern or practice.

17 **SEC. 1112. DATA ON USE OF EXCESSIVE FORCE.**

18 (a) ATTORNEY GENERAL TO COLLECT.—The Attor-
19 ney General shall, through the victimization surveys con-
20 ducted by the Bureau of Justice Statistics, acquire data
21 about the use of excessive force by law enforcement offi-
22 cers.

23 (b) LIMITATION ON USE OF DATA.—Data acquired
24 under this section shall be used only for research or statis-
25 tical purposes and may not contain any information that

1 may reveal the identity of the victim or any law enforce-
2 ment officer.

3 (c) ANNUAL SUMMARY.—The Attorney general shall
4 publish an annual summary of the data acquired under
5 this section.

6 **Subtitle C—Police Corps and Law** 7 **Enforcement Officers Training** 8 **and Education**

9 **CHAPTER 1—POLICE CORPS**

10 **SEC. 1121. SHORT TITLE.**

11 This chapter may be cited as the “Police Corps Act”.

12 **SEC. 1122. PURPOSES.**

13 The purposes of this chapter are to—

14 (1) address violent crime by increasing the
15 number of police with advanced education and train-
16 ing on community patrol; and

17 (2) provide educational assistance to law en-
18 forcement personnel and to students who possess a
19 sincere interest in public service in the form of law
20 enforcement.

21 **SEC. 1123. DEFINITIONS.**

22 In this chapter—

23 “academic year” means a traditional academic
24 year beginning in August or September and ending
25 in the following May or June.

1 “dependent child” means a natural or adopted
2 child or stepchild of a law enforcement officer who
3 at the time of the officer’s death—

4 (A) was no more than 21 years old; or

5 (B) if older than 21 years, was in fact de-
6 pendent on the child’s parents for at least one-
7 half of the child’s support (excluding edu-
8 cational expenses), as determined by the Direc-
9 tor.

10 “Director” means the Director of the Office of
11 the Police Corps and Law Enforcement Education
12 appointed under section 1124.

13 “educational expenses” means expenses that
14 are directly attributable to—

15 (A) a course of education leading to the
16 award of the baccalaureate degree in legal- or
17 criminal justice-related studies; or

18 (B) a course of graduate study legal or
19 criminal justice studies following award of a
20 baccalaureate degree,

21 including the cost of tuition, fees, books, supplies,
22 transportation, room and board and miscellaneous
23 expenses.

24 “institution of higher education” has the mean-
25 ing stated in the first sentence of section 1201(a) of

1 the Higher Education Act of 1965 (20 U.S.C.
2 1141(a)).

3 “participant” means a participant in the Police
4 Corps program selected pursuant to section 306.

5 “State” means a State of the United States,
6 the District of Columbia, the Commonwealth of
7 Puerto Rico, the Virgin Islands, American Samoa,
8 Guam, and the Commonwealth of the Northern Mar-
9 iana Islands.

10 “State Police Corps program” means a State
11 police corps program that meets the requirements of
12 section 1130.

13 **SEC. 1124. ESTABLISHMENT OF OFFICE OF THE POLICE**
14 **CORPS AND LAW ENFORCEMENT EDUCATION.**

15 (a) ESTABLISHMENT.—There is established in the
16 Department of Justice, under the general authority of the
17 Attorney General, an Office of the Police Corps and Law
18 Enforcement Education.

19 (b) APPOINTMENT OF DIRECTOR.—The Office of the
20 Police Corps and Law Enforcement Education shall be
21 headed by a Director who shall be appointed by the Presi-
22 dent, by and with the advice and consent of the Senate.

23 (c) RESPONSIBILITIES OF DIRECTOR.—The Director
24 shall be responsible for the administration of the Police
25 Corps program established by this chapter and shall have

1 authority to promulgate regulations to implement this
2 chapter.

3 **SEC. 1125. DESIGNATION OF LEAD AGENCY AND SUBMIS-**
4 **SION OF STATE PLAN.**

5 (a) LEAD AGENCY.—A State that desires to partici-
6 pate in the Police Corps program under this chapter shall
7 designate a lead agency that will be responsible for—

8 (1) submitting to the Director a State plan de-
9 scribed in subsection (b); and

10 (2) administering the program in the State.

11 (b) STATE PLANS.—A State plan shall—

12 (1) contain assurances that the lead agency
13 shall work in cooperation with the local law enforce-
14 ment liaisons, representatives of police labor organi-
15 zations and police management organizations, and
16 other appropriate State and local agencies to develop
17 and implement interagency agreements designed to
18 carry out the program;

19 (2) contain assurances that the State shall ad-
20 vertise the assistance available under this chapter;

21 (3) contain assurances that the State shall
22 screen and select law enforcement personnel for par-
23 ticipation in the program; and

24 (4) meet the requirements of section 1130.

1 **SEC. 1126. SCHOLARSHIP ASSISTANCE.**

2 (a) SCHOLARSHIPS AUTHORIZED.—(1) The Director
3 may award scholarships to participants who agree to work
4 in a State or local police force in accordance with agree-
5 ments entered into pursuant to subsection (d).

6 (2)(A) Except as provided in subparagraph (B), each
7 scholarship payment made under this section for each aca-
8 demic year shall not exceed—

9 (i) \$7,500; or

10 (ii) the cost of the educational expenses related
11 to attending an institution of higher education.

12 (B) In the case of a participant who is pursuing a
13 course of educational study during substantially an entire
14 calendar year, the amount of scholarship payments made
15 during such year shall not exceed \$10,000.

16 (C) The total amount of scholarship assistance re-
17 ceived by any one student under this section shall not ex-
18 ceed \$30,000.

19 (3) Recipients of scholarship assistance under this
20 section shall continue to receive such scholarship payments
21 only during such periods as the Director finds that the
22 recipient is maintaining satisfactory progress as deter-
23 mined by the institution of higher education the recipient
24 is attending.

1 (4)(A) The Director shall make scholarship payments
2 under this section directly to the institution of higher edu-
3 cation that the student is attending.

4 (B) Each institution of higher education receiving a
5 payment on behalf of a participant pursuant to subpara-
6 graph (A) shall remit to such student any funds in excess
7 of the costs of tuition, fees, and room and board payable
8 to the institution.

9 (b) REIMBURSEMENT AUTHORIZED.—(1) The Direc-
10 tor may make payments to a participant to reimburse such
11 participant for the costs of educational expenses if the stu-
12 dent agrees to work in a State or local police force in ac-
13 cordance with the agreement entered into pursuant to sub-
14 section (d).

15 (2)(A) Each payment made pursuant to paragraph
16 (1) for each academic year of study shall not exceed—

17 (i) \$7,500; or

18 (ii) the cost of educational expenses related to
19 attending an institution of higher education.

20 (B) In the case of a participant who is pursuing a
21 course of educational study during substantially an entire
22 calendar year, the amount of scholarship payments made
23 during such year shall not exceed \$10,000.

1 (C) The total amount of payments made pursuant to
2 subparagraph (A) to any 1 student shall not exceed
3 \$30,000.

4 (c) USE OF SCHOLARSHIP.—Scholarships awarded
5 under this subsection shall only be used to attend a 4-
6 year institution of higher education, except that—

7 (1) scholarships may be used for graduate and
8 professional study; and

9 (2) if a participant has enrolled in the program
10 upon or after transfer to a 4-year institution of
11 higher education, the Director may reimburse the
12 participant for the participant's prior educational ex-
13 penses.

14 (d) AGREEMENT.—(1)(A) Each participant receiving
15 a scholarship or a payment under this section shall enter
16 into an agreement with the Director.

17 (B) An agreement under subparagraph (A) shall con-
18 tain assurances that the participant shall—

19 (i) after successful completion of a bacca-
20 laurate program and training as prescribed in sec-
21 tion 8, work for 4 years in a State or local police
22 force without there having arisen sufficient cause for
23 the participant's dismissal under the rules applicable
24 to members of the police force of which the partici-
25 pant is a member;

1 (ii) complete satisfactorily—

2 (I) an educational course of study and re-
3 ceipt of a baccalaureate degree (in the case of
4 undergraduate study) or the reward of credit to
5 the participant for having completed one or
6 more graduate courses (in the case of graduate
7 study); and

8 (II) Police Corps training and certification
9 by the Director that the participant has met
10 such performance standards as may be estab-
11 lished pursuant to section 1128; and

12 (iii) repay all of the scholarship or payment re-
13 ceived plus interest at the rate of 10 percent if the
14 conditions of clauses (i) and (ii) are not complied
15 with.

16 (2)(A) A recipient of a scholarship or payment under
17 this section shall not be considered to be in violation of
18 the agreement entered into pursuant to paragraph (1) if
19 the recipient—

20 (i) dies; or

21 (ii) becomes permanently and totally disabled as
22 established by the sworn affidavit of a qualified phy-
23 sician.

24 (B) If a scholarship recipient is unable to comply with
25 the repayment provision set forth in paragraph (1)(B)(ii)

1 because of a physical or emotional disability or for good
2 cause as determined by the Director, the Director may
3 substitute community service in a form prescribed by the
4 Director for the required repayment.

5 (C) The Director shall expeditiously seek repayment
6 from a participant who violates an agreement described
7 in paragraph (1).

8 (e) DEPENDENT CHILD.—A dependent child of a law
9 enforcement officer—

10 (1) who is a member of a State or local police
11 force or is a Federal criminal investigator or uni-
12 formed police officer,

13 (2) who is not a participant in the Police Corps
14 program, but

15 (3) who serves in a State for which the Director
16 has approved a Police Corps plan, and

17 (4) who is killed in the course of performing po-
18 lice duties,

19 shall be entitled to the scholarship assistance authorized
20 in this section for any course of study in any accredited
21 institution of higher education. Such dependent child shall
22 not incur any repayment obligation in exchange for the
23 scholarship assistance provided in this section.

24 (f) APPLICATION.—Each participant desiring a schol-
25 arship or payment under this section shall submit an ap-

1 plication as prescribed by the Director in such manner and
2 accompanied by such information as the Director may rea-
3 sonably require.

4 **SEC. 1127. SELECTION OF PARTICIPANTS.**

5 (a) IN GENERAL.—Participants in State Police Corps
6 programs shall be selected on a competitive basis by each
7 State under regulations prescribed by the Director.

8 (b) SELECTION CRITERIA AND QUALIFICATIONS.—

9 (1) In order to participate in a State Police Corps pro-
10 gram, a participant shall—

11 (A) be a citizen of the United States or an alien
12 lawfully admitted for permanent residence in the
13 United States;

14 (B) meet the requirements for admission as a
15 trainee of the State or local police force to which the
16 participant will be assigned pursuant to section
17 1130(c)(5), including achievement of satisfactory
18 scores on any applicable examination, except that
19 failure to meet the age requirement for a trainee of
20 the State or local police shall not disqualify the ap-
21 plicant if the applicant will be of sufficient age upon
22 completing an undergraduate course of study;

23 (C) possess the necessary mental and physical
24 capabilities and emotional characteristics to dis-

1 charge effectively the duties of a law enforcement of-
2 ficer;

3 (D) be of good character and demonstrate sin-
4 cere motivation and dedication to law enforcement
5 and public service;

6 (E) in the case of an undergraduate, agree in
7 writing that the participant will complete an edu-
8 cational course of study leading to the award of a
9 baccalaureate degree and will then accept an ap-
10 pointment and complete 4 years of service as an offi-
11 cer in the State police or in a local police depart-
12 ment within the State;

13 (F) in the case of a participant desiring to un-
14 dertake or continue graduate study, agree in writing
15 that the participant will accept an appointment and
16 complete 4 years of service as an officer in the State
17 police or in a local police department within the
18 State before undertaking or continuing graduate
19 study;

20 (G) contract, with the consent of the partici-
21 pant's parent or guardian if the participant is a
22 minor, to serve for 4 years as an officer in the State
23 police or in a local police department, if an appoint-
24 ment is offered; and

1 (H) except as provided in paragraph (2), be
2 without previous law enforcement experience.

3 (2)(A) Until the date that is 5 years after the date
4 of enactment of this Act, up to 10 percent of the appli-
5 cants accepted into the Police Corps program may be per-
6 sons who—

7 (i) have had some law enforcement experience;
8 and

9 (ii) have demonstrated special leadership poten-
10 tial and dedication to law enforcement.

11 (B)(i) The prior period of law enforcement of a par-
12 ticipant selected pursuant to subparagraph (A) shall not
13 be counted toward satisfaction of the participant's 4-year
14 service obligation under section 1129, and such a partici-
15 pant shall be subject to the same benefits and obligations
16 under this chapter as other participants, including those
17 stated in section (b)(1) (E) and (F).

18 (ii) Clause (i) shall not be construed to preclude
19 counting a participant's previous period of law enforce-
20 ment experience for purposes other than satisfaction of the
21 requirements of section 9, such as for purposes of deter-
22 mining such a participant's pay and other benefits, rank,
23 and tenure.

24 (3) It is the intent of this chapter that there shall
25 be no more than 20,000 participants in each graduating

1 class. The Director shall approve State plans providing in
2 the aggregate for such enrollment of applicants as shall
3 assure, as nearly as possible, annual graduating classes
4 of 20,000. In a year in which applications are received
5 in a number greater than that which will produce, in the
6 judgment of the Director, a graduating class of more than
7 20,000, the Director shall, in deciding which applications
8 to grant, give preference to those who will be participating
9 in State plans that provide law enforcement personnel to
10 areas of greatest need.

11 (c) RECRUITMENT OF MINORITIES.—Each State par-
12 ticipating in the Police Corps program shall make special
13 efforts to seek and recruit applicants from among mem-
14 bers of all racial, ethnic or gender groups. This subsection
15 does not authorize an exception from the competitive
16 standards for admission established pursuant to sub-
17 sections (a) and (b).

18 (d) ENROLLMENT OF APPLICANT.—(1) An applicant
19 shall be accepted into a State Police Corps program on
20 the condition that the applicant will be matriculated in,
21 or accepted for admission at, a 4-year institution of higher
22 education—

23 (A) as a full-time student in an undergraduate
24 program; or

25 (B) for purposes of taking a graduate course.

1 (2) If the applicant is not matriculated or accepted
2 as set forth in paragraph (1), the applicant's acceptance
3 in the program shall be revoked.

4 (e) LEAVE OF ABSENCE.—(1) A participant in a
5 State Police Corps program who requests a leave of ab-
6 sence from educational study, training or service for a pe-
7 riod not to exceed 1 year (or 18 months in the aggregate
8 in the event of multiple requests) due to temporary phys-
9 ical or emotional disability shall be granted such leave of
10 absence by the State.

11 (2) A participant who requests a leave of absence
12 from educational study, training or service for a period
13 not to exceed 1 year (or 18 months in the aggregate in
14 the event of multiple requests) for any reason other than
15 those listed in paragraph (1) may be granted such leave
16 of absence by the State.

17 (3) A participant who requests a leave of absence
18 from educational study or training for a period not to ex-
19 ceed 30 months to serve on an official church mission may
20 be granted such leave of absence.

21 (f) ADMISSION OF APPLICANTS.—An applicant may
22 be admitted into a State Police Corps program either be-
23 fore commencement of or during the applicant's course of
24 educational study.

1 **SEC. 1128. POLICE CORPS TRAINING.**

2 (a) IN GENERAL.—(1) The Director shall establish
3 programs of training for Police Corps participants. Such
4 programs may be carried out at up to 3 training centers
5 established for this purpose and administered by the Di-
6 rector, or by contracting with existing State training facili-
7 ties. The Director shall contract with a State training fa-
8 cility upon request of such facility if the Director deter-
9 mines that such facility offers a course of training sub-
10 stantially equivalent to the Police Corps training program
11 described in this chapter.

12 (2) The Director may enter into contracts with indi-
13 viduals, institutions of learning, and government agencies
14 (including State and local police forces) to obtain the serv-
15 ices of persons qualified to participate in and contribute
16 to the training process.

17 (3) The Director may enter into agreements with
18 agencies of the Federal Government to utilize on a reim-
19 bursable basis space in Federal buildings and other re-
20 sources.

21 (4) The Director may authorize such expenditures as
22 are necessary for the effective maintenance of the training
23 centers, including purchases of supplies, uniforms, and
24 educational materials, and the provision of subsistence,
25 quarters, and medical care to participants.

1 (b) TRAINING SESSIONS.—A participant in a State
2 Police Corps program shall attend two 8-week training
3 sessions at a training center, one during the summer fol-
4 lowing completion of sophomore year and one during the
5 summer following completion of junior year. If a partici-
6 pant enters the program after sophomore year, the partici-
7 pant shall complete 16 weeks of training at times deter-
8 mined by the Director.

9 (c) FURTHER TRAINING.—The 16 weeks of Police
10 Corps training authorized in this section is intended to
11 serve as basic law enforcement training but not to exclude
12 further training of participants by the State and local au-
13 thorities to which they will be assigned. Each State plan
14 approved by the Director under section 10 shall include
15 assurances that following completion of a participant's
16 course of education each participant shall receive appro-
17 priate additional training by the State or local authority
18 to which the participant is assigned. The time spent by
19 a participant in such additional training, but not the time
20 spent in Police Corps training, shall be counted toward
21 fulfillment of the participant's 4-year service obligation.

22 (d) COURSE OF TRAINING.—The training sessions at
23 training centers established under this section shall be de-
24 signed to provide basic law enforcement training, includ-
25 ing vigorous physical and mental training to teach partici-

1 pants self-discipline and organizational loyalty and to im-
2 part knowledge and understanding of legal processes and
3 law enforcement.

4 (e) EVALUATION OF PARTICIPANTS.—A participant
5 shall be evaluated during training for mental, physical,
6 and emotional fitness, and shall be required to meet per-
7 formance standards prescribed by the Director at the con-
8 clusion of each training session in order to remain in the
9 Police Corps program.

10 (f) STIPEND.—The Director shall pay participants in
11 training sessions a stipend of \$250 a week during training.

12 **SEC. 1129. SERVICE OBLIGATION.**

13 (a) SWEARING IN.—Upon satisfactory completion of
14 the participant's course of education and training program
15 established in section 1128 and meeting the requirements
16 of the police force to which the participant is assigned,
17 a participant shall be sworn in as a member of the police
18 force to which the participant is assigned pursuant to the
19 State Police Corps plan, and shall serve for 4 years as
20 a member of that police force.

21 (b) RIGHTS AND RESPONSIBILITIES.—A participant
22 shall have all of the rights and responsibilities of and shall
23 be subject to all rules and regulations applicable to other
24 members of the police force of which the participant is
25 a member, including those contained in applicable agree-

1 ments with labor organizations and those provided by
2 State and local law.

3 (c) DISCIPLINE.—If the police force of which the par-
4 ticipant is a member subjects the participant to discipline
5 such as would preclude the participant's completing 4
6 years of service, and result in denial of educational assist-
7 ance under section 1126, the Director may, upon a show-
8 ing of good cause, permit the participant to complete the
9 service obligation in an equivalent alternative law enforce-
10 ment service and, if such service is satisfactorily com-
11 pleted, section 1126(d)(1)(B)(iii) shall not apply.

12 (d) LAYOFFS.—If the police force of which the partic-
13 ipant is a member lays off the participant such as would
14 preclude the participant's completing 4 years of service,
15 and result in denial of educational assistance under sec-
16 tion 1126, the Director may permit the participant to
17 complete the service obligation in an equivalent alternative
18 law enforcement service and, if such service is satisfac-
19 torily completed, section 1126(d)(1)(B)(iii) shall not
20 apply.

21 **SEC. 1130. STATE PLAN REQUIREMENTS.**

22 A State Police Corps plan shall—

23 (1) provide for the screening and selection of
24 participants in accordance with the criteria set out
25 in section 1127;

1 (2) state procedures governing the assignment
2 of participants in the Police Corps program to State
3 and local police forces (no more than 10 percent of
4 all the participants assigned in each year by each
5 State to be assigned to a statewide police force or
6 forces);

7 (3) provide that participants shall be assigned
8 to those geographic areas in which—

9 (A) there is the greatest need for addi-
10 tional law enforcement personnel; and

11 (B) the participants will be used most ef-
12 fectively;

13 (4) provide that to the extent consistent with
14 paragraph (3), a participant shall be assigned to an
15 area near the participant's home or such other place
16 as the participant may request;

17 (5) provide that to the extent feasible, a partici-
18 pant's assignment shall be made at the time the par-
19 ticipant is accepted into the program, subject to
20 change—

21 (A) prior to commencement of a partici-
22 pant's fourth year of undergraduate study,
23 under such circumstances as the plan may
24 specify; and

1 (B) from commencement of a participant's
2 fourth year of undergraduate study until com-
3 pletion of 4 years of police service by partici-
4 pant, only for compelling reasons or to meet the
5 needs of the State Police Corps program and
6 only with the consent of the participant;

7 (6) provide that no participant shall be assigned
8 to serve with a local police force—

9 (A) whose size has declined by more than
10 5 percent since June 21, 1989; or

11 (B) which has members who have been laid
12 off but not retired;

13 (7) provide that participants shall be placed and
14 to the extent feasible kept on community and pre-
15 ventive patrol;

16 (8) ensure that participants will receive effec-
17 tive training and leadership;

18 (9) provide that the State may decline to offer
19 a participant an appointment following completion of
20 Federal training, or may remove a participant from
21 the Police Corps program at any time, only for good
22 cause (including failure to make satisfactory
23 progress in a course of educational study) and after
24 following reasonable review procedures stated in the
25 plan; and

1 (10) provide that a participant shall, while serv-
2 ing as a member of a police force, be compensated
3 at the same rate of pay and benefits and enjoy the
4 same rights under applicable agreements with labor
5 organizations and under State and local law as other
6 police officers of the same rank and tenure in the
7 police force of which the participant is a member.

8 **SEC. 1131. ASSISTANCE TO STATES AND LOCALITIES EM-**
9 **PLOYING POLICE CORPS OFFICERS.**

10 Each jurisdiction directly employing Police Corps
11 participants during the 4-year term of service prescribed
12 by section 1129 shall receive \$10,000 on account of each
13 such participant at the completion of each such year of
14 service, but—

15 (1) no such payment shall be made on account
16 of service in any State or local police force—

17 (A) whose average size, in the year for
18 which payment is to be made, not counting Po-
19 lice Corps participants assigned under section
20 106, has declined more than 2 percent since
21 January 1, 1993; or

22 (B) which has members who have been laid
23 off but not retired; and

24 (2) no such payment shall be made on account
25 of any Police Corps participant for years of service

1 after the completion of the term of service prescribed
2 in section 1129.

3 **SEC. 1132. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated to carry out
5 this chapter—

6 (1) \$100,000,000 for each of fiscal years 1995
7 and 1996; and

8 (2) such sums as are necessary for each of fis-
9 cal years 1997, 1998, and 1999.

10 **SEC. 1133. REPORTS TO CONGRESS.**

11 (a) IN GENERAL.—Not later than April 1 of each
12 year, the Director shall submit a report to the Attorney
13 General, the President, the Speaker of the House of Rep-
14 resentatives, and the President of the Senate.

15 (b) CONTENTS.—A report under subsection (a)
16 shall—

17 (1) state the number of current and past par-
18 ticipants in the Police Corps program, broken down
19 according to the levels of educational study in which
20 they are engaged and years of service they have
21 served on police forces (including service following
22 completion of the 4-year service obligation);

23 (2) describe the geographic, racial, and gender
24 dispersion of participants in the Police Corps pro-
25 gram; and

1 (3) describe the progress of the Police Corps
2 program and make recommendations for changes in
3 the program.

4 **CHAPTER 2—LAW ENFORCEMENT**
5 **SCHOLARSHIP PROGRAM**

6 **SEC. 1141. SHORT TITLE.**

7 This chapter may be cited as the “Law Enforcement
8 Scholarships and Recruitment Act”.

9 **SEC. 1142. DEFINITIONS.**

10 In this chapter—

11 “Director” means the Director of the Bureau of
12 Justice Assistance.

13 “educational expenses” means expenses that
14 are directly attributable to—

15 (A) a course of education leading to the
16 award of an associate degree;

17 (B) a course of education leading to the
18 award of a baccalaureate degree; or

19 (C) a course of graduate study following
20 award of a baccalaureate degree,

21 including the cost of tuition, fees, books, supplies,
22 and related expenses.

23 “institution of higher education” has the mean-
24 ing stated in the first sentence of section 1201(a) of

1 the Higher Education Act of 1965 (20 U.S.C.
2 1141(a)).

3 “law enforcement position” means employment
4 as an officer in a State or local police force, or cor-
5 rectional institution.

6 “State” means a State of the United States,
7 the District of Columbia, the Commonwealth of
8 Puerto Rico, the Virgin Islands of the United States,
9 American Samoa, Guam, and the Commonwealth of
10 the Northern Mariana Islands.

11 **SEC. 1143. ALLOTMENT.**

12 From amounts appropriated under section 1150, the
13 Director shall allot—

14 (1) 80 percent of such amounts to States on
15 the basis of the number of law enforcement officers
16 in each State compared to the number of law en-
17 forcement officers in all States; and

18 (2) 20 percent of such amounts to States on
19 the basis of the shortage of law enforcement person-
20 nel and the need for assistance under this title in
21 the State compared to the shortage of law enforce-
22 ment personnel and the need for assistance under
23 this title in all States.

24 **SEC. 1144. ESTABLISHMENT OF PROGRAM.**

25 (a) USE OF ALLOTMENT.—

1 (1) IN GENERAL.—A State that receives an al-
2 lotment pursuant to section 1143 shall use the allot-
3 ment to pay the Federal share of the costs of—

4 (A) awarding scholarships to in-service law
5 enforcement personnel to enable such personnel
6 to seek further education; and

7 (B) providing—

8 (i) full-time employment in summer;

9 or

10 (ii) part-time (not to exceed 20 hours
11 per week) employment for a period not to
12 exceed 1 year.

13 (2) EMPLOYMENT.—The employment described
14 in paragraph (1)(B)—

15 (A) shall be provided by State and local
16 law enforcement agencies for students who are
17 juniors or seniors in high school or are enrolled
18 in an institution of higher education and who
19 demonstrate an interest in undertaking a career
20 in law enforcement;

21 (B) shall not be in a law enforcement posi-
22 tion; and

23 (C) shall consist of performing meaningful
24 tasks that inform students of the nature of the
25 tasks performed by law enforcement agencies.

1 (b) PAYMENTS; FEDERAL SHARE; NON-FEDERAL
2 SHARE.—

3 (1) PAYMENTS.—The Secretary shall pay to
4 each State that receives an allotment under section
5 1143 the Federal share of the cost of the activities
6 described in the application submitted pursuant to
7 section 1147.

8 (2) FEDERAL SHARE.—The Federal share shall
9 not exceed 60 percent.

10 (3) NON-FEDERAL SHARE.—The non-Federal
11 share of the cost of scholarships and student em-
12 ployment provided under this chapter shall be sup-
13 plied from sources other than the Federal Govern-
14 ment.

15 (c) RESPONSIBILITIES OF DIRECTOR.—The Director
16 shall be responsible for the administration of the programs
17 conducted pursuant to this title and shall, in consultation
18 with the Assistant Secretary for Postsecondary Education,
19 issue rules to implement this title.

20 (d) ADMINISTRATIVE EXPENSES.—A State that re-
21 ceives an allotment under section 1143 may reserve not
22 more than 8 percent of the allotment for administrative
23 expenses.

24 (e) SPECIAL RULE.—A State that receives an allot-
25 ment under section 1143 shall ensure that each scholar-

1 ship recipient under this title be compensated at the same
2 rate of pay and benefits and enjoy the same rights under
3 applicable agreements with labor organizations and under
4 State and local law as other law enforcement personnel
5 of the same rank and tenure in the office of which the
6 scholarship recipient is a member.

7 (f) SUPPLEMENTATION OF FUNDING.—Funds re-
8 ceived under this chapter shall only be used to supplement,
9 and not to supplant, Federal, State, or local efforts for
10 recruitment and education of law enforcement personnel.

11 **SEC. 1145. SCHOLARSHIPS.**

12 (a) PERIOD OF AWARD.—Scholarships awarded
13 under this chapter shall be for a period of 1 academic
14 year.

15 (b) USE OF SCHOLARSHIPS.—Each individual award-
16 ed a scholarship under this chapter may use the scholar-
17 ship for educational expenses at an institution of higher
18 education.

19 **SEC. 1146. ELIGIBILITY.**

20 (a) SCHOLARSHIPS.—A person shall be eligible to re-
21 ceive a scholarship under this chapter if the person has
22 been employed in law enforcement for the 2-year period
23 immediately preceding the date on which assistance is
24 sought.

1 (b) INELIGIBILITY FOR STUDENT EMPLOYMENT.—A
2 person who has been employed as a law enforcement offi-
3 cer is ineligible to participate in a student employment
4 program carried out under this chapter.

5 **SEC. 1147. STATE APPLICATION.**

6 (a) IN GENERAL.—Each State desiring an allotment
7 under section 1143 shall submit an application to the Di-
8 rector at such time, in such manner, and accompanied by
9 such information as the Director may reasonably require.

10 (b) CONTENTS.—An application under subsection (a)
11 shall—

12 (1) describe the scholarship program and the
13 student employment program for which assistance
14 under this title is sought;

15 (2) contain assurances that the lead agency will
16 work in cooperation with the local law enforcement
17 liaisons, representatives of police labor organizations
18 and police management organizations, and other ap-
19 propriate State and local agencies to develop and im-
20 plement interagency agreements designed to carry
21 out this chapter;

22 (3) contain assurances that the State will ad-
23 vertise the scholarship assistance and student em-
24 ployment it will provide under this chapter and that

1 the State will use such programs to enhance recruit-
2 ment efforts;

3 (4) contain assurances that the State will
4 screen and select law enforcement personnel for par-
5 ticipation in the scholarship program under this
6 chapter;

7 (5) contain assurances that under such student
8 employment program the State will screen and se-
9 lect, for participation in such program, students who
10 have an interest in undertaking a career in law
11 enforcement;

12 (6) contain assurances that under such scholar-
13 ship program the State will make scholarship pay-
14 ments to institutions of higher education on behalf
15 of persons who receive scholarships under this
16 chapter;

17 (7) with respect to such student employment
18 program, identify—

19 (A) the employment tasks that students
20 will be assigned to perform;

21 (B) the compensation that students will be
22 paid to perform such tasks; and

23 (C) the training that students will receive
24 as part of their participation in the program;

1 (8) identify model curriculum and existing pro-
2 grams designed to meet the educational and profes-
3 sional needs of law enforcement personnel; and

4 (9) contain assurances that the State will pro-
5 mote cooperative agreements with educational and
6 law enforcement agencies to enhance law enforce-
7 ment personnel recruitment efforts in institutions of
8 higher education.

9 **SEC. 1148. LOCAL APPLICATION.**

10 (a) IN GENERAL.—A person who desires a scholar-
11 ship or employment under this chapter shall submit an
12 application to the State at such time, in such manner, and
13 accompanied by such information as the State may rea-
14 sonably require.

15 (b) CONTENTS.—An application under subsection (a)
16 shall describe—

17 (1) the academic courses for which a scholar-
18 ship is sought; or

19 (2) the location and duration of employment
20 that is sought.

21 (c) PRIORITY.—In awarding scholarships and provid-
22 ing student employment under this chapter, each State
23 shall give priority to applications from persons who are—

24 (1) members of racial, ethnic, or gender groups
25 whose representation in the law enforcement agen-

1 cies within the State is substantially less than in the
2 population eligible for employment in law enforce-
3 ment in the State;

4 (2) pursuing an undergraduate degree; and

5 (3) not receiving financial assistance under the
6 Higher Education Act of 1965.

7 **SEC. 1149. SCHOLARSHIP AGREEMENT.**

8 (a) IN GENERAL.—A person who receives a scholar-
9 ship under this chapter shall enter into an agreement with
10 the Director.

11 (b) CONTENTS.—An agreement described in sub-
12 section (a) shall—

13 (1) provide assurances that the scholarship re-
14 cipient will work in a law enforcement position in
15 the State that awarded the scholarship in accord-
16 ance with the service obligation described in sub-
17 section (c) after completion of the scholarship recipi-
18 ent's academic courses leading to an associate, bach-
19 elor, or graduate degree;

20 (2) provide assurances that the scholarship re-
21 cipient will repay the entire scholarship in accord-
22 ance with such terms and conditions as the Director
23 shall prescribe if the requirements of the agreement
24 are not complied with, unless the scholarship recipi-
25 ent—

1 (A) dies;

2 (B) becomes physically or emotionally dis-
3 abled, as established by the sworn affidavit of
4 a qualified physician; or

5 (C) has been discharged in bankruptcy;
6 and

7 (3) set forth the terms and conditions under
8 which the scholarship recipient may seek employ-
9 ment in the field of law enforcement in a State other
10 than the State that awarded the scholarship.

11 (c) SERVICE OBLIGATION.—

12 (1) IN GENERAL.— Except as provided in para-
13 graph (2), a person who receives a scholarship under
14 this title shall work in a law enforcement position in
15 the State that awarded the scholarship for a period
16 of 1 month for each credit hour for which funds are
17 received under the scholarship.

18 (2) SPECIAL RULE.—For purposes of satisfying
19 the requirement of paragraph (1), a scholarship re-
20 cipient shall work in a law enforcement position in
21 the State that awarded the scholarship for not less
22 than 6 months but shall not be required to work in
23 such a position for more than 2 years.

1 **SEC. 1150. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) GENERAL AUTHORIZATION OF APPROPRIA-
3 TIONS.—There are authorized to be appropriated to carry
4 out this chapter \$30,000,000 for each of fiscal years 1995,
5 1996, 1997, 1998, and 1999.

6 (b) USES OF FUNDS.—Of the funds appropriated
7 under subsection (a) for a fiscal year—

8 (1) 80 percent shall be available to provide
9 scholarships described in section 1144(a)(1)(A); and

10 (2) 20 percent shall be available to provide em-
11 ployment described in sections 1144(a)(1)(B) and
12 1144(a)(2).

13 **TITLE XII—DRUG COURT**
14 **PROGRAMS**

15 **SEC. 1201. COORDINATED ADMINISTRATION OF PROGRAMS.**

16 (a) APPLICATION.—The Attorney General may estab-
17 lish a unified or coordinated process for applying for
18 grants under this title. In addition to any other require-
19 ments that may be specified by the Attorney General, an
20 application for a grant under any provision of this title
21 shall—

22 (1) include a long-term strategy and detailed
23 implementation plan;

24 (2) explain the applicant's inability to fund the
25 program adequately without Federal assistance;

1 (3) certify that the Federal support provided
2 will be used to supplement, and not supplant, State
3 and local sources of funding that would otherwise be
4 available;

5 (4) identify related governmental and commu-
6 nity initiatives which complement or will be coordi-
7 nated with the proposal;

8 (5) certify that there has been appropriate co-
9 ordination with all affected agencies; and

10 (6) specify plans for obtaining necessary sup-
11 port and continuing the proposed program following
12 the conclusion of Federal support.

13 (b) REGULATORY AUTHORITY.—The Attorney Gen-
14 eral may issue regulations and guidelines to carry out the
15 programs authorized by this title, including specifications
16 concerning application requirements, selection criteria, du-
17 ration and renewal of grants, evaluation requirements,
18 matching funds, limitation of administrative expenses,
19 submission of reports by grantees, recordkeeping by grant-
20 ees, and access to books, records, and documents main-
21 tained by grantees or other persons for purposes of audit
22 or examination.

23 (c) TECHNICAL ASSISTANCE AND EVALUATION.—
24 The Attorney General may provide technical assistance to
25 grantees under the programs authorized by this title. The

1 Attorney General may carry out, or arrange by grant or
2 contract or otherwise for the carrying out of, evaluations
3 of programs receiving assistance under the programs au-
4 thorized by this title, in addition to any evaluations that
5 grantees may be required to carry out pursuant to sub-
6 section (b).

7 (d) USE OF COMPONENTS.—The Attorney General
8 may utilize any component or components of the Depart-
9 ment of Justice in carrying out this section or other provi-
10 sions of this title, or in coordinating activities under the
11 programs authorized by this title.

12 **SEC. 1202. DRUG TESTING UPON ARREST.**

13 (a) IN GENERAL.—Title I of the Omnibus Crime
14 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
15 et seq.), as amended by section 1101(a), is amended—

16 (1) by redesignating part T as part U;

17 (2) by redesignating section 2001 as section
18 2101; and

19 (3) by inserting after part S the following new
20 part:

21 **“PART T—DRUG TESTING UPON ARREST**

22 **“SEC. 2001. GRANT AUTHORIZATION.**

23 “The Director of the Bureau of Justice Assistance
24 may make grants under this part to States, for the use
25 by States and units of local government in the States, for

1 the purpose of developing, implementing, or continuing a
2 drug testing project when individuals are arrested, during
3 the pretrial period or during participation in any pre- or
4 post-conviction diversion program.

5 **“SEC. 2002. STATE APPLICATIONS.**

6 “(a) GENERAL REQUIREMENTS.—To request a grant
7 under this part the chief executive of a State shall submit
8 an application to the Director in such form and containing
9 such information as the Director may reasonably require.

10 “(b) MANDATORY ASSURANCES.—To be eligible to
11 receive funds under this part, a State shall agree to de-
12 velop or maintain programs of urinalysis or similar drug
13 testing of individuals upon arrest during the pretrial pe-
14 riod, or during participation in any pre- or post-conviction
15 diversion program.

16 “(c) CENTRAL OFFICE.—The office designated under
17 section 507—

18 “(1) shall prepare the application as required
19 under subsection (a); and

20 “(2) shall administer grant funds received
21 under this part, including, review of spending, proc-
22 essing, progress, financial reporting, technical assist-
23 ance, grant adjustments, accounting, auditing, and
24 fund disbursement.

1 **“SEC. 2003. LOCAL APPLICATIONS.**

2 “(a) IN GENERAL.—(1) To request funds under this
3 part from a State, the chief executive of a unit of local
4 government shall submit an application to the office des-
5 ignated under section 2002(c).

6 “(2) An application under paragraph (1) shall be con-
7 sidered approved, in whole or in part, by the State not
8 later than 90 days after such application is first received
9 unless the State informs the applicant in writing of spe-
10 cific reasons for disapproval.

11 “(3) The State shall not disapprove any application
12 submitted to the State without first affording the appli-
13 cant reasonable notice and an opportunity for reconsider-
14 ation.

15 “(4) If such application is approved, the unit of local
16 government is eligible to receive such funds.

17 “(b) DISTRIBUTION TO UNITS OF LOCAL GOVERN-
18 MENT.—A State that receives funds under section 2001
19 in a fiscal year shall make such funds available to units
20 of local government with an application that has been sub-
21 mitted and approved by the State within 90 days after
22 the Bureau has approved the application submitted by the
23 State and has made funds available to the State. The Di-
24 rector shall have the authority to waive the 90-day re-
25 quirement in this section upon a finding that the State
26 is unable to satisfy such requirement under State statutes.

1 **“SEC. 2004. ALLOCATION AND DISTRIBUTION OF FUNDS.**

2 “(a) STATE DISTRIBUTION.—Of the total amount ap-
3 propriated under this part in any fiscal year—

4 “(1) 0.4 percent shall be allocated to each of
5 the participating States; and

6 “(2) of the total funds remaining after the allo-
7 cation under paragraph (1), there shall be allocated
8 to each of the participating States an amount which
9 bears the same ratio to the amount of remaining
10 funds described in this paragraph as the number of
11 individuals arrested in such State bears to the num-
12 ber of individuals arrested in all the participating
13 States.

14 “(b) LOCAL DISTRIBUTION.—(1) A State that re-
15 ceives funds under this part in a fiscal year shall distribute
16 to units of local government in such State the portion of
17 such funds that bears the same ratio to the aggregate
18 amount of such funds as the amount of funds expended
19 by all units of local government for criminal justice in the
20 preceding fiscal year bears to the aggregate amount of
21 funds expended by the State and all units of local govern-
22 ment in the State for criminal justice in the preceding fis-
23 cal year.

24 “(2) Any funds not distributed to units of local gov-
25 ernment under paragraph (1) shall be available for ex-

1 penditure by such State for purposes specified in such
2 State's application.

3 “(3) If the Director determines, on the basis of infor-
4 mation available during any fiscal year, that a portion of
5 the funds allocated to a State for such fiscal year will not
6 be used by such State or that a State is not eligible to
7 receive funds under section 2001, the Director shall award
8 such funds to units of local government in such State giv-
9 ing priority to the units of local government that the Di-
10 rector considers to have the greatest need.

11 “(c) FEDERAL SHARE.—The Federal share of a
12 grant made under this part may not exceed 75 percent
13 of the total costs of the projects described in the applica-
14 tion submitted under section 2002 for the fiscal year for
15 which the projects receive assistance under this part.

16 “(d) GEOGRAPHIC DISTRIBUTION.—The Director
17 shall attempt, to the extent practicable, to achieve an equi-
18 table geographic distribution of grant awards.

19 **“SEC. 2005. REPORT.**

20 “A State or unit of local government that receives
21 funds under this part shall submit to the Director a report
22 in March of each fiscal year that funds are received under
23 this part regarding the effectiveness of the drug testing
24 project.”.

1 (b) TECHNICAL AMENDMENT.—The table of contents
2 of title I of the Omnibus Crime Control and Safe Streets
3 Act of 1968 (42 U.S.C. 3711 et seq.), as amended by sec-
4 tion 1101(b), is amended by striking the matter relating
5 to part T and inserting the following:

“PART T—DRUG TESTING UPON ARREST

“Sec. 2001. Grant authorization.

“Sec. 2002. State applications.

“Sec. 2003. Local applications.

“Sec. 2004. Allocation and distribution of funds.

“Sec. 2005. Report.

“PART U—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 2101. Continuation of rules, authorities, and proceedings.”.

6 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
7 1001(a) of the Omnibus Crime Control and Safe Streets
8 Act of 1968 (42 U.S.C. 3793), as amended by section
9 1101(c), is amended—

10 (1) in paragraph (3) by striking “and S” and
11 inserting “S, and T”; and

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

14 “(14) There are authorized to be appropriated to
15 carry out the projects under part T \$100,000,000 for each
16 of fiscal years 1995, 1996, and 1997.”.

1 **SEC. 1203. CERTAINTY OF PUNISHMENT FOR YOUNG OF-**
2 **FENDERS.**

3 (a) IN GENERAL.—Title I of the Omnibus Crime
4 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
5 et seq.), as amended by section 1202(a), is amended—

6 (1) by redesignating part U as part V;

7 (2) by redesignating section 2101 as section
8 2201; and

9 (3) by inserting after part T the following new
10 part:

11 **“PART U—ALTERNATIVE PUNISHMENTS FOR**
12 **YOUNG NONVIOLENT OFFENDERS**

13 **“SEC. 2101. GRANT AUTHORIZATION.**

14 “(a) IN GENERAL.—The Director of the Bureau of
15 Justice Assistance (referred to in this part as the ‘Direc-
16 tor’) may make grants under this part to States, for the
17 use by States and units of local government in the States,
18 for the purpose of developing alternative methods of pun-
19 ishment for young nonviolent offenders to traditional
20 forms of incarceration and probation.

21 “(b) ALTERNATIVE METHODS.—The alternative
22 methods of punishment referred to in subsection (a)
23 should ensure certainty of punishment for young non-
24 violent offenders and promote reduced recidivism, crime
25 prevention, and assistance to victims, particularly for
26 young nonviolent offenders who can be punished more ef-

1 fectively in an environment other than a traditional correc-
2 tional facility, including—

3 “(1) alternative sanctions that create account-
4 ability and certainty of punishment for young non-
5 violent offenders;

6 “(2) boot camp prison programs;

7 “(3) technical training and support for the im-
8 plementation and maintenance of State and local
9 restitution programs for young non-violent offenders;

10 “(4) innovative projects;

11 “(5) correctional options, such as community-
12 based incarceration, weekend incarceration, and elec-
13 tric monitoring of offenders;

14 “(6) community service programs that provide
15 work service placement for young non-violent offend-
16 ers at nonprofit, private organizations and commu-
17 nity organizations;

18 “(7) demonstration restitution projects that are
19 evaluated for effectiveness; and

20 “(8) innovative methods that address the prob-
21 lems of young non-violent offenders convicted of seri-
22 ous substance abuse, including alcohol abuse, and
23 gang-related offenses, including technical assistance
24 and training to counsel and treat such offenders.

1 **“SEC. 2102. STATE APPLICATIONS.**

2 “(a) IN GENERAL.—To request a grant under this
3 part, the chief executive of a State shall submit an applica-
4 tion to the Director in such form and containing such in-
5 formation as the Director may reasonably require.

6 “(b) ASSURANCES.—An application under subsection
7 (a) shall include assurances that Federal funds received
8 under this part shall be used to supplement, not supplant,
9 non-Federal funds that would otherwise be available for
10 activities funded under this part.

11 “(c) STATE OFFICE.—The office designated under
12 section 507 shall—

13 “(1) prepare the application as required under
14 subsection (a); and

15 “(2) administer grant funds received under this
16 part, including review of spending, processing,
17 progress, financial reporting, technical assistance,
18 grant adjustments, accounting, auditing, and fund
19 disbursement.

20 **“SEC. 2103. REVIEW OF STATE APPLICATIONS.**

21 “(a) IN GENERAL.—The Director shall make a grant
22 under section 2101(a) to carry out the projects described
23 in the application submitted by an applicant under section
24 2102 upon determining that—

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

1 “(2) before the approval of the application, the
2 Director has made an affirmative finding in writing
3 that the proposed project has been reviewed in ac-
4 cordance with this part.

5 “(b) APPROVAL.—An application submitted under
6 section 2102 shall be considered approved, in whole or in
7 part, by the Director not later than 45 days after it is
8 first received unless the Director informs the applicant of
9 specific reasons for disapproval.

10 “(c) RESTRICTION.—Grant funds received under this
11 part shall not be used for land acquisition or construction
12 projects other than alternative facilities described in sec-
13 tion 2101(b) for young non-violent offenders.

14 “(d) DISAPPROVAL NOTICE AND RECONSIDER-
15 ATION.—The Director shall not disapprove any application
16 without first affording the applicant reasonable notice and
17 an opportunity for reconsideration.

18 **“SEC. 2104. LOCAL APPLICATIONS.**

19 “(a) IN GENERAL.—To request funds under this part
20 from a State, the chief executive of a unit of local govern-
21 ment shall submit an application to the office designated
22 under section 507.

23 “(b) APPROVAL.—An application under paragraph
24 (1) shall be considered approved, in whole or in part, by
25 the State not later than 90 days after the application is

1 first received unless the State informs the applicant in
2 writing of specific reasons for disapproval.

3 “(c) DISAPPROVAL.—The State shall not disapprove
4 any application submitted to the State without first af-
5 fording the applicant reasonable notice and an opportunity
6 for reconsideration.

7 “(d) EFFECT OF APPROVAL.—If an application
8 under paragraph (1) is approved, the unit of local govern-
9 ment is eligible to receive the requested funds.

10 “(e) DISTRIBUTION TO UNITS OF LOCAL GOVERN-
11 MENT.—

12 “(1) IN GENERAL.—A State that receives funds
13 under section 2101 in a fiscal year shall make such
14 funds available to units of local government with an
15 application that has been submitted and approved by
16 the State within 90 days after the Director has ap-
17 proved the application submitted by the State and
18 has made funds available to the State.

19 “(2) WAIVER.—The Director may waive the 90-
20 day requirement of paragraph (1) upon a finding
21 that the State is unable to satisfy the requirement
22 under State statutes.

23 **“SEC. 2105. ALLOCATION AND DISTRIBUTION OF FUNDS.**

24 “(a) STATE DISTRIBUTION.—Of the total amount ap-
25 propriated under this part in any fiscal year—

1 “(1) 0.4 percent shall be allocated to each of
2 the participating States; and

3 “(2) of the total funds remaining after the allo-
4 cation under paragraph (1), there shall be allocated
5 to each of the participating States an amount that
6 bears the same ratio to the amount of remaining
7 funds described in this paragraph as the number of
8 young non-violent offenders of the State bears to the
9 number of young non-violent offenders in all the
10 participating States.

11 “(b) LOCAL DISTRIBUTION.—

12 “(1) IN GENERAL.—A State that receives funds
13 under this part in a fiscal year shall distribute to
14 units of local government in the State for the pur-
15 poses specified in section 2101 the portion of such
16 funds that bears the same ratio to the aggregate
17 amount of such funds as the amount of funds ex-
18 pended by all units of local government for criminal
19 justice in the preceding fiscal year bears to the ag-
20 gregate amount of funds expended by the State and
21 all units of local government in the State for crimi-
22 nal justice in such preceding fiscal year.

23 “(2) UNDISTRIBUTED FUNDS.—Any funds not
24 distributed to units of local government under para-

1 graph (1) shall be available for expenditure by the
2 State for purposes specified in section 2101.

3 “(3) AWARD OF FUNDS BY THE DIRECTOR.—If
4 the Director determines, on the basis of information
5 available during any fiscal year, that a portion of the
6 funds allocated to a State for a fiscal year will not
7 be used by the State or that a State is not eligible
8 to receive funds under section 2101, the Director
9 shall award such funds to units of local government
10 in the State, giving priority to the units of local gov-
11 ernment that the Director considers to have the
12 greatest need.

13 “(c) FEDERAL SHARE.—The Federal share of a
14 grant made under this part may not exceed 75 percent
15 of the total costs of the projects described in the applica-
16 tion submitted under section 2102(a) for the fiscal year
17 for which the projects receive assistance under this part.

18 “(d) GEOGRAPHIC DISTRIBUTION.—The Director
19 shall attempt, to the extent practicable, to achieve an equi-
20 table geographic distribution of grant awards.

21 **“SEC. 2106. EVALUATION.**

22 “(a) SUBMISSION.—

23 “(1) IN GENERAL.—Each State and local unit
24 of government that receives a grant under this part
25 shall submit to the Director an evaluation not later

1 than March 1 of each year in accordance with guide-
 2 lines issued by the Director and in consultation with
 3 the National Institute of Justice.

4 “(2) WAIVER.—The Director may waive the re-
 5 quirement specified in paragraph (1) if the Director
 6 determines that an evaluation is not warranted in
 7 the case of a particular State or unit of local govern-
 8 ment.

9 “(b) DISTRIBUTION.—The Director shall make avail-
 10 able to the public on a timely basis evaluations received
 11 under subsection (a).

12 “(c) ADMINISTRATIVE COSTS.—A State and local
 13 unit of government may use not more than 5 percent of
 14 funds it receives under this part to develop an evaluation
 15 program under this section.”.

16 (b) TECHNICAL AMENDMENT.—The table of contents
 17 of title I of the Omnibus Crime Control and Safe Streets
 18 Act of 1968 (42 U.S.C. 3711 et seq.), as amended by sec-
 19 tion 1202(b), is amended by striking the matter relating
 20 to part U and inserting the following:

“PART U—ALTERNATIVE PUNISHMENTS FOR YOUNG NON-VIOLENT
 OFFENDERS

- “Sec. 2101. Grant authorization.
- “Sec. 2102. State applications.
- “Sec. 2103. Review of State applications.
- “Sec. 2104. Local applications.
- “Sec. 2105. Allocation and distribution of funds.
- “Sec. 2106. Evaluation.

“PART V—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 2201. Continuation of rules, authorities, and proceedings.”.

1 (c) DEFINITION.—Section 901(a) of the Omnibus
2 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
3 3791(a)) is amended by adding at the end the following
4 new paragraph:

5 “(24) ‘young non-violent offender’ means a non-
6 violent first-time offender or violent offender with a
7 minor criminal record who is 28 years of age or
8 younger.”.

9 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
10 1001(a) of title I of the Omnibus Crime Control and Safe
11 Streets Act of 1968 (42 U.S.C. 3793), as amended by sec-
12 tion 1202(c), is amended—

13 (1) in paragraph (3) by striking “and T” and
14 inserting “T, and U”; and

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

17 “(15) There are authorized to be appropriated to
18 carry out the projects under part U \$200,000,000 for each
19 of fiscal years 1995, 1996, and 1997.”.

20 **SEC. 1204. RESIDENTIAL SUBSTANCE ABUSE TREATMENT**
21 **FOR PRISONERS.**

22 (a) IN GENERAL.—Title I of the Omnibus Crime
23 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
24 et seq.), as amended by section 1203(a), is amended—

25 (1) by redesignating part V as part W;

1 (2) by redesignating section 2201 as section
2 2301; and

3 (3) by inserting after part U the following new
4 part:

5 **“PART V—RESIDENTIAL SUBSTANCE ABUSE**
6 **TREATMENT FOR PRISONERS**

7 **“SEC. 2201. GRANT AUTHORIZATION.**

8 “The Director of the Bureau of Justice Assistance
9 (referred to in this part as the ‘Director’) may make
10 grants under this part to States, for the use by States
11 for the purpose of developing and implementing residential
12 substance abuse treatment programs within State correc-
13 tional facilities, including residential substance abuse
14 treatment programs for offenders who violate the terms
15 of any post-conviction diversion program and who are
16 committed to State correctional facilities.

17 **“SEC. 2202. STATE APPLICATIONS.**

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

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

1 “(3) Such application shall coordinate the design and
2 implementation of treatment programs between State cor-
3 rectional representatives and the State alcohol and drug
4 abuse agency.

5 “(b) DRUG TESTING REQUIREMENT.—To be eligible
6 to receive funds under this part, a State must agree to
7 implement or continue to require urinalysis or similar test-
8 ing of individuals in correctional residential substance
9 abuse treatment programs. Such testing shall include indi-
10 viduals released from residential substance abuse treat-
11 ment programs who remain in the custody of the State.

12 “(c) ELIGIBILITY FOR PREFERENCE WITH AFTER
13 CARE COMPONENT.—

14 “(1) To be eligible for a preference under this
15 part, a State must ensure that individuals who par-
16 ticipate in the drug treatment program established
17 or implemented with assistance provided under this
18 part will be provided with aftercare services.

19 “(2) State aftercare services must involve the
20 coordination of the prison treatment program with
21 other human service and rehabilitation programs,
22 such as educational and job training programs, pa-
23 role supervision programs, half-way house programs,
24 and participation in self-help and peer group pro-

1 grams, that may aid in the rehabilitation of individ-
2 uals in the drug treatment program.

3 “(3) To qualify as an aftercare program, the
4 head of the drug treatment program, in conjunction
5 with State and local authorities and organizations
6 involved in drug treatment, shall assist in placement
7 of drug treatment program participants with appro-
8 priate community drug treatment facilities when
9 such individuals leave prison at the end of a sen-
10 tence or on parole.

11 “(d) STATE OFFICE.—The office designated under
12 section 507—

13 “(1) shall prepare the application as required
14 under this section; and

15 “(2) shall administer grant funds received
16 under this part, including, review of spending, proc-
17 essing, progress, financial reporting, technical assist-
18 ance, grant adjustments, accounting, auditing, and
19 fund disbursement.

20 **“SEC. 2203. REVIEW OF STATE APPLICATIONS.**

21 “(a) IN GENERAL.—The Bureau shall make a grant
22 under section 2201 to carry out the projects described in
23 the application submitted under section 2202 upon deter-
24 mining that—

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

3 “(2) before the approval of the application the
4 Bureau has made an affirmative finding in writing
5 that the proposed project has been reviewed in ac-
6 cordance with this part.

7 “(b) APPROVAL.—Each application submitted under
8 section 2202 shall be considered approved, in whole or in
9 part, by the Bureau not later than 90 days after first re-
10 ceived unless the Bureau informs the applicant of specific
11 reasons for disapproval.

12 “(c) RESTRICTION.—Grant funds received under this
13 part shall not be used for land acquisition or construction
14 projects.

15 “(d) DISAPPROVAL NOTICE AND RECONSIDER-
16 ATION.—The Bureau shall not disapprove any application
17 without first affording the applicant reasonable notice and
18 an opportunity for reconsideration.

19 **“SEC. 2204. ALLOCATION AND DISTRIBUTION OF FUNDS.**

20 “(a) ALLOCATION.—Of the total amount appro-
21 priated under this part in any fiscal year—

22 “(1) 0.4 percent shall be allocated to each of
23 the participating States; and

24 “(2) of the total funds remaining after the allo-
25 cation under paragraph (1), there shall be allocated

1 to each of the participating States an amount that
2 bears the same ratio to the amount of remaining
3 funds described in this paragraph as the State pris-
4 on population of the State bears to the total prison
5 population of all of the participating States.

6 “(b) FEDERAL SHARE.—The Federal share of a
7 grant made under this part may not exceed 75 percent
8 of the total costs of the projects described in the applica-
9 tion submitted under section 2202 for the fiscal year for
10 which the projects receive assistance under this part.

11 **“SEC. 2205. EVALUATION.**

12 “Each State that receives a grant under this part
13 shall submit to the Director an evaluation not later than
14 March 1 of each year in such form and containing such
15 information as the Director may reasonably require.”.

16 (b) TECHNICAL AMENDMENT.—The table of contents
17 of title I of the Omnibus Crime Control and Safe Streets
18 Act of 1968 (42 U.S.C. 3711 et seq.), as amended by sec-
19 tion 1203(b), is amended by striking the matter relating
20 to part V and inserting the following:

“PART V—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS

“Sec. 2201. Grant authorization.

“Sec. 2202. State applications.

“Sec. 2203. Review of State applications.

“Sec. 2204. Allocation and distribution of funds.

“Sec. 2205. Evaluation.

“PART W—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 2301. Continuation of rules, authorities, and proceedings.”.

1 (c) DEFINITIONS.—Section 901(a) of the Omnibus
2 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
3 3791(a)), as amended by section 2102(c), is amended by
4 adding at the end the following new paragraph:

5 “(25) ‘residential substance abuse treatment
6 program’ means a course of individual and group ac-
7 tivities, lasting between 6 and 12 months, in residen-
8 tial treatment facilities set apart from the general
9 prison population—

10 “(A) directed at the substance abuse prob-
11 lems of the prisoner; and

12 “(B) intended to develop the prisoner’s
13 cognitive, behavioral, social, vocational, and
14 other skills so as to solve the prisoner’s sub-
15 stance abuse and related problems.”.

16 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
17 1001(a) of title I of the Omnibus Crime Control and Safe
18 Streets Act of 1968 (42 U.S.C. 3793), as amended by sec-
19 tion 1202(d), is amended—

20 (1) in paragraph (3) by striking “and U” and
21 inserting “U, and V”; and

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

1 “(16) There are authorized to be appropriated to
2 carry out projects under part V \$100,000,000 for each
3 of fiscal years 1995, 1996, and 1997.”.

4 **TITLE XIII—PRISONS**

5 **Subtitle A—Federal Prisons**

6 **SEC. 1301. PRISONER’S PLACE OF IMPRISONMENT.**

7 Paragraph (b) of section 3621 of title 18, United
8 States Code, is amended by inserting after subsection (5)
9 the following: “In designating the place of imprisonment
10 or making transfers under this subsection, there shall be
11 no favoritism given to prisoners of high social or economic
12 status.”.

13 **SEC. 1302. PRISON IMPACT ASSESSMENTS.**

14 (a) IN GENERAL.—Chapter 303 of title 18, United
15 States Code, is amended by adding at the end the follow-
16 ing new section:

17 **“§ 4047. Prison impact assessments**

18 “(a) Any submission of legislation by the Judicial or
19 Executive branch which could increase or decrease the
20 number of persons incarcerated or in Federal penal insti-
21 tutions shall be accompanied by a prison impact state-
22 ment, as defined in subsection (b) of this section.

23 “(b) The Attorney General shall, in consultation with
24 the Sentencing Commission and the Administrative Office
25 of the United States Courts, prepare and furnish prison

1 impact assessments under subsection (c) of this section,
2 and in response to requests from Congress for information
3 relating to a pending measure or matter that might affect
4 the number of defendants processed through the Federal
5 criminal justice system. A prison impact assessment on
6 pending legislation must be supplied within 14 days of any
7 request. A prison impact assessment shall include—

8 “(1) projections of the impact on prison, proba-
9 tion, and post prison supervision populations;

10 “(2) an estimate of the fiscal impact of such
11 population changes on Federal expenditures, includ-
12 ing those for construction and operation of correc-
13 tional facilities for the current fiscal year and 5 suc-
14 ceeding fiscal years;

15 “(3) an analysis of any other significant factor
16 affecting the cost of the measure and its impact on
17 the operations of components of the criminal justice
18 system; and

19 “(4) a statement of the methodologies and as-
20 sumptions utilized in preparing the assessment.

21 “(c) The Attorney General shall prepare and transmit
22 to the Congress, by March 1 of each year, a prison impact
23 assessment reflecting the cumulative effect of all relevant
24 changes in the law taking effect during the preceding cal-
25 endar year.”.

1 (b) TECHNICAL AMENDMENT.—The chapter analysis
2 for chapter 303 is amended by adding at the end the fol-
3 lowing new item:

“4047. Prison impact assessments.”.

4 **SEC. 1303. FEDERAL PRISONER DRUG TESTING.**

5 (a) SHORT TITLE.—This title may be cited as the
6 “Federal Prisoner Drug Testing Act of 1993”.

7 (b) DRUG TESTING PROGRAM.—(1) Chapter 229 of
8 title 18, United States Code, is amended by adding at the
9 end the following new section:

10 **“§ 3608. Drug testing of Federal offenders on post-
11 conviction release**

12 “The Director of the Administrative Office of the
13 United States Courts, in consultation with the Attorney
14 General and the Secretary of Health and Human Services,
15 shall, subject to the availability of appropriations, estab-
16 lish a program of drug testing of Federal offenders on
17 post-conviction release. The program shall include such
18 standards and guidelines as the Director may determine
19 necessary to ensure the reliability and accuracy of the
20 drug testing programs. In each judicial district the chief
21 probation officer shall arrange for the drug testing of de-
22 fendants on post-conviction release pursuant to a convic-
23 tion for a felony or other offense described in section
24 3563(a)(4) of this title. There are authorized to be appro-

1 priated for each fiscal year such sums as are necessary
2 to carry out this section.”.

3 (2) The table of sections at the beginning of chapter
4 229 of title 18, United States Code, is amended by adding
5 at the end the following:

“3608. Drug testing of Federal offenders on post-conviction release.”.

6 (c) CONDITIONS OF PROBATION.—Section 3563(a) of
7 title 18, United States Code, is amended—

8 (1) in paragraph (2) by striking “and” after
9 the semicolon;

10 (2) in paragraph (3) by striking the period and
11 inserting “; and”;

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

14 “(4) for a felony, a misdemeanor, or an infrac-
15 tion, that the defendant refrain from any unlawful
16 use of a controlled substance and submit to one drug
17 test within 15 days of release on probation and at
18 least 2 periodic drug tests thereafter (as determined
19 by the court) for use of a controlled substance, but
20 the condition stated in this paragraph may be ame-
21 liorated or suspended by the court for any individual
22 defendant if the defendant’s presentence report or
23 other reliable sentencing information indicates a low
24 risk of future substance abuse by the defendant.”;
25 and

1 (4) by adding at the end the following: “The re-
2 sults of a drug test administered in accordance with
3 paragraph (4) shall be subject to confirmation only
4 if the results are positive, the defendant is subject
5 to possible imprisonment for such failure, and either
6 the defendant denies the accuracy of such test or
7 there is some other reason to question the results of
8 the test. A defendant who tests positive may be de-
9 tained pending verification of a positive drug test re-
10 sult. A drug test confirmation shall be a urine drug
11 test confirmed using gas chromatography/mass spec-
12 trometry techniques or such test as the Director of
13 the Administrative Office of the United States
14 Courts after consultation with the Secretary of
15 Health and Human Services may determine to be of
16 equivalent accuracy. Notwithstanding the require-
17 ments of section 3565(b), the court shall consider
18 the availability of appropriate substance abuse treat-
19 ment programs when considering any action against
20 a defendant who fails a drug test administered in ac-
21 cordance with paragraph (4).”.

22 (d) CONDITIONS ON SUPERVISED RELEASE.—Sec-
23 tion 3583(d) of title 18, United States Code, is amended
24 by inserting after the first sentence the following: “The
25 court shall also order, as an explicit condition of super-

1 vided release, that the defendant refrain from any unlawful
2 use of a controlled substance and submit to a drug test
3 within 15 days of release on supervised release and at least
4 2 periodic drug tests thereafter (as determined by the
5 court) for use of a controlled substance. The condition
6 stated in the preceding sentence may be ameliorated or
7 suspended by the court as provided in section 3563(a)(4).
8 The results of a drug test administered in accordance with
9 the preceding subsection shall be subject to confirmation
10 only if the results are positive, the defendant is subject
11 to possible imprisonment for such failure, and either the
12 defendant denies the accuracy of such test or there is some
13 other reason to question the results of the test. A drug
14 test confirmation shall be a urine drug test confirmed
15 using gas chromatography/mass spectrometry techniques
16 or such test as the Director of the Administrative Office
17 of the United States Courts after consultation with the
18 Secretary of Health and Human Services may determine
19 to be of equivalent accuracy. Notwithstanding the require-
20 ments of section 3583(g), the court shall consider the
21 availability of appropriate substance abuse treatment pro-
22 grams when considering any action against a defendant
23 who fails a drug test.”.

24 (e) CONDITIONS OF PAROLE.—Section 4209(a) of
25 title 18, United States Code, is amended by inserting after

1 the first sentence the following: “In every case, the Com-
2 mission shall also impose as a condition of parole that the
3 parolee pass a drug test prior to release and refrain from
4 any unlawful use of a controlled substance and submit to
5 at least 2 periodic drug tests (as determined by the Com-
6 mission) for use of a controlled substance. The condition
7 stated in the preceding sentence may be ameliorated or
8 suspended by the Commission for any individual parolee
9 if it determines that there is good cause for doing so. The
10 results of a drug test administered in accordance with the
11 provisions of the preceding sentence shall be subject to
12 confirmation only if the results are positive, the defendant
13 is subject to possible imprisonment for such failure, and
14 either the defendant denies the accuracy of such test or
15 there is some other reason to question the results of the
16 test. A drug test confirmation shall be a urine drug test
17 confirmed using gas chromatography/mass spectrometry
18 techniques or such test as the Director of the Administra-
19 tive Office of the United States Courts after consultation
20 with the Secretary of Health and Human Services may
21 determine to be of equivalent accuracy. Notwithstanding
22 the requirements of section 4214(f), the Commission shall
23 consider the availability of appropriate substance abuse
24 treatment programs when considering any action against
25 a defendant who fails a drug test.”.

1 **SEC. 1304. DRUG TREATMENT IN FEDERAL PRISONS.**

2 (a) SHORT TITLE.—This section may be cited as the
3 “Drug Treatment in Federal Prisons Act of 1993”.

4 (b) DEFINITIONS.—As used in this section—

5 (1) the term “residential substance abuse treat-
6 ment” means a course of individual and group ac-
7 tivities, lasting between 6 and 12 months, in residen-
8 tial treatment facilities set apart from the general
9 prison population—

10 (A) directed at the substance abuse prob-
11 lems of the prisoner; and

12 (B) intended to develop the prisoner’s cog-
13 nitive, behavioral, social, vocational, and other
14 skills so as to solve the prisoner’s substance
15 abuse and related problems; and

16 (2) the term “eligible prisoner” means a pris-
17 oner who is—

18 (A) determined by the Bureau of Prisons
19 to have a substance abuse problem; and

20 (B) willing to participate in a residential
21 substance abuse treatment program.

22 (c) IMPLEMENTATION OF SUBSTANCE ABUSE
23 TREATMENT REQUIREMENT.—

24 (1) In order to carry out the requirement of the
25 last sentence of section 3621(b) of title 18, United
26 States Code, that every prisoner with a substance

1 abuse problem have the opportunity to participate in
2 appropriate substance abuse treatment, the Bureau
3 of Prisons shall, subject to the availability of appro-
4 priations, provide residential substance abuse treat-
5 ment—

6 (A) for not less than 50 percent of eligible
7 prisoners by the end of fiscal year 1995;

8 (B) for not less than 75 percent of eligible
9 prisoners by the end of fiscal year 1996; and

10 (C) for all eligible prisoners by the end of
11 fiscal year 1997 and thereafter.

12 (2) Section 3621 of title 18, United States
13 Code, is amended by adding at the end the follow-
14 ing:

15 “(d) INCENTIVE FOR PRISONERS’ SUCCESSFUL COM-
16 PLETION OF TREATMENT PROGRAM.—

17 “(1) GENERALLY.—Any prisoner who, in the
18 judgment of the Director of the Bureau of Prisons,
19 has successfully completed a program of residential
20 substance abuse treatment provided under sub-
21 section (b) of this section, shall remain in the cus-
22 tody of the Bureau for such time (as limited by
23 paragraph (2) of this subsection) and under such
24 conditions, as the Bureau deems appropriate. If the
25 conditions of confinement are different from those

1 the prisoner would have experienced absent the suc-
2 cessful completion of the treatment, the Bureau
3 shall periodically test the prisoner for drug abuse
4 and discontinue such conditions on determining that
5 drug abuse has recurred.

6 “(2) PERIOD OF CUSTODY.—The period the
7 prisoner remains in custody after successfully com-
8 pleting a treatment program shall not exceed the
9 prison term the law would otherwise require such
10 prisoner to serve, but may not be less than such
11 term minus one year.”.

12 (d) REPORT.—The Bureau of Prisons shall transmit
13 to the Congress on January 1, 1993, and on January 1
14 of each year thereafter, a report. Such report shall con-
15 tain—

16 (1) a detailed quantitative and qualitative de-
17 scription of each substance abuse treatment pro-
18 gram, residential or not, operated by the Bureau;

19 (2) a full explanation of how eligibility for such
20 programs is determined, with complete information
21 on what proportion of prisoners with substance
22 abuse problems are eligible; and

23 (3) a complete statement of to what extent the
24 Bureau has achieved compliance with the require-
25 ments of this title.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated for fiscal year 1995 and
3 each fiscal year thereafter such sums as may be necessary
4 to carry out this title.

5 **SEC. 1305. SENTENCES TO ACCOUNT FOR COSTS TO THE**
6 **GOVERNMENT OF IMPRISONMENT, RELEASE,**
7 **AND PROBATION.**

8 (a) IMPOSITION OF SENTENCE.—Section 3572(a) of
9 title 18, United States Code, is amended—

10 (1) by redesignating paragraphs (6) and (7) as
11 paragraphs (7) and (8), respectively; and

12 (2) by inserting after paragraph (5) the follow-
13 ing new paragraph:

14 “(6) the expected costs to the government of
15 any imprisonment, supervised release, or probation
16 component of the sentence;”.

17 (b) DUTIES OF THE SENTENCING COMMISSION.—
18 Section 994 of title 28, United States Code, is amended
19 by adding at the end the following new subsection:

20 “(y) The Commission, in promulgating guidelines
21 pursuant to subsection (a)(1), may include, as a compo-
22 nent of a fine, the expected costs to the Government of
23 any imprisonment, supervised release, or probation sen-
24 tence that is ordered.”.

1 **Subtitle B—State Prisons**

2 **SEC. 1321. BOOT CAMPS AND REGIONAL PRISONS FOR VIO-** 3 **LENT DRUG OFFENDERS.**

4 (a) DEFINITION.—In this section, “boot camp prison
5 program” means a correctional program of not more than
6 6 months’ duration involving—

7 (1) assignment for participation in the pro-
8 gram, in conformity with State law, by prisoners
9 other than prisoners who have been convicted at any
10 time of a violent felony;

11 (2) adherence by inmates to a highly
12 regimented schedule that involves strict discipline,
13 physical training, and work;

14 (3) participation by inmates in appropriate edu-
15 cation, job training, and substance abuse counseling
16 or treatment; and

17 (4) aftercare services for inmates following re-
18 lease that are coordinated with the program carried
19 out during the period of imprisonment.

20 (b) ESTABLISHMENT OF GRANT AND TECHNICAL AS-
21 SISTANCE PROGRAM.—

22 (1) IN GENERAL.—The Attorney General may
23 make grants to States and to multi-State compact
24 associations for the purposes of—

1 (A) developing, constructing, expanding,
2 and improving boot camp prison programs;

3 (B) developing, constructing, and operating
4 regional prisons that house and provide treat-
5 ment for violent offenders with serious sub-
6 stance abuse problems; and

7 (C) assisting in activating existing boot
8 camp or prison facilities that are unutilized or
9 underutilized because of lack of funding.

10 (2) TECHNICAL ASSISTANCE.—The Attorney
11 General may provide technical assistance to grantees
12 under this section.

13 (3) UTILIZATION OF COMPONENTS.—The Attor-
14 ney General may utilize any component or compo-
15 nents of the Department of Justice in carrying out
16 this section.

17 (c) STATE AND MULTI-STATE COMPACT APPLICA-
18 TIONS.—

19 (1) IN GENERAL.—To request a grant under
20 this section, the chief executive of a State or the co-
21 ordinator of a multi-State compact association shall
22 submit an application to the Attorney General in
23 such form and containing such information as the
24 Attorney General may prescribe by regulation or
25 guidelines.

1 (2) CONTENT OF APPLICATION.—In accordance
2 with the regulations or guidelines established by the
3 Attorney General, an application for a grant under
4 this section shall—

5 (A) include a long-term strategy and de-
6 tailed implementation plan;

7 (B) include evidence of the existence of,
8 and describe the terms of, a multi-State com-
9 pact for any multiple-State plan;

10 (C) provide a description of any construc-
11 tion activities, including cost estimates, that will
12 be a part of any plan;

13 (D) provide a description of the criteria for
14 selection of prisoners for participating in a boot
15 camp prison program or assignment to a re-
16 gional prison or activated prison or boot camp
17 facility that is to be funded;

18 (E) provide assurances that the boot camp
19 prison program, regional prison, or activated
20 prison or boot camp facility that receives fund-
21 ing will provide work programs, education, job
22 training, and appropriate drug treatment for in-
23 mates;

24 (F) provide assurances that—

1 (i) prisoners who participate in a boot
2 camp prison program or are assigned to a
3 regional prison or activated prison or boot
4 camp facility that receives funding will be
5 provided with aftercare services; and

6 (ii) a substantial proportion of the
7 population of any regional prison that re-
8 ceives funds under this section will be vio-
9 lent offenders with serious substance abuse
10 problems, and provision of treatment for
11 such offenders will be a priority element of
12 the prison's mission;

13 (G) provide assurances that aftercare serv-
14 ices will involve the coordination of the boot
15 camp prison program, regional prison, or acti-
16 vated prison or boot camp facility, with other
17 human service and rehabilitation programs
18 (such as educational and job training programs,
19 drug counseling or treatment, parole or other
20 post-release supervision programs, halfway
21 house programs, job placement programs, and
22 participation in self-help and peer group pro-
23 grams) that reduce the likelihood of further
24 criminality by prisoners who participate in a
25 boot camp program or are assigned to a re-

1 regional prison or activated prison or boot camp
2 facility following release;

3 (H) explain the applicant's inability to
4 fund the program adequately without Federal
5 assistance;

6 (I) identify related governmental and com-
7 munity initiatives that complement or will be
8 coordinated with the proposal;

9 (J) certify that there has been appropriate
10 coordination with all affected agencies; and

11 (K) specify plans for obtaining necessary
12 support and continuing the proposed program
13 following the conclusion of Federal support.

14 (d) LIMITATIONS ON FUNDS.—

15 (1) NONSUPPLANTING REQUIREMENT.—Funds
16 made available under this section shall not be used
17 to supplant State funds, but shall be used to in-
18 crease the amount of funds that would, in the ab-
19 sence of Federal funds, be made available from
20 State sources.

21 (2) ADMINISTRATIVE COSTS.—No more than 5
22 percent of the funds available under this section may
23 be used for administrative costs.

24 (3) MATCHING FUNDS.—The portion of the
25 costs of a program provided by a grant under this

1 section may not exceed 75 percent of the total cost
2 of the program as described in the application.

3 (4) DURATION OF GRANTS.—

4 (A) IN GENERAL.—A grant under this sec-
5 tion may be renewed for up to 3 years beyond
6 the initial year of funding if the applicant dem-
7 onstrates satisfactory progress toward achieve-
8 ment of the objectives set out in an approved
9 application.

10 (B) MULTIYEAR GRANTS.—A multiyear
11 grant may be made under this section so long
12 as the total duration of the grant, including any
13 renewals, does not exceed 4 years.

14 (e) CONVERSION OF PROPERTY AND FACILITIES AT
15 CLOSED OR REALIGNED MILITARY INSTALLATIONS INTO
16 BOOT CAMP PRISONS AND REGIONAL PRISONS.—

17 (1) DEFINITION.—In this subsection, “base clo-
18 sure law” means—

19 (A) title II of the Defense Authorization
20 Amendments and Base Closure and Realign-
21 ment Act (10 U.S.C. 2687 note);

22 (B) the Defense Base Closure and Realign-
23 ment Act of 1990 (part A of title XXIX of
24 Public Law 101–510; 10 U.S.C. 2687 note);

1 (C) section 2687 of title 10, United States
2 Code; and

3 (D) any other similar law.

4 (2) DETERMINATION OF SUITABILITY FOR CON-
5 VERSION.—Notwithstanding any base closure law,
6 the Secretary of Defense may not take any action to
7 dispose of or transfer any real property or facility lo-
8 cated at a military installation to be closed or re-
9 aligned under a base closure law until the Secretary
10 notifies the Attorney General of any property or fa-
11 cility at that installation that is suitable for use as
12 a boot camp prison or regional prison.

13 (3) TRANSFER.—The Secretary shall, upon the
14 request of the Attorney General, transfer to the At-
15 torney General, without reimbursement, the property
16 or facilities covered by the notification referred to in
17 paragraph (2) in order to permit the Attorney Gen-
18 eral to utilize the property or facilities as a boot
19 camp prison or regional prison.

20 (4) REPORT.—Not later than 6 months after
21 the date of enactment of this Act, the Attorney Gen-
22 eral shall prepare and disseminate to State and local
23 officials a report listing any real property or facility
24 located at a military installation to be closed or re-
25 aligned under a base closure law that is suitable for

1 use as a boot camp prison or regional prison. The
2 Attorney General shall periodically update this re-
3 port for dissemination to State and local officials.

4 (5) APPLICABILITY.—This subsection shall
5 apply with respect to property or facilities located at
6 military installations the closure or realignment of
7 which commences after the date of enactment of this
8 Act.

9 (f) PERFORMANCE EVALUATION.—

10 (1) EVALUATION COMPONENTS.—

11 (A) IN GENERAL.—Each boot camp prison,
12 regional prison, and activated prison or boot
13 camp facility program funded under this section
14 shall contain an evaluation component devel-
15 oped pursuant to guidelines established by the
16 Attorney General.

17 (B) OUTCOME MEASURES.—The evalua-
18 tions required by this paragraph shall include
19 outcome measures that can be used to deter-
20 mine the effectiveness of the funded programs,
21 including the effectiveness of such programs in
22 comparison with other correctional programs or
23 dispositions in reducing the incidence of recidi-
24 vism.

25 (2) PERIODIC REVIEW AND REPORTS.—

1 (A) REVIEW.—The Attorney General shall
2 review the performance of each grant recipient
3 under this section.

4 (B) REPORTS.—The Attorney General may
5 require a grant recipient to submit to the Attor-
6 ney General the results of the evaluations re-
7 quired under paragraph (1) and such other
8 data and information as the Attorney General
9 deems reasonably necessary to carry out the At-
10 torney General’s responsibilities under this sec-
11 tion.

12 (3) REPORT TO CONGRESS.—The Attorney
13 General shall submit an annual report to Congress
14 describing the grants awarded under this section
15 and providing an assessment of the operations of the
16 programs receiving grants.

17 (g) REVOCATION OR SUSPENSION OF FUNDING.—If
18 the Attorney General determines, as a result of the reviews
19 required by subsection (f), or otherwise, that a grant recip-
20 ient under this section is not in substantial compliance
21 with the terms and requirements of an approved grant ap-
22 plication, the Attorney General may revoke or suspend
23 funding of the grant in whole or in part.

1 (h) ACCESS TO DOCUMENTS.—The Attorney General
2 and the Comptroller General shall have access for the pur-
3 pose of audit and examination to—

4 (1) the pertinent books, documents, papers, or
5 records of a grant recipient under this section; and

6 (2) the pertinent books, documents, papers, or
7 records of other persons and entities that are in-
8 volved in programs for which assistance is provided
9 under this section.

10 (i) GENERAL REGULATORY AUTHORITY.—The Attor-
11 ney General may issue regulations and guidelines to carry
12 out this section.

13 (j) AUTHORIZATION OF APPROPRIATIONS.—

14 (1) IN GENERAL.—There is authorized to be
15 appropriated to carry out this section
16 \$2,000,000,000, to remain available until expended.

17 (2) USE OF APPROPRIATED FUNDS.—No more
18 than one-third of the amounts appropriated under
19 paragraph (1) may be used to make grants for the
20 construction, development, and operation of regional
21 prisons under subsection (b)(1)(B).

22 **SEC. 1322. NATIONAL INSTITUTE OF JUSTICE STUDY.**

23 (a) FEASIBILITY STUDY.—The National Institute of
24 Justice shall study the feasibility of establishing a clear-
25 inghouse to provide information to interested persons to

1 facilitate the transfer of prisoners in State correctional in-
2 stitutions to other such correctional institutions, pursuant
3 to the Interstate Corrections Compact or other applicable
4 interstate compact, for the purpose of allowing prisoners
5 to serve their prison sentences at correctional institutions
6 in close proximity to their families.

7 (b) REPORT TO CONGRESS.—The National Institute
8 of Justice shall, not later than 1 year after the date of
9 the enactment of this Act, submit to the Committees on
10 the Judiciary of the House of Representatives and the
11 Senate a report containing the results of the study con-
12 ducted under subsection (a), together with any rec-
13 ommendations the Institute may have on establishing a
14 clearinghouse described in such subsection.

15 (c) DEFINITION.—For purposes of this section, the
16 term “State” includes the District of Columbia and any
17 territory or possession of the United States.

18 **SEC. 1323. STUDY AND ASSESSMENT OF ALCOHOL USE AND**
19 **TREATMENT.**

20 The Director of the National Institute of Justice
21 shall—

22 (1) conduct a study to compare the recidivism
23 rates of individuals under the influence of alcohol or
24 alcohol in combination with other drugs at the time
25 of their offense—

1 (A) who participated in a residential treat-
2 ment program while in the custody of the State;
3 and

4 (B) who did not participate in a residential
5 treatment program while in the custody of the
6 State; and

7 (2) conduct a nationwide assessment regarding
8 the use of alcohol and alcohol in combination with
9 other drugs as a factor in violent, domestic, and gen-
10 eral criminal activity.

11 **SEC. 1324. NOTIFICATION OF RELEASE OF PRISONERS.**

12 Section 4042 of title 18, United States Code, is
13 amended—

14 (1) by striking “The Bureau” and inserting
15 “(a) IN GENERAL.—The Bureau”;

16 (2) by striking “This section” and inserting
17 “(c) APPLICATION OF SECTION.—This section”;

18 (3) in paragraph (4) of subsection (a), as des-
19 ignated by paragraph (1) of this subsection—

20 (A) by striking “Provide” and inserting
21 “provide”; and

22 (B) by striking the period at the end and
23 inserting “; and”;

1 (4) by inserting after paragraph (4) of sub-
2 section (a), as designated by paragraph (1) of this
3 subsection, the following new paragraph:

4 “(5) provide notice of release of prisoners in ac-
5 cordance with subsection (b).”; and

6 (5) by inserting after subsection (a), as des-
7 ignated by paragraph (1) of this subsection, the fol-
8 lowing new subsection:

9 “(b) NOTICE OF RELEASE OF PRISONERS.—(1) Ex-
10 cept in the case of a prisoner being protected under chap-
11 ter 224, the Bureau of Prisons shall, at least 5 days prior
12 to the date on which a prisoner described in paragraph
13 (3) is to be released on supervised release, or, in the case
14 of a prisoner on supervised release, at least 5 days prior
15 to the date on which the prisoner changes residence to
16 a new jurisdiction, cause written notice of the release or
17 change of residence to be made to the chief law enforce-
18 ment officer of the State and of the local jurisdiction in
19 which the prisoner will reside.

20 “(2) A notice under paragraph (1) shall disclose—

21 “(A) the prisoner’s name;

22 “(B) the prisoner’s criminal history, including a
23 description of the offense of which the prisoner was
24 convicted; and

1 “(C) any restrictions on conduct or other condi-
2 tions to the release of the prisoner that are imposed
3 by law, the sentencing court, or the Bureau of Pris-
4 ons or any other Federal agency.

5 “(3) A prisoner is described in this paragraph if the
6 prisoner was convicted of—

7 “(A) a drug trafficking crime, as that term is
8 defined in section 924(c)(2); or

9 “(B) a crime of violence, as that term is defined
10 in section 924(c)(3).

11 “(4) The notice provided under this section shall be
12 used solely for law enforcement purposes.”.

13 **SEC. 1325. APPLICATION TO PRISONERS TO WHICH PRIOR**
14 **LAW APPLIES.**

15 In the case of a prisoner convicted of an offense com-
16 mitted prior to November 1, 1987, the reference to super-
17 vised release in section 4042(b) of title 18, United States
18 Code, shall be deemed to be a reference to probation or
19 parole.

1 **TITLE XIV—RURAL CRIME**
2 **Subtitle A—Fighting Drug**
3 **Trafficking in Rural Areas**

4 **SEC. 1401. AUTHORIZATIONS FOR RURAL LAW ENFORCE-**
5 **MENT AGENCIES.**

6 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
7 1001(a)(9) of title I of the Omnibus Crime Control and
8 Safe Streets Act of 1968 (42 U.S.C. 3793(9)) is amended
9 by striking “and such” and all that follows through “part
10 O” and inserting “\$50,000,000 for fiscal year 1995 and
11 such sums as are necessary for fiscal years 1996 and 1997
12 to carry out part O”.

13 (b) AMENDMENT TO BASE ALLOCATION.—Section
14 1501(a)(2)(A) of title I of the Omnibus Crime Control and
15 Safe Streets Act of 1968 is amended by striking
16 “\$100,000” and inserting “\$250,000”.

17 **SEC. 1402. RURAL DRUG ENFORCEMENT TASK FORCES.**

18 (a) ESTABLISHMENT.—Not later than 1 year after
19 the date of enactment of this Act, the Attorney General,
20 in consultation with the Governors, mayors, and chief ex-
21 ecutive officers of State and local law enforcement agen-
22 cies, shall, subject to the availability of appropriations, es-
23 tablish a Rural Drug Enforcement Task Force in each of
24 the Federal judicial districts which encompass significant
25 rural lands.

1 (b) TASK FORCE MEMBERSHIP.—The task forces es-
2 tablished under subsection (a) shall be chaired by the
3 United States Attorney for the respective Federal judicial
4 district. The task forces shall include representatives
5 from—

- 6 (1) State and local law enforcement agencies;
 - 7 (2) the Drug Enforcement Administration;
 - 8 (3) the Federal Bureau of Investigation;
 - 9 (4) the Immigration and Naturalization Service;
- 10 and
- 11 (5) law enforcement officers from the United
12 States Park Police, United States Forest Service
13 and Bureau of Land Management, and such other
14 Federal law enforcement agencies as the Attorney
15 General may direct.

16 **SEC. 1403. CROSS-DESIGNATION OF FEDERAL OFFICERS.**

17 The Attorney General may cross-designate up to 100
18 law enforcement officers from each of the agencies speci-
19 fied under section 1402(b)(5) with jurisdiction to enforce
20 the provisions of the Controlled Substances Act on non-
21 Federal lands to the extent necessary to effect the pur-
22 poses of this title.

23 **SEC. 1404. RURAL DRUG ENFORCEMENT TRAINING.**

24 (a) SPECIALIZED TRAINING FOR RURAL OFFI-
25 CERS.—The Director of the Federal Law Enforcement

1 Training Center shall develop a specialized course of in-
2 struction devoted to training law enforcement officers
3 from rural agencies in the investigation of drug trafficking
4 and related crimes.

5 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated to carry out subsection (a)
7 \$1,000,000 for each of fiscal years 1995, 1996, and 1997.

8 **Subtitle B—Drug Free Truck Stops**
9 **and Safety Rest Areas**

10 **SEC. 1411. DRUG FREE TRUCK STOPS AND SAFETY REST**
11 **AREAS.**

12 (a) SHORT TITLE.—This section may be cited as the
13 “Drug Free Truck Stop Act”.

14 (b) AMENDMENT TO CONTROLLED SUBSTANCES
15 ACT.—

16 (1) IN GENERAL.—Part D of the Controlled
17 Substances Act (21 U.S.C. 801 et seq.) is amended
18 by inserting after section 408 the following new sec-
19 tion:

20 “TRANSPORTATION SAFETY OFFENSES

21 “SEC. 409. (a) DEFINITIONS.—In this section—

22 “‘safety rest area’ means a roadside facility
23 with parking facilities for the rest or other needs of
24 motorists.

1 “‘truck stop’ means a facility (including any
2 parking lot appurtenant thereto) that—

3 “(A) has the capacity to provide fuel or
4 service, or both, to any commercial motor vehi-
5 cle (as defined under section 12019 of the Com-
6 mercial Motor Vehicle Safety Act of 1986 (49
7 U.S.C. App. 2716)) operating in commerce (as
8 defined in that section); and

9 “(B) is located within 2,500 feet of the
10 National System of Interstate and Defense
11 Highways or the Federal-Aid Primary System.

12 “(b) FIRST OFFENSE.—A person who violates section
13 401(a)(1) or section 416 by distributing or possessing
14 with intent to distribute a controlled substance in or on,
15 or within 1,000 feet of, a truck stop or safety rest area
16 is (except as provided in subsection (b)) subject to—

17 “(1) twice the maximum punishment authorized
18 by section 401(b); and

19 “(2) twice any term of supervised release au-
20 thorized by section 401(b) for a first offense.

21 “(c) SUBSEQUENT OFFENSE.—A person who violates
22 section 401(a)(1) or section 416 by distributing or pos-
23 sessed with intent to distribute a controlled substance in
24 or on, or within 1,000 feet of, a truck stop or a safety

1 rest area after a prior conviction or convictions under sub-
2 section (a) have become final is subject to—

3 “(1) 3 times the maximum punishment author-
4 ized by section 401(b); and

5 “(2) 3 times any term of supervised release au-
6 thorized by section 401(b) for a first offense.”.

7 (2) TECHNICAL AMENDMENTS.—

8 (A) CROSS REFERENCE.—Section 401(b)
9 of the Controlled Substances Act (21 U.S.C.
10 841(b)) is amended by inserting “409,” before
11 “418,” each place it appears.

12 (B) TABLE OF CONTENTS.—The table of
13 contents of the Comprehensive Drug Abuse
14 Prevention and Control Act of 1970 is amended
15 by striking the item relating to section 409 and
16 inserting the following new item:

“Sec. 409. Transportation safety offenses.”.

17 (c) SENTENCING GUIDELINES.—Pursuant to its au-
18 thority under section 994 of title 28, United States Code,
19 and section 21 of the Sentencing Act of 1987 (28 U.S.C.
20 994 note), the United States Sentencing Commission shall
21 promulgate guidelines, or shall amend existing guidelines,
22 to provide an appropriate enhancement of punishment for
23 a defendant convicted of violating section 409 of the Con-
24 trolled Substances Act, as added by subsection (b).

1 **TITLE XV—DRUG CONTROL**
2 **Subtitle A—Increased Penalties**

3 **SEC. 1501. ENHANCEMENT OF PENALTIES FOR DRUG TRAF-**
4 **FICKING IN PRISONS.**

5 Section 1791 of title 18, United States Code, is
6 amended—

7 (1) in subsection (c), by inserting before “Any”
8 the following new sentence: “Any punishment im-
9 posed under subsection (b) for a violation of this
10 section involving a controlled substance shall be con-
11 secutive to any other sentence imposed by any court
12 for an offense involving such a controlled sub-
13 stance.”;

14 (2) in subsection (d)(1)(A), by inserting after
15 “a firearm or destructive device” the following: “or
16 a controlled substance in schedule I or II, other than
17 marijuana or a controlled substance referred to in
18 subparagraph (C) of this subsection”;

19 (3) in subsection (d)(1)(B), by inserting before
20 “ammunition,” the following: “marijuana or a con-
21 trolled substance in schedule III, other than a con-
22 trolled substance referred to in subparagraph (C) of
23 this subsection,”;

1 (4) in subsection (d)(1)(C), by inserting “meth-
2 amphetamine, its salts, isomers, and salts of its iso-
3 mers,” after “a narcotic drug,”;

4 (5) in subsection (d)(1)(D), by inserting “(A),
5 (B), or” before “(C)”; and

6 (6) in subsection (b), by striking “(c)” each
7 place it appears and inserting “(d)”.

8 **SEC. 1502. CLOSING OF LOOPHOLE FOR ILLEGAL IMPORTA-
9 TION OF SMALL DRUG QUANTITIES.**

10 Section 497(a)(2)(A) of the Tariff Act of 1930 (19
11 U.S.C. 1497(a)(2)(A)) is amended by adding “or \$500,
12 whichever is greater” after “value of the article”.

13 **SEC. 1503. PENALTIES FOR DRUG DEALING IN PUBLIC
14 HOUSING AUTHORITY FACILITIES.**

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

17 (1) in subsection (a) by striking “playground,
18 or within” and inserting “playground, or housing fa-
19 cility owned by a public housing authority, or with-
20 in”; and

21 (2) in subsection (b) by striking “playground,
22 or within” and inserting “playground, or housing fa-
23 cility owned by a public housing authority, or with-
24 in”.

1 **SEC. 1504. ANABOLIC STEROIDS PENALTIES.**

2 Section 404 of the Controlled Substances Act (21
3 U.S.C. 844) is amended by inserting after subsection (a)
4 the following:

5 “(b)(1) Whoever, being a physical trainer or adviser
6 to an individual, endeavors to persuade or induce that in-
7 dividual to possess or use anabolic steroids in violation of
8 subsection (a), shall be fined under title 18, United States
9 Code, or imprisoned not more than 2 years, or both. If
10 such individual has not attained the age of 18 years, the
11 maximum imprisonment shall be 5 years.

12 “(2) As used in this subsection, the term ‘physical
13 trainer or adviser’ means any professional or amateur
14 coach, manager, trainer, instructor, or other such person,
15 who provides any athletic or physical instruction, training,
16 advice, assistance, or other such service to any person.”.

17 **SEC. 1505. INCREASED PENALTIES FOR DRUG-DEALING IN**
18 **“DRUG-FREE” ZONES.**

19 Pursuant to its authority under section 994 of title
20 28, United States Code, the United States Sentencing
21 Commission shall amend existing guidelines to provide
22 that a defendant convicted of violating section 419 of the
23 Controlled Substances Act (21 U.S.C. 860) shall be as-
24 signed an offense level under chapter 2 of the sentencing
25 guidelines that is no less than level 20.

1 **SEC. 1506. ENHANCED PENALTIES FOR ILLEGAL DRUG USE**
2 **IN FEDERAL PRISONS.**

3 (a) DECLARATION OF POLICY.—It is the policy of the
4 Federal Government that the use or distribution of illegal
5 drugs in the Nation’s Federal prisons will not be tolerated
6 and that such crimes shall be prosecuted to the fullest ex-
7 tent of the law.

8 (b) SENTENCING GUIDELINES.—Pursuant to its au-
9 thority under section 994 of title 28, United States Code,
10 the United States Sentencing Commission shall amend its
11 sentencing guidelines to appropriately enhance the penalty
12 for a person convicted of an offense—

13 (1) under section 404 of the Controlled Sub-
14 stances Act involving simple possession of a con-
15 trolled substance within a Federal prison or other
16 Federal detention facility; or

17 (2) under section 401(b) of the Controlled Sub-
18 stances Act involving the smuggling of a controlled
19 substance into a Federal prison or other Federal de-
20 tention facility or the distribution or intended dis-
21 tribution of a controlled substance within a Federal
22 prison or other Federal detention facility.

23 (c) NO PROBATION OR SUSPENSION OF SEN-
24 TENCE.—Notwithstanding any other law, the court shall
25 not place on probation or suspend the sentence of a person
26 convicted of an offense described in subsection (b).

1 **Subtitle B—Precursor Chemicals**
2 **Act**

3 **SEC. 1511. SHORT TITLE.**

4 This title may be cited as the “Chemical Control
5 Amendments Act of 1993”.

6 **SEC. 1512. DEFINITION AMENDMENTS.**

7 (a) DEFINITIONS.—Section 102 of the Controlled
8 Substances Act (21 U.S.C. 802) is amended—

9 (1) in paragraph (33) by striking “any listed
10 precursor chemical or listed essential chemical” and
11 inserting “any list I chemical or any list II chemi-
12 cal”;

13 (2) in paragraph (34)—

14 (A) by striking “listed precursor chemical”
15 and inserting “list I chemical”; and

16 (B) by striking “critical to the creation”
17 and inserting “important to the manufacturer”;

18 (3) in paragraph (34) (A), (F), and (H), by in-
19 serting “, its esters” before “and”;

20 (4) in paragraph (35)—

21 (A) by striking “listed essential chemical”
22 and inserting “list II chemical”;

23 (B) by inserting “(other than a list I
24 chemical)” before “specified”; and

1 (C) by striking “as a solvent, reagent, or
2 catalyst”;

3 (5) in paragraph (38) by inserting “or who acts
4 as a broker or trader for an international trans-
5 action involving a listed chemical, a tableting ma-
6 chine, or an encapsulating machine” before the pe-
7 riod;

8 (6) in paragraph (39)(A)—

9 (A) by striking “importation or exportation
10 of” and inserting “importation, or exportation
11 of, or an international transaction involving
12 shipment of,”;

13 (B) in clause (iii) by inserting “or any cat-
14 egory of transaction for a specific listed chemi-
15 cal or chemicals” after “transaction”;

16 (C) by amending clause (iv) to read as fol-
17 lows:

18 “(iv) any transaction in a listed chemical
19 that is contained in a drug that may be mar-
20 keted or distributed lawfully in the United
21 States under the Federal Food, Drug, and Cos-
22 metic Act (21 U.S.C. 301 et seq.) unless—

23 “(I)(aa) the drug contains ephedrine
24 or its salts, optical isomers, or salts of op-
25 tical isomers as the only active medicinal

1 ingredient or contains ephedrine and thera-
2 peutically insignificant quantities of an-
3 other active medicinal ingredient; or

4 “(bb) the Attorney General has deter-
5 mined under section 204 that the drug or
6 group of drugs is being diverted to obtain
7 the listed chemical for use in the illicit pro-
8 duction of a controlled substance; and

9 “(II) the quantity of ephedrine or
10 other listed chemical contained in the drug
11 included in the transaction or multiple
12 transactions equals or exceeds the thresh-
13 old established for that chemical by the At-
14 torney General.”; and

15 (D) in clause (v) by striking the semicolon
16 and inserting “which the Attorney General has
17 by regulation designated as exempt from the
18 application of this title and title II based on a
19 finding that the mixture is formulated in such
20 a way that it cannot be easily used in the illicit
21 production of a controlled substance and that
22 the listed chemical or chemicals contained in
23 the mixture cannot be readily recovered;”;

24 (7) in paragraph (40) by striking “listed pre-
25 cursor chemical or a listed essential chemical” each

1 place it appears and inserting “list I chemical or a
2 list II chemical”; and

3 (8) by adding at the end the following new
4 paragraphs:

5 “(43) The term ‘international transaction’ means a
6 transaction involving the shipment of a listed chemical
7 across an international border (other than a United States
8 border) in which a broker or trader located in the United
9 States participates.

10 “(44) The terms ‘broker’ and ‘trader’ mean a person
11 that assists in arranging an international transaction in
12 a listed chemical by—

13 “(A) negotiating contracts;

14 “(B) serving as an agent or intermediary; or

15 “(C) bringing together a buyer and seller, buyer
16 and transporter, or a seller and transporter.”.

17 (b) REMOVAL OF EXEMPTION OF CERTAIN DRUGS.—

18 (1) PROCEDURE.—Part B of the Controlled
19 Substances Act (21 U.S.C. 811 et seq.) is amended
20 by adding at the end the following new section:

21 “REMOVAL OF EXEMPTION OF CERTAIN DRUGS

22 “SEC. 204. (a) REMOVAL OF EXEMPTION.—The At-
23 torney General shall by regulation remove from exemption
24 under section 102(39)(A)(iv)(II) a drug or group of drugs
25 that the Attorney General finds is being diverted to obtain

1 a listed chemical for use in the illicit production of a con-
2 trolled substance.

3 “(b) FACTORS TO BE CONSIDERED.—In removing a
4 drug or group of drugs from exemption under subsection
5 (a), the Attorney General shall consider, with respect to
6 a drug or group of drugs that is proposed to be removed
7 from exemption—

8 “(1) the scope, duration, and significance of the
9 diversion;

10 “(2) whether the drug or group of drugs is for-
11 mulated in such a way that it cannot be easily used
12 in the illicit production of a controlled substance;
13 and

14 “(3) whether the listed chemical can be readily
15 recovered from the drug or group of drugs.

16 “(c) SPECIFICITY OF DESIGNATION.—The Attorney
17 General shall limit the designation of a drug or a group
18 of drugs removed from exemption under subsection (a) to
19 the most particularly identifiable type of drug or group
20 of drugs for which evidence of diversion exists unless there
21 is evidence, based on the pattern of diversion and other
22 relevant factors, that the diversion will not be limited to
23 that particular drug or group of drugs.

24 “(d) REINSTATEMENT OF EXEMPTION WITH RE-
25 SPECT TO PARTICULAR DRUG PRODUCTS.—

1 “(1) REINSTATEMENT.—On application by a
2 manufacturer of a particular drug product that has
3 been removed from exemption under subsection (a),
4 the Attorney General shall by regulation reinstate
5 the exemption with respect to that particular drug
6 product if the Attorney General determines that the
7 particular drug product is manufactured and distrib-
8 uted in a manner that prevents diversion.

9 “(2) FACTORS TO BE CONSIDERED.—In decid-
10 ing whether to reinstate the exemption with respect
11 to a particular drug product under paragraph (1),
12 the Attorney General shall consider—

13 “(A) the package sizes and manner of
14 packaging of the drug product;

15 “(B) the manner of distribution and adver-
16 tising of the drug product;

17 “(C) evidence of diversion of the drug
18 product;

19 “(D) any actions taken by the manufac-
20 turer to prevent diversion of the drug product;
21 and

22 “(E) such other factors as are relevant to
23 and consistent with the public health and safe-
24 ty, including the factors described in subsection
25 (b) as applied to the drug product.

1 “(3) STATUS PENDING APPLICATION FOR REIN-
2 STATEMENT.—A transaction involving a particular
3 drug product that is the subject of a bona fide pend-
4 ing application for reinstatement of exemption filed
5 with the Attorney General not later than 60 days
6 after a regulation removing the exemption is issued
7 pursuant to subsection (a) shall not be considered to
8 be a regulated transaction if the transaction occurs
9 during the pendency of the application and, if the
10 Attorney General denies the application, during the
11 period of 60 days following the date on which the
12 Attorney General denies the application, unless—

13 “(A) the Attorney General has evidence
14 that, applying the factors described in sub-
15 section (b) to the drug product, the drug prod-
16 uct is being diverted; and

17 “(B) the Attorney General so notifies the
18 applicant.

19 “(4) AMENDMENT AND MODIFICATION.—A reg-
20 ulation reinstating an exemption under paragraph
21 (1) may be modified or revoked with respect to a
22 particular drug product upon a finding that—

23 “(A) applying the factors described in sub-
24 section (b) to the drug product, the drug prod-
25 uct is being diverted; or

1 “(B) there is a significant change in the
2 data that led to the issuance of the regula-
3 tion.”.

4 (2) TECHNICAL AMENDMENT.—The table of
5 contents of the Comprehensive Drug Abuse Preven-
6 tion and Control Act of 1970 (84 Stat. 1236) is
7 amended by adding at the end of the section relating
8 to part B of title II the following new item:

“Sec. 204. Removal of exemption of certain drugs.”.

9 (c) REGULATION OF LISTED CHEMICALS.—Section
10 310 of the Controlled Substances Act (21 U.S.C. 830) is
11 amended—

12 (1) in subsection (a)(1)—

13 (A) by striking “precursor chemical” and
14 inserting “list I chemical”; and

15 (B) in subparagraph (B) by striking “an
16 essential chemical” and inserting “a list II
17 chemical”; and

18 (2) in subsection (c)(2)(D) by striking “precur-
19 sor chemical” and inserting “chemical control”.

20 **SEC. 1513. REGISTRATION REQUIREMENTS.**

21 (a) RULES AND REGULATIONS.—Section 301 of the
22 Controlled Substances Act (21 U.S.C. 821) is amended
23 by striking the period and inserting “and to the registra-
24 tion and control of regulated persons and of regulated
25 transactions.”.

1 (b) PERSONS REQUIRED TO REGISTER UNDER SEC-
2 TION 302.—Section 302 of the Controlled Substances Act
3 (21 U.S.C. 822) is amended—

4 (1) in subsection (a)(1) by inserting “or list I
5 chemical” after “controlled substance” each place it
6 appears;

7 (2) in subsection (b)—

8 (A) by inserting “or list I chemicals” after
9 “controlled substances”; and

10 (B) by inserting “or chemicals” after
11 “such substances”;

12 (3) in subsection (c) by inserting “or list I
13 chemical” after “controlled substance” each place it
14 appears; and

15 (4) in subsection (e) by inserting “or list I
16 chemicals” after “controlled substances”.

17 (c) REGISTRATION REQUIREMENTS UNDER SECTION
18 303.—Section 303 of the Controlled Substances Act (21
19 U.S.C. 823) is amended by adding at the end the following
20 new subsection:

21 “(h) The Attorney General shall register an applicant
22 to distribute a list I chemical unless the Attorney General
23 determines that registration of the applicant is inconsis-
24 tent with the public interest. Registration under this sub-
25 section shall not be required for the distribution of a drug

1 product that is exempted under section 102(39)(A)(iv). In
2 determining the public interest for the purposes of this
3 subsection, the Attorney General shall consider—

4 “(1) maintenance by the applicant of effective
5 controls against diversion of listed chemicals into
6 other than legitimate channels;

7 “(2) compliance by the applicant with applica-
8 ble Federal, State and local law;

9 “(3) any prior conviction record of the appli-
10 cant under Federal or State laws relating to con-
11 trolled substances or to chemicals controlled under
12 Federal or State law;

13 “(4) any past experience of the applicant in the
14 manufacture and distribution of chemicals; and

15 “(5) such other factors as are relevant to and
16 consistent with the public health and safety.”.

17 (d) DENIAL, REVOCATION, OR SUSPENSION OF REG-
18 ISTRATION.—Section 304 of the Controlled Substances
19 Act (21 U.S.C. 824) is amended—

20 (1) in subsection (a)—

21 (A) by inserting “or a list I chemical”
22 after “controlled substance” each place it ap-
23 pears; and

24 (B) by inserting “or list I chemicals” after
25 “controlled substances”;

1 (2) in subsection (b) by inserting “or list I
2 chemical” after “controlled substance”;

3 (3) in subsection (f) by inserting “or list I
4 chemicals” after “controlled substances” each place
5 it appears; and

6 (4) in subsection (g)—

7 (A) by inserting “or list I chemicals” after
8 “controlled substances” each place it appears;
9 and

10 (B) by inserting “or list I chemical” after
11 “controlled substance” each place it appears.

12 (e) PERSONS REQUIRED TO REGISTER UNDER SEC-
13 TION 1007.—Section 1007 of the Controlled Substances
14 Import and Export Act (21 U.S.C. 957) is amended—

15 (1) in subsection (a)—

16 (A) in paragraph (1) by inserting “or list
17 I chemical” after “controlled substance”; and

18 (B) in paragraph (2) by striking “in sched-
19 ule I, II, III, IV, or V,” and inserting “or list
20 I chemical,”; and

21 (2) in subsection (b)—

22 (A) in paragraph (1) by inserting “or list
23 I chemical” after “controlled substance” each
24 place it appears; and

1 (B) in paragraph (2) by inserting “or list
2 I chemicals” after “controlled substances”.

3 (f) REGISTRATION REQUIREMENTS UNDER SECTION
4 1008.—Section 1008 of the Controlled Substances Import
5 and Export Act (21 U.S.C. 958) is amended—

6 (1) in subsection (c)—

7 (A) by inserting “(1)” after “(c)”; and

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

10 “(2)(A) The Attorney General shall register an appli-
11 cant to import or export a list I chemical unless the Attor-
12 ney General determines that registration of the applicant
13 is inconsistent with the public interest. Registration under
14 this subsection shall not be required for the import or ex-
15 port of a drug product that is exempted under section
16 102(39)(A)(iv).

17 “(B) In determining the public interest for the pur-
18 poses of subparagraph (A), the Attorney General shall
19 consider the factors specified in section 303(h).”;

20 (2) in subsection (d)—

21 (A) in paragraph (3) by inserting “or list
22 I chemical or chemicals,” after “substances,”;
23 and

1 (B) in paragraph (6) by inserting “or list
2 I chemicals” after “controlled substances” each
3 place it appears;

4 (3) in subsection (e) by striking “and 307” and
5 inserting “307, and 310”; and

6 (4) in subsections (f), (g), and (h) by inserting
7 “or list I chemicals” after “controlled substances”
8 each place it appears.

9 (g) PROHIBITED ACTS C.—Section 403(a) of the
10 Controlled Substances Act (21 U.S.C. 843(a)) is amend-
11 ed—

12 (1) by striking “or” at the end of paragraph
13 (7);

14 (2) by striking the period at the end of para-
15 graph (8) and inserting “; or”; and

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

18 “(9) if the person is a regulated person, to dis-
19 tribute, import, or export a list I chemical without
20 the registration required by this Act.”.

21 **SEC. 1514. REPORTING OF LISTED CHEMICAL MANUFAC-**
22 **TURING.**

23 Section 310(b) of the Controlled Substances Act (21
24 U.S.C. 830(b)) is amended—

25 (1) by inserting “(1)” after “(b)”;

1 (2) by redesignating paragraphs (1), (2), (3),
2 and (4) as subparagraphs (A), (B), (C), and (D), re-
3 spectively;

4 (3) by striking “paragraph (1)” each place it
5 appears and inserting “subparagraph (A)”;

6 (4) by striking “paragraph (2)” and inserting
7 “subparagraph (B)”;

8 (5) by striking “paragraph (3)” and inserting
9 “subparagraph (C)”;

10 (6) by adding at the end the following new
11 paragraph:

12 “(2) A regulated person that manufactures a
13 listed chemical shall report annually to the Attorney
14 General, in such form and manner and containing
15 such specific data as the Attorney General shall pre-
16 scribe by regulation, information concerning listed
17 chemicals manufactured by the person. The require-
18 ment of the preceding sentence shall not apply to the
19 manufacture of a drug product that is exempted
20 under section 102(39)(A)(iv).”.

21 **SEC. 1515. REPORTS BY BROKERS AND TRADERS; CRIMINAL**
22 **PENALTIES.**

23 (a) NOTIFICATION, SUSPENSION OF SHIPMENT, AND
24 PENALTIES WITH RESPECT TO IMPORTATION AND EX-
25 PORTATION OF LISTED CHEMICALS.—Section 1018 of the

1 Controlled Substances Import and Export Act (21 U.S.C.
2 971) is amended by adding at the end the following new
3 subsection:

4 “(d) A person located in the United States who is
5 a broker or trader for an international transaction in a
6 listed chemical that is a regulated transaction solely be-
7 cause of that person’s involvement as a broker or trader
8 shall, with respect to that transaction, be subject to all
9 of the notification, reporting, recordkeeping, and other re-
10 quirements placed upon exporters of listed chemicals by
11 this title and title II.”.

12 (b) PROHIBITED ACTS A.—Section 1010(d) of the
13 Controlled Substances Import and Export Act (21 U.S.C.
14 960(d)) is amended to read as follows:

15 “(d) A person who knowingly or intentionally—

16 “(1) imports or exports a listed chemical with
17 intent to manufacture a controlled substance in vio-
18 lation of this title or title II;

19 “(2) exports a listed chemical in violation of the
20 laws of the country to which the chemical is ex-
21 ported or serves as a broker or trader for an inter-
22 national transaction involving a listed chemical, if
23 the transaction is in violation of the laws of the
24 country to which the chemical is exported;

1 “(3) imports or exports a listed chemical know-
2 ing, or having reasonable cause to believe, that the
3 chemical will be used to manufacture a controlled
4 substance in violation of this title or title II; or

5 “(4) exports a listed chemical, or serves as a
6 broker or trader for an international transaction in-
7 volving a listed chemical, knowing, or having reason-
8 able cause to believe, that the chemical will be used
9 to manufacture a controlled substance in violation of
10 the laws of the country to which the chemical is ex-
11 ported,

12 shall be fined in accordance with title 18, imprisoned not
13 more than 10 years, or both.”.

14 **SEC. 1516. EXEMPTION AUTHORITY; ADDITIONAL PEN-**
15 **ALTIES.**

16 (a) NOTIFICATION REQUIREMENT.—Section 1018 of
17 the Controlled Substances Import and Export Act (21
18 U.S.C. 971), as amended by section 5(a), is amended by
19 adding at the end the following new subsection:

20 “(e)(1) The Attorney General may by regulation re-
21 quire that the 15-day notification requirement of sub-
22 section (a) apply to all exports of a listed chemical to a
23 specified country, regardless of the status of certain cus-
24 tomers in such country as regular customers, if the Attor-
25 ney General finds that such notification is necessary to

1 support effective chemical diversion control programs or
2 is required by treaty or other international agreement to
3 which the United States is a party.

4 “(2) The Attorney General may by regulation waive
5 the 15-day notification requirement for exports of a listed
6 chemical to a specified country if the Attorney General
7 determines that such notification is not required for effec-
8 tive chemical diversion control. If the notification require-
9 ment is waived, exporters of the listed chemical shall be
10 required to submit to the Attorney General reports of indi-
11 vidual exportations or periodic reports of such exportation
12 of the listed chemical, at such time or times and contain-
13 ing such information as the Attorney General shall estab-
14 lish by regulation.

15 “(3) The Attorney General may by regulation waive
16 the 15-day notification requirement for the importation of
17 a listed chemical if the Attorney General determines that
18 such notification is not necessary for effective chemical di-
19 version control. If the notification requirement is waived,
20 importers of the listed chemical shall be required to submit
21 to the Attorney General reports of individual importations
22 or periodic reports of the importation of the listed chemi-
23 cal, at such time or times and containing such information
24 as the Attorney General shall establish by regulation.”.

1 (b) PROHIBITED ACTS A.—Section 1010(d) of the
2 Controlled Substances Import and Export Act (21 U.S.C.
3 960(d)), as amended by section 5(b), is amended—

4 (1) by striking “or” at the end of paragraph
5 (3);

6 (2) by striking the comma at the end of para-
7 graph (4) and inserting a semicolon; and

8 (3) by adding at the end the following new
9 paragraphs:

10 “(5) imports or exports a listed chemical, with
11 the intent to evade the reporting or recordkeeping
12 requirements of section 1018 applicable to such im-
13 portation or exportation by falsely representing to
14 the Attorney General that the importation or expor-
15 tation qualifies for a waiver of the 15-day notifica-
16 tion requirement granted pursuant to section
17 1018(e) (2) or (3) by misrepresenting the actual
18 country of final destination of the listed chemical or
19 the actual listed chemical being imported or ex-
20 ported; or

21 “(6) imports or exports a listed chemical in vio-
22 lation of section 1007 or 1018,”.

23 **SEC. 1517. AMENDMENTS TO LIST I.**

24 Section 102(34) of the Controlled Substances Act (21
25 U.S.C. 802(34)) is amended—

1 (1) by striking subparagraphs (O), (U), and
2 (W);

3 (2) by redesignating subparagraphs (P) through
4 (T) as (O) through (S), subparagraph (V) as (T),
5 and subparagraphs (X) and (Y) as (U) and (X), re-
6 spectively;

7 (3) in subparagraph (X), as redesignated by
8 paragraph (2), by striking “(X)” and inserting
9 “(U)”; and

10 (4) by inserting after subparagraph (U), as re-
11 designating by paragraph (2), the following new sub-
12 paragraphs:

13 “(V) benzaldehyde.

14 “(W) nitroethane.”.

15 **SEC. 1518. ELIMINATION OF REGULAR SUPPLIER STATUS**
16 **AND CREATION OF REGULAR IMPORTER STA-**
17 **TUS.**

18 (a) DEFINITION.—Section 102(37) of the Controlled
19 Substances Act (21 U.S.C. 802(37)) is amended to read
20 as follows:

21 “(37) The term ‘regular importer’ means, with re-
22 spect to a listed chemical, a person that has an established
23 record as an importer of that listed chemical that is re-
24 ported to the Attorney General.”.

1 (b) NOTIFICATION.—Section 1018 of the Controlled
2 Substances Act (21 U.S.C. 971) is amended—

3 (1) in subsection (b)—

4 (A) in paragraph (1) by striking “regular
5 supplier of the regulated person” and inserting
6 “to an importation by a regular importer”; and

7 (B) in paragraph (2)—

8 (i) by striking “a customer or supplier
9 of a regulated person” and inserting “a
10 customer of a regulated person or to an
11 importer”; and

12 (ii) by striking “regular supplier” and
13 inserting “the importer as a regular im-
14 porter”; and

15 (2) in subsection (c)(1) by striking “regular
16 supplier” and inserting “regular importer”.

17 **SEC. 1519. ADMINISTRATIVE INSPECTIONS AND AUTHOR-**
18 **ITY.**

19 Section 510 of the Controlled Substances Act (21
20 U.S.C. 880) is amended—

21 (1) by amending subsection (a)(2) to read as
22 follows:

23 “(2) places, including factories, warehouses,
24 and other establishments, and conveyances, where
25 persons registered under section 303 (or exempt

1 from registration under section 302(d) or by regula-
2 tion of the Attorney General) or regulated persons
3 may lawfully hold, manufacture, distribute, dispense,
4 administer, or otherwise dispose of controlled sub-
5 stances or listed chemicals or where records relating
6 to those activities are maintained.”; and

7 (2) in subsection (b)(3)—

8 (A) in subparagraph (B) by inserting “,
9 listed chemicals,” after “unfinished drugs”; and

10 (B) in subparagraph (C) by inserting “or
11 listed chemical” after “controlled substance”
12 and inserting “or chemical” after “such sub-
13 stance”.

14 **SEC. 1520. THRESHOLD AMOUNTS.**

15 Section 102(39)(A) of the Controlled Substances Act
16 (21 U.S.C. 802(39)(A)), as amended by section 2, is
17 amended by inserting “of a listed chemical, or if the Attor-
18 ney General establishes a threshold amount for a specific
19 listed chemical,” before “a threshold amount, including a
20 cumulative threshold amount for multiple transactions”.

21 **SEC. 1521. MANAGEMENT OF LISTED CHEMICALS.**

22 (a) IN GENERAL.—Part C of the Controlled Sub-
23 stances Act (21 U.S.C. 821 et seq.) is amended by adding
24 at the end the following new section:

1 “MANAGEMENT OF LISTED CHEMICALS

2 “SEC. 311. (a) OFFENSE.—It is unlawful for a per-
3 son who possesses a listed chemical with the intent that
4 it be used in the illegal manufacture of a controlled sub-
5 stance to manage the listed chemical or waste from the
6 manufacture of a controlled substance otherwise than as
7 required by regulations issued under sections 3001, 3002,
8 3003, 3004, and 3005 of the Solid Waste Disposal Act
9 (42 U.S.C. 6921, 6922, 6923, 6924, and 6925).

10 “(b) ENHANCED PENALTY.—(1) In addition to a
11 penalty that may be imposed for the illegal manufacture,
12 possession, or distribution of a listed chemical or toxic res-
13 idue of a clandestine laboratory, a person who violates sub-
14 section (a) shall be assessed the costs described in para-
15 graph (2) and shall be imprisoned as described in para-
16 graph (3).

17 “(2) Pursuant to paragraph (1) a defendant shall be
18 assessed the following costs to the United States, a State,
19 or another authority or person that undertakes to correct
20 the results of the improper management of a listed chemi-
21 cal:

22 “(A) The cost of initial cleanup and disposal of
23 the listed chemical and contaminated property.

1 “(B) The cost of restoring property that is
2 damaged by exposure to a listed chemical for reha-
3 bilitation under Federal, State, and local standards.

4 “(3)(A) A violation of subsection (a) shall be pun-
5 ished as a class D felony, or in the case of a willful viola-
6 tion, as a class C felony.

7 “(B) Pursuant to its authority under section 944 of
8 title 28, United States Code, the United States Sentencing
9 Commission shall amend its sentencing guidelines to pro-
10 vide for an appropriate enhancement of punishment for
11 a willful violation of subsection (a).

12 “(4) A court may order that all or a portion of the
13 earnings from work performed by a defendant in prison
14 be withheld for payment of costs assessed under para-
15 graph (2).

16 “(c) USE OF FORFEITED ASSETS.—The Attorney
17 General may direct that assets forfeited under section 511
18 in connection with a prosecution under this section be
19 shared with State agencies that participated in the seizure
20 or cleaning up of a contaminated site.”.

21 (b) EXCEPTION TO DISCHARGE IN BANKRUPTCY.—
22 Section 523(a) of title 11, United States Code, is amend-
23 ed—

24 (1) by striking “or” at the end of paragraph
25 (11);

1 (2) by striking the period at the end of para-
2 graph (12) and inserting “; or”; and

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

5 “(13) for costs assessed under section 311(b) of
6 the Controlled Substances Act.”.

7 **SEC. 1522. FORFEITURE EXPANSION.**

8 Section 511(a) of the Controlled Substances Act (21
9 U.S.C. 881(a)) is amended—

10 (1) in paragraph (6) by inserting “or listed
11 chemical” after “controlled substance”; and

12 (2) in paragraph (9) by striking “a felony pro-
13 vision of”.

14 **SEC. 1523. REGULATIONS AND EFFECTIVE DATE.**

15 (a) REGULATIONS.—The Attorney General shall, not
16 later than 90 days after the date of enactment of this Act,
17 issue regulations necessary to carry out this title.

18 (b) EFFECTIVE DATE.—This title and the amend-
19 ments made by this title shall become effective on the date
20 that is 120 days after the date of enactment of this Act.

21 **Subtitle C—General Provisions**

22 **SEC. 1531. CLARIFICATION OF NARCOTIC OR OTHER DAN-**
23 **GEROUS DRUGS UNDER RICO.**

24 Section 1961(1) of title 18, United States Code, is
25 amended by striking “narcotic or other dangerous drugs”

1 each place it appears and inserting “a controlled substance
2 or listed chemical, as defined in section 102 of the Con-
3 trolled Substances Act”.

4 **SEC. 1532. CONFORMING AMENDMENTS TO RECIDIVIST**
5 **PENALTY PROVISIONS OF THE CONTROLLED**
6 **SUBSTANCES ACT AND THE CONTROLLED**
7 **SUBSTANCES IMPORT AND EXPORT ACT.**

8 (a) Sections 401(b)(1) (B), (C), and (D) of the Con-
9 trolled Substances Act (21 U.S.C. 841(b)(1) (B), (C), and
10 (D)) and sections 1010(b) (1), (2), and (3) of the Con-
11 trolled Substances Import and Export Act (21 U.S.C.
12 960(b) (1), (2), and (3)) are each amended in the sentence
13 or sentences beginning “If any person commits” by strik-
14 ing “one or more prior convictions” through “have become
15 final” and inserting “a prior conviction for a felony drug
16 offense has become final”.

17 (b) Section 1012(b) of the Controlled Substances Im-
18 port and Export Act (21 U.S.C. 962(b)) is amended by
19 striking “one or more prior convictions of him for a felony
20 under any provision of this title or title II or other law
21 of a State, the United States, or a foreign country relating
22 to narcotic drugs, marihuana, or depressant or stimulant
23 drugs, have become final” and inserting “one or more
24 prior convictions of such person for a felony for a felony
25 drug offense have become final”.

1 (c) Section 401(b)(1)(A) of the Controlled Sub-
2 stances Act (21 U.S.C. 841(b)(1)(A)) is amended by strik-
3 ing the sentence beginning “For purposes of this subpara-
4 graph, the term ‘felony drug offense’ means”.

5 (d) Section 102 of the Controlled Substances Act (21
6 U.S.C. 802) is amended by adding at the end the following
7 new paragraph:

8 “(43) The term ‘felony drug offense’ means an of-
9 fense that is punishable by imprisonment for more than
10 one year under any law of the United States or of a State
11 or foreign country that prohibits or restricts conduct relat-
12 ing to narcotic drugs, marihuana, or depressant or stimu-
13 lant substances.”.

14 **SEC. 1533. PROGRAM TO PROVIDE PUBLIC AWARENESS OF**
15 **THE PROVISION OF PUBLIC LAW 101-516**
16 **THAT CONDITIONS PORTIONS OF A STATE'S**
17 **FEDERAL HIGHWAY FUNDING ON THE**
18 **STATE'S ENACTMENT OF LEGISLATION RE-**
19 **QUIRING THE REVOCATION OF THE DRIVER'S**
20 **LICENSES OF CONVICTED DRUG ABUSERS.**

21 The Attorney General, in consultation with the Sec-
22 retary of Transportation, shall implement a program of
23 national awareness of section 333 of Public Law 101-516.
24 The program shall notify the Governors and State Rep-
25 resentatives of the requirements of that section.

1 **SEC. 1534. ADVERTISING.**

2 Section 403 of the Controlled Substances Act (21
3 U.S.C. 843) is amended—

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

6 (2) by inserting after subsection (b) the follow-
7 ing new subsection:

8 “(c) It shall be unlawful for any person to print, pub-
9 lish, place, or otherwise cause to appear in any newspaper,
10 magazine, handbill, or other publications, any written ad-
11 vertisement knowing that it has the purpose of seeking
12 or offering illegally to receive, buy, or distribute a Sched-
13 ule I controlled substance. As used in this section the term
14 ‘advertisement’ includes, in addition to its ordinary mean-
15 ing, such advertisements as those for a catalog of Schedule
16 I controlled substances and any similar written advertise-
17 ment that has the purpose of seeking or offering illegally
18 to receive, buy, or distribute a Schedule I controlled sub-
19 stance. The term ‘advertisement’ does not include material
20 which merely advocates the use of a similar material,
21 which advocates a position or practice, and does not at-
22 tempt to propose or facilitate an actual transaction in a
23 Schedule I controlled substance.”.

24 **SEC. 1535. NATIONAL DRUG CONTROL STRATEGY.**

25 (a) IN GENERAL.—Section 1005(a) of the National
26 Narcotics Leadership Act of 1988 (21 U.S.C. 1504(a)) is

1 amended by adding at the end the following new para-
2 graph:

3 “(5) Beginning with the first submission of a Na-
4 tional Drug Control Strategy to Congress after the date
5 of the enactment of the Violent Crime Control and Law
6 Enforcement Act of 1993, the goals, objectives, and prior-
7 ities of such Strategy shall include a goal for expanding
8 the availability of treatment for drug addiction.”.

9 (b) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that among the long-term goals of the National
11 Drug Control Strategy should be the availability of drug
12 treatment to all who are in need of such treatment.

13 **SEC. 1536. NOTIFICATION OF LAW ENFORCEMENT OFFI-**
14 **CERS OF DISCOVERIES OF CONTROLLED SUB-**
15 **STANCES OR LARGE SUMS OF CASH IN EX-**
16 **CESS OF \$10,000 IN WEAPON SCREENING.**

17 Section 315 of the Federal Aviation Act of 1958 (49
18 U.S.C. App. 1356) is amended—

19 (1) by redesignating subsection (c) as sub-
20 section (d); and

21 (2) by inserting after subsection (b) the follow-
22 ing new subsection:

23 “(c) DISCOVERIES OF CONTROLLED SUBSTANCES OR
24 CASH IN EXCESS OF \$10,000.—Not later than 90 days
25 after the date of the enactment of this section, the Admin-

1 istrator shall issue regulations requiring employees and
 2 agents referred to in subsection (a) to report to appro-
 3 priate Federal and State law enforcement officers any in-
 4 cident in which the employee or agent, in the course of
 5 conducting screening procedures pursuant to subsection
 6 (a), discovers a controlled substance the possession of
 7 which may be a violation of Federal or State law, or any
 8 sizable sums of cash in excess of \$10,000 the possession
 9 of which may be a violation of Federal or State law.”.

10 **TITLE XVI—DRUNK DRIVING** 11 **PROVISIONS**

12 **SEC. 1601. SHORT TITLE.**

13 This title may be cited as the “Drunk Driving Child
 14 Protection Act of 1993”.

15 **SEC. 1602. STATE LAWS APPLIED IN AREAS OF FEDERAL JU-** 16 **RISDICTION.**

17 Section 13(b) of title 18, United States Code, is
 18 amended—

19 (1) by striking “For purposes” and inserting
 20 “(1) Subject to paragraph (2) and for purposes”;
 21 and

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

24 “(2)(A) In addition to any term of imprisonment pro-
 25 vided for operating a motor vehicle under the influence

1 of a drug or alcohol imposed under the law of a State,
2 territory, possession, or district, the punishment for such
3 an offense under this section shall include an additional
4 term of imprisonment of not more than 1 year, or if seri-
5 ous bodily injury of a minor is caused, 5 years, or if death
6 of a minor is caused, 10 years, and an additional fine of
7 not more than \$1,000, or both, if—

8 “(i) a minor (other than the offender) was
9 present in the motor vehicle when the offense was
10 committed; and

11 “(ii) the law of the State, territory, possession,
12 or district in which the offense occurred does not
13 provide an additional term of imprisonment under
14 the circumstances described in clause (i).

15 “(B) For the purposes of subparagraph (A), the term
16 ‘minor’ means a person less than 18 years of age.”.

17 **SEC. 1603. SENSE OF CONGRESS CONCERNING CHILD CUS-**
18 **TODY AND VISITATION RIGHTS.**

19 It is the sense of the Congress that in determining
20 child custody and visitation rights, the courts should take
21 into consideration the history of drunk driving that any
22 person involved in the determination may have.

1 **TITLE XVII—COMMISSIONS**
2 **Subtitle A—Commission on Crime**
3 **and Violence**

4 **SEC. 1701. ESTABLISHMENT OF COMMISSION ON CRIME**
5 **AND VIOLENCE.**

6 There is established a commission to be known as the
7 “National Commission on Crime and Violence in Amer-
8 ica”. The Commission shall be composed of 22 members,
9 appointed as follows:

10 (1) 6 persons by the President;

11 (2) 8 persons by the Speaker of the House of
12 Representatives, two of whom shall be appointed on
13 the recommendation of the minority leader; and

14 (3) 8 persons by the President pro tempore of
15 the Senate, six of whom shall be appointed on the
16 recommendation of the majority leader of the Senate
17 and two of whom shall be appointed on the rec-
18 ommendation of the minority leader of the Senate.

19 **SEC. 1702. PURPOSE.**

20 The purposes of the Commission are as follows:

21 (1) To develop a comprehensive and effective
22 crime control plan which will serve as a “blueprint”
23 for action in the 1990’s. The report shall include an
24 estimated cost for implementing any recommenda-
25 tions made by the Commission.

1 (2) To bring attention to successful models and
2 programs in crime prevention and crime control.

3 (3) To reach out beyond the traditional criminal
4 justice community for ideas when developing the
5 comprehensive crime control plan.

6 (4) To recommend improvements in the coordi-
7 nation of local, State, Federal, and international
8 border crime control efforts.

9 (5) To make a comprehensive study of the eco-
10 nomic and social factors leading to or contributing
11 to crime and specific proposals for legislative and
12 administrative actions to reduce crime and the ele-
13 ments that contribute to it.

14 (6) To recommend means of targeting finite
15 correctional facility space and resources to the most
16 serious and violent offenders, with the goal of
17 achieving the most cost-effective possible crime con-
18 trol and protection of the community and public
19 safety, with particular emphasis on examining the
20 issue of possible disproportionate incarceration rates
21 among black males and any other minority group
22 disproportionately represented in State and Federal
23 correctional populations, and to consider increased
24 use of alternatives to incarceration which offer a

1 reasonable prospect of equal or better crime control
2 at equal or less cost.

3 **SEC. 1703. RESPONSIBILITIES OF THE COMMISSION.**

4 The commission shall be responsible for the following:

5 (1) Reviewing the effectiveness of traditional
6 criminal justice approaches in preventing and con-
7 trolling crime and violence.

8 (2) Examining the impact that changes to state
9 and Federal law have had in controlling crime and
10 violence.

11 (3) Examining the impact of changes in Fed-
12 eral immigration laws and policies and increased de-
13 velopment and growth along United States inter-
14 national borders on crime and violence in the United
15 States, particularly among our Nation's youth.

16 (4) Examining the problem of youth gangs and
17 provide recommendations as to how to reduce youth
18 involvement in violent crime.

19 (5) Examining the extent to which assault
20 weapons and high power firearms have contributed
21 to violence and murder in America.

22 (6) Convening field hearings in various regions
23 of the country to receive testimony from a cross sec-
24 tion of criminal justice professionals, business lead-

1 ers, elected officials, medical doctors, and other citi-
2 zens that wish to participate.

3 (7) Reviewing all segments of our criminal jus-
4 tice system, including the law enforcement, prosecu-
5 tion, defense, judicial, corrections components in de-
6 veloping the crime control plan.

7 **Subtitle B—National Commission**
8 **to Study the Causes of the De-**
9 **mand for Drugs in the United**
10 **States**

11 **SEC. 1711. SHORT TITLE.**

12 This subtitle may be cited as the “National Commis-
13 sion to Study the Causes of the Demand for Drugs in the
14 United States”.

15 **SEC. 1712. ESTABLISHMENT.**

16 There is established a National Commission to Study
17 the Causes of the Demand for Drugs in the United States
18 (referred to in this subtitle as the “Commission”).

19 **SEC. 1713. DUTIES.**

20 (a) IN GENERAL.—The Commission shall—

21 (1) examine the root causes of illicit drug use
22 and abuse in the United States, including by compil-
23 ing existing research regarding those root causes;

24 (2) evaluate the efforts being made to prevent
25 drug abuse;

1 (3) identify the existing gaps in drug abuse poli-
2 icy that result from the lack of attention to the root
3 causes of drug abuse;

4 (4) assess the needs of Government at all levels
5 for resources and policies for reducing the overall de-
6 sire of individuals to experiment with and abuse il-
7 licit drugs; and

8 (5) make recommendations regarding necessary
9 improvements in policies for reducing the use of il-
10 licit drugs in the United States.

11 (b) EXAMINATION.—Matters examined by the Com-
12 mission under this section shall include the following:

13 (1) CHARACTERISTICS.—The characteristics of
14 potential illicit drug users and abusers or drug traf-
15 fickers, including age and social, economic, and edu-
16 cational backgrounds.

17 (2) ENVIRONMENT.—Environmental factors
18 that contribute to illicit drug use and abuse, includ-
19 ing the correlation between unemployment, poverty,
20 and homelessness on drug experimentation and
21 abuse.

22 (3) ASSOCIATIONS AND SOCIAL RELATION-
23 SHIPS.—The effects of substance use and abuse by
24 a relative or friend in contributing to the likelihood

1 and desire of an individual to experiment with illicit
2 drugs.

3 (4) CULTURE.—Aspects of, and changes in,
4 philosophical or religious beliefs, cultural values, at-
5 titudes toward authority, status of basic social units
6 (such as families), and traditions that contribute to
7 illicit drug use and abuse.

8 (5) PHYSIOLOGICAL AND PSYCHOLOGICAL FAC-
9 TORS.—The physiological and psychological factors
10 that contribute to the desire for illicit drugs.

11 (6) EFFORTS OF GOVERNMENTS.—The current
12 status of Federal, State, and local efforts regarding
13 the causes of illicit drug use and abuse, including a
14 review of drug strategies being promoted by Federal,
15 State, and local authorities to address the causes of
16 illicit drug use and abuse.

17 **SEC. 1714. MEMBERSHIP.**

18 (a) NUMBER AND APPOINTMENT.—

19 (1) IN GENERAL.—The Commission shall con-
20 sist of 13 members, as follows:

21 (A) PRESIDENT.—Three individuals ap-
22 pointed by the President.

23 (B) SENATE.—Five individuals appointed
24 jointly by the majority and minority leaders of
25 the Senate. Not more than 3 members ap-

1 pointed under this paragraph may be of the
2 same political party. At least 1 member ap-
3 pointed under this paragraph shall be a recover-
4 ing drug user.

5 (C) HOUSE OF REPRESENTATIVES.—Five
6 individuals appointed jointly by the Speaker,
7 majority leader, and minority leader of the
8 House of Representatives. Not more than 3
9 members appointed under this paragraph may
10 be of the same political party. At least 1 mem-
11 ber appointed under this paragraph shall be a
12 recovering drug abuser.

13 (2) GOALS IN MAKING APPOINTMENTS.—In ap-
14 pointing individuals as members of the Commission,
15 the President and the majority and minority leaders
16 of the House of Representatives and the Senate shall
17 seek to ensure that—

18 (A) the membership of the Commission re-
19 flects the racial, ethnic, and gender diversity of
20 the United States; and

21 (B) members are specially qualified to
22 serve on the Commission by reason of their edu-
23 cation, training, expertise, or experience in—

24 (i) sociology;

25 (ii) psychology;

1 (iii) law;
2 (iv) bio-medicine;
3 (v) addiction; and
4 (vi) ethnography and urban poverty,
5 including health care, housing, education,
6 and employment.

7 (b) PROHIBITION AGAINST OFFICER OR EM-
8 PLOYEE.—Each individual appointed under subsection (a)
9 shall not be an officer or employee of any government and
10 shall be qualified to serve the Commission by virtue of
11 education, training, or experience.

12 (c) DEADLINE FOR APPOINTMENT.—Members of the
13 Commission shall be appointed within 60 days after the
14 date of the enactment of this Act for the life of the Com-
15 mission.

16 (d) MEETINGS.—The Commission shall have its
17 headquarters in the District of Columbia, and shall meet
18 at least once each month for a business session that shall
19 be conducted by the Chairperson.

20 (e) QUORUM.—Seven members of the Commission
21 shall constitute a quorum, but a lesser number may hold
22 hearings.

23 (f) CHAIRPERSON AND VICE CHAIRPERSON.—No
24 later than 15 days after the members of the Commission

1 are appointed, such members shall designate a Chair-
2 person and Vice Chairperson of the Commission.

3 (g) CONTINUATION OF MEMBERSHIP.—If a member
4 of the Commission later becomes an officer or employee
5 of any government, the individual may continue as a mem-
6 ber until a successor is appointed.

7 (h) VACANCIES.—A vacancy in the Commission shall
8 be filled not later than 30 days after the Commission is
9 informed of the vacancy in the manner in which the origi-
10 nal appointment was made.

11 (i) COMPENSATION.—

12 (1) NO PAY, ALLOWANCE, OR BENEFIT.—Mem-
13 bers of the Commission shall receive no additional
14 pay, allowances, or benefits by reason of their serv-
15 ice on the Commission.

16 (2) TRAVEL EXPENSES.—Each member of the
17 Commission shall receive travel expenses, including
18 per diem in lieu of subsistence, in accordance with
19 sections 5702 and 5703 of title 5, United States
20 Code.

21 **SEC. 1715. STAFF AND SUPPORT SERVICES.**

22 (a) DIRECTOR.—The Chairperson shall appoint a di-
23 rector after consultation with the members of the Commis-
24 sion, who shall be paid the rate of basic pay for level V
25 of the Executive Schedule.

1 (b) STAFF.—With the approval of the Commission,
2 the director may appoint personnel as the director consid-
3 ers appropriate.

4 (c) APPLICABILITY OF CIVIL SERVICE LAWS.—The
5 staff of the Commission shall be appointed without regard
6 to the provisions of title 5, United States Code, governing
7 appointments in the competitive service, and shall be paid
8 without regard to the provisions of chapter 51 and sub-
9 chapter III of chapter 53 of that title relating to classifica-
10 tion and General Schedule pay rates.

11 (d) EXPERTS AND CONSULTANTS.—With the ap-
12 proval of the Commission, the director may procure tem-
13 porary and intermittent services under section 3109(b) of
14 title 5, United States Code.

15 (e) STAFF OF FEDERAL AGENCIES.—Upon the re-
16 quest of the Commission, the head of any Federal agency
17 may detail, on a reimbursable basis, any of the personnel
18 of that agency to the Commission to assist in carrying out
19 its duties under this Act.

20 (f) OTHER RESOURCES.—The Commission shall have
21 reasonable access to materials, resources, statistical data,
22 and other information from the Library of Congress, as
23 well as agencies and elected representatives of the execu-
24 tive and legislative branches of government. The Chair-

1 person of the Commission shall make requests in writing
2 where necessary.

3 (g) PHYSICAL FACILITIES.—The General Services
4 Administration shall find suitable office space for the op-
5 eration of the Commission. The facilities shall serve as the
6 headquarters of the Commission and shall include all nec-
7 essary equipment and incidentals required for proper
8 functioning.

9 **SEC. 1716. POWERS OF COMMISSION.**

10 (a) HEARINGS.—The Commission may conduct pub-
11 lic hearings or forums at its discretion, at any time and
12 place it is able to secure facilities and witnesses, for the
13 purpose of carrying out its duties.

14 (b) DELEGATION OF AUTHORITY.—Any member or
15 agent of the Commission may, if authorized by the Com-
16 mission, take any action the Commission is authorized to
17 take by this section.

18 (c) INFORMATION.—The Commission may secure di-
19 rectly from any Federal agency information necessary to
20 enable it to carry out this Act. Upon request of the Chair-
21 person or Vice Chairperson of the Commission, the head
22 of a Federal agency shall furnish the information to the
23 Commission to the extent permitted by law.

24 (d) GIFTS, BEQUESTS, AND DEVICES.—The Commis-
25 sion may accept, use, and dispose of gifts, bequests, or

1 devices of services or property, both real and personal, for
2 the purpose of aiding or facilitating the work of the Com-
3 mission. Gifts, bequests, or devises of money and proceeds
4 from sales of other property received as gifts, bequests,
5 or devices shall be deposited in the Treasury and shall be
6 available for disbursement upon order of the Commission.

7 (e) **MAILS.**—The Commission may use the United
8 States mails in the same manner and under the same con-
9 ditions as other Federal agencies.

10 **SEC. 1717. REPORTS.**

11 (a) **MONTHLY REPORTS.**—The Commission shall
12 submit monthly activity reports to the President and the
13 Congress.

14 (b) **REPORTS.**—

15 (1) **INTERIM REPORT.**—The Commission shall
16 submit an interim report to the President and the
17 Congress not later than 1 year before the termi-
18 nation of the Commission. The interim report shall
19 contain a detailed statement of the findings and con-
20 clusions of the Commission, together with its rec-
21 ommendations for legislative and administrative ac-
22 tion based on the Commission's activities to date. A
23 strategy for disseminating the report to Federal,
24 State, and local authorities shall be formulated and

1 submitted with the formal presentation of the report
2 to the President and the Congress.

3 (2) FINAL REPORT.—Not later than the date of
4 the termination of the Commission, the Commission
5 shall submit to the Congress and the President a
6 final report with a detailed statement of final find-
7 ings, conclusions, and recommendations, including
8 an assessment of the extent to which recommenda-
9 tions of the Commission included in the interim re-
10 port under paragraph (1) have been implemented.

11 (c) PRINTING AND PUBLIC DISTRIBUTION.—Upon
12 receipt of each report of the Commission under this sec-
13 tion, the President shall—

14 (1) order the report to be printed; and

15 (2) make the report available to the public upon
16 request.

17 **SEC. 1718. TERMINATION.**

18 The Commission shall terminate on the date which
19 is 2 years after the Members of the Commission have met
20 and designated a Chairperson and Vice Chairperson.

21 **Subtitle C—National Commission**
22 **to Support Law Enforcement**

23 **SEC. 1721. SHORT TITLE.**

24 This subtitle may be cited as the “National Commis-
25 sion to Support Law Enforcement Act”.

1 **SEC. 1722. CONGRESSIONAL FINDINGS.**

2 The Congress finds that—

3 (1) law enforcement officers risk their lives
4 daily to protect citizens, for modest rewards and too
5 little recognition;

6 (2) a significant shift has occurred in the prob-
7 lems that law enforcement officers face without a
8 corresponding change in the support from the Fed-
9 eral Government;

10 (3) law enforcement officers are on the front
11 line in the war against drugs and crime;

12 (4) the rate of violent crime continues to in-
13 crease along with the increase in drug use;

14 (5) a large percentage of individuals arrested
15 test positive for drug usage;

16 (6) the Presidential Commission on Law En-
17 forcement and the Administration of Justice of 1965
18 focused attention on many issues affecting law en-
19 forcement, and a review twenty-five years later
20 would help to evaluate current problems, including
21 drug-related crime, violence, racial conflict, and de-
22 creased funding; and

23 (7) a comprehensive study of law enforcement
24 issues, including the role of the Federal Government
25 in supporting law enforcement officers, working con-
26 ditions, and responsibility for crime control would

1 assist in redefining the relationships between the
2 Federal Government, the public, and law enforce-
3 ment officials.

4 **SEC. 1723. ESTABLISHMENT.**

5 There is established a national commission to be
6 known as the “National Commission to Support Law En-
7 forcement” (referred to in this subtitle as the “Commis-
8 sion”).

9 **SEC. 1724. DUTIES.**

10 (a) IN GENERAL. —The Commission shall study and
11 recommend changes regarding law enforcement agencies
12 and law enforcement issues on the Federal, State, and
13 local levels, including the following:

14 (1) FUNDING.—The sufficiency of funding, in-
15 cluding a review of grant programs at the Federal
16 level.

17 (2) EMPLOYMENT.—The conditions of law en-
18 forcement employment.

19 (3) INFORMATION.—The effectiveness of infor-
20 mation-sharing systems, intelligence, infrastructure,
21 and procedures among law enforcement agencies of
22 Federal, State, and local governments.

23 (4) RESEARCH AND TRAINING.—The status of
24 law enforcement research and education and train-
25 ing.

1 (5) EQUIPMENT AND RESOURCES.—The ade-
2 quacy of equipment, physical resources, and human
3 resources.

4 (6) COOPERATION.—The cooperation among
5 Federal, State, and local law enforcement agencies.

6 (7) RESPONSIBILITY.—The responsibility of
7 governments and law enforcement agencies in solv-
8 ing the crime problem.

9 (8) IMPACT.—The impact of the criminal jus-
10 tice system, including court schedules and prison
11 overcrowding, on law enforcement.

12 (b) CONSULTATION.—The Commission shall conduct
13 surveys and consult with focus groups of law enforcement
14 officers, local officials, and community leaders across the
15 Nation to obtain information and seek advice on important
16 law enforcement issues.

17 **SEC. 1725. MEMBERSHIP.**

18 (a) NUMBER AND APPOINTMENT.—The Commission
19 shall be composed of 25 members as follows:

20 (1) Seven individuals from national law enforce-
21 ment organizations representing law enforcement of-
22 ficers, of whom—

23 (A) Two shall be appointed by the Speaker
24 of the House of Representatives;

1 (B) Two shall be appointed by the majority
2 leader of the Senate;

3 (C) One shall be appointed by the minority
4 leader of the House of Representatives;

5 (D) One shall be appointed by the minority
6 leader of the Senate; and

7 (E) One shall be appointed by the Presi-
8 dent.

9 (2) Seven individuals from national law enforce-
10 ment organizations representing law enforcement
11 management, of whom—

12 (A) Two shall be appointed by the Speaker
13 of the House of Representatives;

14 (B) Two shall be appointed by the majority
15 leader of the Senate;

16 (C) One shall be appointed by the minority
17 leader of the House of Representatives;

18 (D) One shall be appointed by the minority
19 leader of the Senate; and

20 (E) One shall be appointed by the Presi-
21 dent.

22 (3) Two individuals with academic expertise re-
23 garding law enforcement issues, of whom—

1 (A) One shall be appointed by the Speaker
2 of the House of Representatives and the major-
3 ity leader of the Senate.

4 (B) One shall be appointed by the minority
5 leader of the Senate and the minority leader of
6 the House of Representatives.

7 (4) Two Members of the House of Representa-
8 tives, appointed by the Speaker and the minority
9 leader of the House of Representatives.

10 (5) Two Members of the Senate, appointed by
11 the majority leader and the minority leader of the
12 Senate.

13 (6) One individual involved in Federal law en-
14 forcement from the Department of the Treasury, ap-
15 pointed by the President.

16 (7) One individual from the Department of Jus-
17 tice, appointed by the President.

18 (8) One individual representing a State or local
19 governmental entity, such as a Governor, mayor, or
20 State Attorney General, to be appointed by the Ma-
21 jority Leader of the Senate.

22 (9) One individual representing a State or local
23 governmental entity, such as a Governor, mayor, or
24 State Attorney General, to be appointed by the
25 Speaker of the House of Representatives.

1 (10) One individual representing a State or
2 local governmental entity, such as a governor,
3 mayor, or State attorney general, to be appointed by
4 the President.

5 (b) COMPTROLLER GENERAL.—The Comptroller
6 General shall serve in an advisory capacity and shall over-
7 see the methodology and approach of the Commission’s
8 study.

9 (c) CHAIRPERSON.—Upon their appointment the
10 members of the Commission shall select one of their num-
11 ber to act as chairperson.

12 (d) COMPENSATION.—

13 (1) IN GENERAL.—Members of the Commission
14 shall receive no additional pay, allowance, or benefit
15 by reason of service on the Commission.

16 (2) TRAVEL EXPENSES.—Each member of the
17 Commission shall receive travel expenses, including
18 per diem in lieu of subsistence, in accordance with
19 sections 5702 and 5703 of title 5, United States
20 Code.

21 (e) APPOINTMENT DATES.—Members of the Com-
22 mission shall be appointed no later than 90 days after the
23 enactment of this Act.

1 **SEC. 1726. EXPERTS AND CONSULTANTS.**

2 (a) EXPERTS AND CONSULTANTS.—The Commission
3 may procure temporary and intermittent services under
4 section 3109(b) of title 5, United States Code.

5 (b) STAFF OF FEDERAL AGENCIES.—Upon request
6 of the Commission, the head of any Federal agency is au-
7 thorized to detail, on a reimbursable basis, any of the per-
8 sonnel of that agency to the Commission to assist the
9 Commission in carrying out its duties under this title.

10 (c) ADMINISTRATIVE SUPPORT.—The Administrator
11 of General Services shall provide to the Commission, on
12 a reimbursable basis, administrative support services as
13 the Commission may request.

14 **SEC. 1727. POWERS OF COMMISSION.**

15 (a) HEARINGS.—The Commission may, for purposes
16 of this title, hold hearings, sit and act at the times and
17 places, take testimony, and receive evidence, as the Com-
18 mission considers appropriate.

19 (b) DELEGATION OF AUTHORITY.—Any member or
20 agent of the Commission may, if authorized by the Com-
21 mission, take any action the Commission is authorized to
22 take by this section.

23 (c) INFORMATION.—The Commission may secure di-
24 rectly from any Federal agency information necessary to
25 enable it to carry out this title. Upon request of the chair-
26 person of the Commission, the head of an agency shall

1 furnish the information to the Commission to the extent
2 permitted by law.

3 (d) GIFTS AND DONATIONS.—The Commission may
4 accept, use, and dispose of gifts or donations of services
5 or property.

6 (e) MAILS.—The Commission may use the United
7 States mails in the same manner and under the same con-
8 ditions as other Federal agencies.

9 **SEC. 1728. REPORT.**

10 Not later than the expiration of the eighteen-month
11 period beginning on the date of the appointment of the
12 members of the Commission, a report containing the find-
13 ings of the Commission and specific proposals for legisla-
14 tion and administrative actions that the Commission has
15 determined to be appropriate shall be submitted to Con-
16 gress.

17 **SEC. 1729. TERMINATION.**

18 The Commission shall cease to exist upon the expira-
19 tion of the 60-day period beginning on the date on which
20 the Commission submits its report under section 1738.

21 **SEC. 1730. REPEALS.**

22 Title XXXIV of the Crime Control Act of 1990 (Pub-
23 lic Law 101-647; 104 Stat. 4918) and title II, section
24 211B of the Departments of Commerce, Justice, and
25 State, the Judiciary, and Related Agencies Appropriations

1 Act, 1991 (Public Law 101–515; 104 Stat. 2122) are re-
2 pealed.

3 **TITLE XVIII—BAIL POSTING** 4 **REPORTING**

5 **SEC. 1801. SHORT TITLE.**

6 This title may be cited as the “Illegal Drug Profits
7 Act of 1993”.

8 **SEC. 1802. REQUIRED REPORTING BY CRIMINAL COURT** 9 **CLERKS.**

10 (a) **IN GENERAL.**—Each clerk of a Federal or State
11 criminal court shall report to the Internal Revenue Serv-
12 ice, in a form and manner as prescribed by the Secretary
13 of the Treasury, the name and taxpayer identification
14 number of—

15 (1) any individual charged with any criminal of-
16 fense who posts cash bail, or on whose behalf cash
17 bail is posted, in an amount exceeding \$10,000; and

18 (2) any individual or entity (other than a li-
19 censed bail bonding individual or entity) posting
20 such cash bail for or on behalf of such individual.

21 (b) **CRIMINAL OFFENSES.**—For purposes of sub-
22 section (a), the term “criminal offense” means—

23 (1) any Federal criminal offense involving a
24 controlled substance;

1 (2) racketeering (as defined in section 1951,
2 1952, or 1955 of title 18, United States Code);

3 (3) money laundering (as defined in section
4 1956 or 1957 of title 18, United States Code); and

5 (4) any violation of State criminal law involving
6 an offense substantially similar to an offense de-
7 scribed in paragraph (1), (2), or (3).

8 (c) COPY TO PROSECUTORS.—Each clerk shall sub-
9 mit a copy of each report of cash bail described in sub-
10 section (a) to—

11 (1) the office of the United States Attorney;
12 and

13 (2) the office of the local prosecuting attorney,
14 for the jurisdiction in which the defendant resides
15 (and the jurisdiction in which the criminal offense
16 occurred, if different).

17 (d) REGULATIONS.—The Secretary of the Treasury
18 shall promulgate such regulations as are necessary within
19 90 days of the date of enactment of this Act.

20 (e) EFFECTIVE DATE.—This section shall become ef-
21 fective 60 days on the date of the promulgation of regula-
22 tions under subsection (d).

1 **TITLE XIX—MOTOR VEHICLE**
2 **THEFT PREVENTION**

3 **SEC. 1901. SHORT TITLE.**

4 This title may be cited as the “Motor Vehicle Theft
5 Prevention Act”.

6 **SEC. 1902. MOTOR VEHICLE THEFT PREVENTION PRO-**
7 **GRAM.**

8 (a) IN GENERAL.—Not later than 180 days after the
9 date of enactment of this section, the Attorney General
10 shall develop, in cooperation with the States, a national
11 voluntary motor vehicle theft prevention program (in this
12 section referred to as the “program”) under which—

13 (1) the owner of a motor vehicle may volun-
14 tarily sign a consent form with a participating State
15 or locality in which the motor vehicle owner—

16 (A) states that the vehicle is not normally
17 operated under certain specified conditions; and

18 (B) agrees to—

19 (i) display program decals or devices
20 on the owner’s vehicle; and

21 (ii) permit law enforcement officials in
22 any State to stop the motor vehicle and
23 take reasonable steps to determine whether
24 the vehicle is being operated by or with the
25 permission of the owner, if the vehicle is

1 being operated under the specified condi-
2 tions; and

3 (2) participating States and localities authorize
4 law enforcement officials in the State or locality to
5 stop motor vehicles displaying program decals or de-
6 vices under specified conditions and take reasonable
7 steps to determine whether the vehicle is being oper-
8 ated by or with the permission of the owner.

9 (b) UNIFORM DECAL OR DEVICE DESIGNS.—

10 (1) IN GENERAL.—The motor vehicle theft pre-
11 vention program developed pursuant to this section
12 shall include a uniform design or designs for decals
13 or other devices to be displayed by motor vehicles
14 participating in the program.

15 (2) TYPE OF DESIGN.—The uniform design
16 shall—

17 (A) be highly visible; and

18 (B) explicitly state that the motor vehicle
19 to which it is affixed may be stopped under the
20 specified conditions without additional grounds
21 for establishing a reasonable suspicion that the
22 vehicle is being operated unlawfully.

23 (c) VOLUNTARY CONSENT FORM.—The voluntary
24 consent form used to enroll in the program shall—

1 (1) clearly state that participation in the pro-
2 gram is voluntary;

3 (2) clearly explain that participation in the pro-
4 gram means that, if the participating vehicle is being
5 operated under the specified conditions, law enforce-
6 ment officials may stop the vehicle and take reason-
7 able steps to determine whether it is being operated
8 by or with the consent of the owner, even if the law
9 enforcement officials have no other basis for believ-
10 ing that the vehicle is being operated unlawfully;

11 (3) include an express statement that the vehi-
12 cle is not normally operated under the specified con-
13 ditions and that the operation of the vehicle under
14 those conditions would provide sufficient grounds for
15 a prudent law enforcement officer to reasonably be-
16 lieve that the vehicle was not being operated by or
17 with the consent of the owner; and

18 (4) include any additional information that the
19 Attorney General may reasonably require.

20 (d) SPECIFIED CONDITIONS UNDER WHICH STOPS
21 MAY BE AUTHORIZED.—

22 (1) IN GENERAL.—The Attorney General shall
23 promulgate rules establishing the conditions under
24 which participating motor vehicles may be author-
25 ized to be stopped under this section. These condi-

1 tions may not be based on race, creed, color, na-
2 tional origin, gender, or age. These conditions may
3 include—

4 (A) the operation of the vehicle during cer-
5 tain hours of the day; or

6 (B) the operation of the vehicle under
7 other circumstances that would provide a suffi-
8 cient basis for establishing a reasonable sus-
9 picion that the vehicle was not being operated
10 by the owner, or with the consent of the owner.

11 (2) MORE THAN ONE SET OF CONDITIONS.—

12 The Attorney General may establish more than one
13 set of conditions under which participating motor ve-
14 hicles may be stopped. If more than one set of condi-
15 tions is established, a separate consent form and a
16 separate design for program decals or devices shall
17 be established for each set of conditions. The Attor-
18 ney General may choose to satisfy the requirement
19 of a separate design for program decals or devices
20 under this paragraph by the use of a design color
21 that is clearly distinguishable from other design col-
22 ors.

23 (3) NO NEW CONDITIONS WITHOUT CON-
24 SENT.—After the program has begun, the conditions
25 under which a vehicle may be stopped if affixed with

1 a certain decal or device design may not be ex-
2 panded without the consent of the owner.

3 (4) LIMITED PARTICIPATION BY STATES AND
4 LOCALITIES.—A State or locality need not authorize
5 the stopping of motor vehicles under all sets of con-
6 ditions specified under the program in order to par-
7 ticipate in the program.

8 (e) MOTOR VEHICLES FOR HIRE.—

9 (1) NOTIFICATION TO LESSEES.—Any person
10 who is in the business of renting or leasing motor
11 vehicles and who rents or leases a motor vehicle on
12 which a program decal or device is affixed shall,
13 prior to transferring possession of the vehicle, notify
14 the person to whom the motor vehicle is rented or
15 leased about the program.

16 (2) TYPE OF NOTICE.—The notice required by
17 this subsection shall—

18 (A) be in writing;

19 (B) be in a prominent format to be deter-
20 mined by the Attorney General; and

21 (C) explain the possibility that if the motor
22 vehicle is operated under the specified condi-
23 tions, the vehicle may be stopped by law en-
24 forcement officials even if the officials have no

1 other basis for believing that the vehicle is
2 being operated unlawfully.

3 (3) FINE FOR FAILURE TO PROVIDE NOTICE.—
4 Failure to provide proper notice under this sub-
5 section shall be punishable by a fine not to exceed
6 \$5,000.

7 (f) NOTIFICATION OF POLICE.—As a condition of
8 participating in the program, a State or locality must
9 agree to take reasonable steps to ensure that law enforce-
10 ment officials throughout the State or locality are familiar
11 with the program, and with the conditions under which
12 motor vehicles may be stopped under the program.

13 (g) REGULATIONS.—The Attorney General shall pro-
14 mulgate regulations to implement this section.

15 (h) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized such sums as are necessary to carry out
17 this section.

18 **SEC. 1903. ALTERING OR REMOVING MOTOR VEHICLE**
19 **IDENTIFICATION NUMBERS.**

20 (a) BASIC OFFENSE.—Subsection (a) of section 511
21 of title 18, United States Code, is amended to read as
22 follows:

23 “(a) A person who—

1 “(1) knowingly removes, obliterates, tampers
2 with, or alters an identification number for a motor
3 vehicle or motor vehicle part; or

4 “(2) with intent to further the theft of a motor
5 vehicle, knowingly removes, obliterates, tampers
6 with, or alters a decal or device affixed to a motor
7 vehicle pursuant to the Motor Vehicle Theft Preven-
8 tion Act,

9 shall be fined under this title, imprisoned not more than
10 5 years, or both.”.

11 (b) EXCEPTED PERSONS.—Paragraph (2) of section
12 511(b) of title 18, United States Code, is amended—

13 (1) by striking “and” after the semicolon in
14 subparagraph (B);

15 (2) by striking the period at the end of sub-
16 paragraph (C) and inserting “; and”; and

17 (3) by adding at the end the following new sub-
18 paragraph:

19 “(D) a person who removes, obliterates,
20 tampers with, or alters a decal or device affixed
21 to a motor vehicle pursuant to the Motor Vehi-
22 cle Theft Prevention Act, if that person is the
23 owner of the motor vehicle, or is authorized to
24 remove, obliterate, tamper with or alter the
25 decal or device by—

1 Prevention Act, shall be punished by a fine not to exceed
2 \$1,000.

3 “(b) For purposes of this section, the term ‘theft pre-
4 vention decal or device’ means a decal or other device de-
5 signed in accordance with a uniform design for such de-
6 vices developed pursuant to the Motor Vehicle Theft Pre-
7 vention Act.”.

8 (2) TECHNICAL AMENDMENT.—The chapter
9 analysis for chapter 25 of title 18, United States
10 Code, is amended by adding after the item relating
11 to section 511 the following new item:

“511A. Unauthorized application of theft prevention decal or device.”.

12 **TITLE XX—PROTECTIONS FOR**
13 **THE ELDERLY**

14 **SEC. 2001. MISSING ALZHEIMER’S DISEASE PATIENT ALERT**
15 **PROGRAM.**

16 (a) GRANT.—The Attorney General shall, subject to
17 the availability of appropriations, award a grant to an eli-
18 gible organization to assist the organization in paying for
19 the costs of planning, designing, establishing, and operat-
20 ing a Missing Alzheimer’s Disease Patient Alert Program,
21 which shall be a locally based, proactive program to pro-
22 tect and locate missing patients with Alzheimer’s disease
23 and related dementias.

24 (b) APPLICATION.—To be eligible to receive a grant
25 under subsection (a), an organization shall submit an ap-

1 plication to the Attorney General at such time, in such
2 manner, and containing such information as the Attorney
3 General may require, including, at a minimum, an assur-
4 ance that the organization will obtain and use assistance
5 from private nonprofit organizations to support the pro-
6 gram.

7 (c) ELIGIBLE ORGANIZATION.—The Attorney Gen-
8 eral shall award the grant described in subsection (a) to
9 a national voluntary organization that has a direct link
10 to patients, and families of patients, with Alzheimer’s dis-
11 ease and related dementias.

12 (d) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to carry out this section
14 \$1,000,000 for each of fiscal years 1995, 1996, and 1997.

15 **SEC. 2002. CRIMES AGAINST THE ELDERLY.**

16 (a) IN GENERAL.—Pursuant to its authority under
17 the Sentencing Reform Act of 1984 and section 21 of the
18 Sentencing Act of 1987 (including its authority to amend
19 the sentencing guidelines and policy statements) and its
20 authority to make such amendments on an emergency
21 basis, the United States Sentencing Commission shall en-
22 sure that the applicable guideline range for a defendant
23 convicted of a crime of violence against an elderly victim
24 is sufficiently stringent to deter such a crime, to protect
25 the public from additional crimes of such a defendant, and

1 to adequately reflect the heinous nature of such an of-
2 fense.

3 (b) CRITERIA.—In carrying out subsection (a), the
4 United States Sentencing Commission shall ensure that—

5 (1) the guidelines provide for increasingly se-
6 vere punishment for a defendant commensurate with
7 the degree of physical harm caused to the elderly
8 victim;

9 (2) the guidelines take appropriate account of
10 the vulnerability of the victim; and

11 (3) the guidelines provide enhanced punishment
12 for a defendant convicted of a crime of violence
13 against an elderly victim who has previously been
14 convicted of a crime of violence against an elderly
15 victim, regardless of whether the conviction occurred
16 in Federal or State court.

17 (c) DEFINITIONS.—In this section—

18 “crime of violence” means an offense under sec-
19 tion 113, 114, 1111, 1112, 1113, 1117, 2241, 2242,
20 or 2244 of title 18, United States Code.

21 “elderly victim” means a victim who is 65 years
22 of age or older at the time of an offense.

1 **TITLE XXI—CONSUMER**
2 **PROTECTION**

3 **SEC. 2101. CRIMES BY OR AFFECTING PERSONS ENGAGED**
4 **IN THE BUSINESS OF INSURANCE WHOSE AC-**
5 **TIVITIES AFFECT INTERSTATE COMMERCE.**

6 (a) IN GENERAL.—Chapter 47 of title 18, United
7 States Code, is amended by adding at the end the follow-
8 ing new sections:

9 **“§ 1033. Crimes by or affecting persons engaged in**
10 **the business of insurance whose activi-**
11 **ties affect interstate commerce**

12 “(a)(1) Whoever is engaged in the business of insur-
13 ance whose activities affect interstate commerce and, with
14 the intent to deceive, knowingly makes any false material
15 statement or report or willfully and materially overvalues
16 any land, property or security—

17 “(A) in connection with any financial reports or
18 documents presented to any insurance regulatory of-
19 ficial or agency or an agent or examiner appointed
20 by such official or agency to examine the affairs of
21 such person, and

22 “(B) for the purpose of influencing the actions
23 of such official or agency or such an appointed agent
24 or examiner,

25 shall be punished as provided in paragraph (2).

1 “(2) The punishment for an offense under paragraph
2 (1) is a fine as established under this title or imprison-
3 ment for not more than 10 years, or both, except that
4 the term of imprisonment shall be not more than 15 years
5 if the statement or report or overvaluing of land, property,
6 or security jeopardizes the safety and soundness of an in-
7 surer.

8 “(b)(1) Whoever—

9 “(A) acting as, or being an officer, director,
10 agent, or employee of, any person engaged in the
11 business of insurance whose activities affect inter-
12 state commerce, or

13 “(B) is engaged in the business of insurance
14 whose activities affect interstate commerce or is in-
15 volved (other than as an insured or beneficiary
16 under a policy of insurance) in a transaction relating
17 to the conduct of affairs of such a business,

18 willfully embezzles, abstracts, purloins, or misappropriates
19 any of the moneys, funds, premiums, credits, or other
20 property of such person so engaged shall be punished as
21 provided in paragraph (2).

22 “(2) The punishment for an offense under paragraph
23 (1) is a fine as provided under this title or imprisonment
24 for not more than 10 years, or both, except that if such
25 embezzlement, abstraction, purloining, or misappropria-

1 tion described in paragraph (1) jeopardizes the safety and
2 soundness of an insurer, such imprisonment shall be not
3 more than 15 years. If the amount or value so embezzled,
4 abstracted, purloined, or misappropriated does not exceed
5 \$5,000, whoever violates paragraph (1) shall be fined as
6 provided in this title or imprisoned not more than one
7 year, or both.

8 “(c)(1) Whoever is engaged in the business of insur-
9 ance and whose activities affect interstate commerce or is
10 involved (other than as an insured or beneficiary under
11 a policy of insurance) in a transaction relating to the con-
12 duct of affairs of such a business, knowingly makes any
13 false entry of material fact in any book, report, or state-
14 ment of such person engaged in the business of insurance
15 with intent to—

16 “(A) deceive any person about the financial
17 condition or solvency of such business, or

18 “(B) deceive any officer, employee, or agent of
19 such person engaged in the business of insurance,
20 any insurance regulatory official or agency, or any
21 agent or examiner appointed by such official or
22 agency to examine the affairs of such person about
23 the financial condition or solvency of such business,
24 shall be punished as provided in paragraph (2).

1 “(2) The punishment for an offense under paragraph
2 (1) is a fine as provided under this title or imprisonment
3 for not more than 10 years, or both, except that if the
4 false entry in any book, report, or statement of such per-
5 son jeopardizes the safety and soundness of an insurer,
6 such imprisonment shall be not more than 15 years.

7 “(d) Whoever, by threats or force or by any threaten-
8 ing letter or communication, corruptly influences, ob-
9 structs, or impedes or endeavors corruptly to influence, ob-
10 struct, or impede the due and proper administration of
11 the law under which any proceeding involving the business
12 of insurance whose activities affect interstate commerce
13 is pending before any insurance regulatory official or
14 agency or any agent or examiner appointed by such official
15 or agency to examine the affairs of a person engaged in
16 the business of insurance whose activities affect interstate
17 commerce, shall be fined as provided in this title or impris-
18 oned not more than 10 years, or both.

19 “(e)(1)(A) Any individual who has been convicted of
20 any criminal felony involving dishonesty or a breach of
21 trust, or who has been convicted of an offense under this
22 section, and who willfully engages in the business of insur-
23 ance whose activities affect interstate commerce or partici-
24 pates in such business, shall be fined as provided in this
25 title or imprisoned not more than 5 years, or both.

1 “(B) Any individual who is engaged in the business
2 of insurance whose activities affect interstate commerce
3 and who willfully permits the participation described in
4 subparagraph (A) shall be fined as provided in this title
5 or imprisoned not more than 5 years, or both.

6 “(2) A person described in paragraph (1)(A) may en-
7 gage in the business of insurance or participate in such
8 business if such person has the written consent of any in-
9 surance regulatory official authorized to regulate the in-
10 surer, which consent specifically refers to this subsection.

11 “(f) As used in this section—

12 “(1) the term ‘business of insurance’ means—

13 “(A) the writing of insurance, or

14 “(B) the reinsuring of risks,

15 by an insurer, including all acts necessary or inci-
16 dental to such writing or reinsuring and the activi-
17 ties of persons who act as, or are, officers, directors,
18 agents, or employees of insurers or who are other
19 persons authorized to act on behalf of such persons;

20 “(2) the term ‘insurer’ means any entity the
21 business activity of which is the writing of insurance
22 or the reinsuring of risks or any receiver or similar
23 official or any liquidating agent for such an entity,
24 in his or her capacity as such, and includes any per-

1 son who acts as, or is, an officer, director, agent, or
2 employee of that business;

3 “(3) the term ‘interstate commerce’ means—

4 “(A) commerce within the District of Co-
5 lumbia, or any territory or possession of the
6 United States;

7 “(B) all commerce between any point in
8 the State, territory, possession, or the District
9 of Columbia and any point outside thereof;

10 “(C) all commerce between points within
11 the same State through any place outside such
12 State; or

13 “(D) all other commerce over which the
14 United States has jurisdiction; and

15 “(4) the term ‘State’ includes any State, the
16 District of Columbia, the Commonwealth of Puerto
17 Rico, the Northern Mariana Islands, the Virgin Is-
18 lands, American Samoa, and the Trust Territory of
19 the Pacific Islands.

20 **“§ 1034. Civil penalties and injunctions for violations**
21 **of section 1033**

22 “(a) The Attorney General may bring a civil action
23 in the appropriate United States district court against any
24 person who engages in conduct constituting an offense
25 under section 1033 and, upon proof of such conduct by

1 a preponderance of the evidence, such person shall be sub-
2 ject to a civil penalty of not more than \$50,000 for each
3 violation or the amount of compensation which the person
4 received or offered for the prohibited conduct, whichever
5 amount is greater. If the offense has contributed to the
6 decision of a court of appropriate jurisdiction to issue an
7 order directing the conservation, rehabilitation, or liquida-
8 tion of an insurer, such penalty shall be remitted to the
9 regulatory official for the benefit of the policyholders,
10 claimants, and creditors of such insurer. The imposition
11 of a civil penalty under this subsection does not preclude
12 any other criminal or civil statutory, common law, or ad-
13 ministrative remedy, which is available by law to the
14 United States or any other person.

15 “(b) If the Attorney General has reason to believe
16 that a person is engaged in conduct constituting an of-
17 fense under section 1033, the Attorney General may peti-
18 tion an appropriate United States district court for an
19 order prohibiting that person from engaging in such con-
20 duct. The court may issue an order prohibiting that person
21 from engaging in such conduct if the court finds that the
22 conduct constitutes such an offense. The filing of a peti-
23 tion under this section does not preclude any other remedy
24 which is available by law to the United States or any other
25 person.”.

1 (b) TECHNICAL AMENDMENT.—The chapter analysis
2 for chapter 47 of title 18, United States Code, is amended
3 by adding at the end the following new items:

“1033. Crimes by or affecting persons engaged in the business of insurance
whose activities affect interstate commerce.

“1034. Civil penalties and injunctions for violations of section 1033.”.

4 (c) MISCELLANEOUS AMENDMENTS TO TITLE 18,
5 UNITED STATES CODE.—

6 (1) TAMPERING WITH INSURANCE REGULATORY
7 PROCEEDINGS.—Section 1515(a)(1) of title 18,
8 United States Code, is amended—

9 (A) by striking “or” at the end of subpara-
10 graph (B);

11 (B) by inserting “or” at the end of sub-
12 paragraph (C); and

13 (C) by adding at the end the following new
14 subparagraph:

15 “(D) a proceeding involving the business of
16 insurance whose activities affect interstate com-
17 merce before any insurance regulatory official
18 or agency or any agent or examiner appointed
19 by such official or agency to examine the affairs
20 of any person engaged in the business of insur-
21 ance whose activities affect interstate com-
22 merce;”.

1 (2) LIMITATIONS.—Section 3293 of title 18,
2 United States Code, is amended by inserting
3 “1033,” after “1014,”.

4 (3) OBSTRUCTION OF CRIMINAL INVESTIGA-
5 TIONS.—Section 1510 of title 18, United States
6 Code, is amended by adding at the end the following
7 new subsection:

8 “(d)(1) Whoever—

9 “(A) acting as, or being, an officer, director,
10 agent or employee of a person engaged in the busi-
11 ness of insurance whose activities affect interstate
12 commerce, or

13 “(B) is engaged in the business of insurance
14 whose activities affect interstate commerce or is in-
15 volved (other than as an insured or beneficiary
16 under a policy of insurance) in a transaction relating
17 to the conduct of affairs of such a business,

18 with intent to obstruct a judicial proceeding, directly or
19 indirectly notifies any other person about the existence or
20 contents of a subpoena for records of that person engaged
21 in such business or information that has been furnished
22 to a Federal grand jury in response to that subpoena, shall
23 be fined as provided by this title or imprisoned not more
24 than 5 years, or both.

1 “(2) As used in paragraph (1), the term ‘subpoena
2 for records’ means a Federal grand jury subpoena for
3 records that has been served relating to a violation of, or
4 a conspiracy to violate, section 1033 of this title.”.

5 **SEC. 2102. CONSUMER PROTECTION AGAINST CREDIT CARD**
6 **FRAUD ACT OF 1993.**

7 (a) SHORT TITLE.—This section may be cited as the
8 “Consumer Protection Against Credit Card Fraud Act of
9 1993”.

10 (b) FRAUD AND RELATED ACTIVITY IN CONNECTION
11 WITH ACCESS DEVICES.—Section 1029 of title 18, United
12 States Code, is amended in subsection (a) by inserting
13 after paragraph (4) the following new paragraphs:

14 “(5) knowingly and with intent to defraud ef-
15 fects transactions, with one or more access devices
16 issued to another person or persons, to receive pay-
17 ment or any other thing of value during any one-
18 year period the aggregate value of which is equal to
19 or greater than \$1,000;

20 “(6) without the authorization of the issuer of
21 the access device, knowingly and with intent to de-
22 fraud solicits a person for the purpose of—

23 “(A) offering an access device; or

24 “(B) selling information regarding or an
25 application to obtain an access device; or

1 “(7) without the authorization of the credit
2 card system member or its agent, knowingly and
3 with intent to defraud causes or arranges for an-
4 other person to present to the member or its agent,
5 for payment, one or more evidences or records of
6 transactions made by an access device;”.

7 (c) TECHNICAL AMENDMENTS.—Section 1029 of title
8 18, United States Code, as amended by subsection (b),
9 is amended—

10 (1) in subsection (a) by striking “or” at the end
11 of paragraph (3);

12 (2) in subsection (c)(1) by striking “(a)(2) or
13 (a)(3)” and inserting “(a) (2), (3), (5), (6), or (7)”;
14 and

15 (3) in subsection (e) by—

16 (A) striking “and” at the end of paragraph
17 (5);

18 (B) adding “and” at the end of paragraph
19 (6); and

20 (C) adding at the end thereof the following
21 new paragraph:

22 “(7) the term ‘credit card system member’
23 means a financial institution or other entity that is
24 a member of a credit card system, including an en-
25 tity, whether it is affiliated with or identical to the

1 credit card issuer, that is the sole member of a cred-
2 it card system.”.

3 **SEC. 2103. MAIL FRAUD.**

4 Section 1341 of title 18, United States Code, is
5 amended—

6 (1) by inserting “or deposits or causes to be de-
7 posited any matter or thing whatever to be sent or
8 delivered by any private or commercial interstate
9 carrier,” after “Postal Service,”; and

10 (2) by inserting “or such carrier” after “causes
11 to be delivered by mail”.

12 **TITLE XXII—FINANCIAL INSTITU-**
13 **TION FRAUD PROSECUTIONS**

14 **SEC. 2201. SHORT TITLE.**

15 This title may be cited as the “Financial Institutions
16 Fraud Prosecution Act of 1991”.

17 **SEC. 2202. FEDERAL DEPOSIT INSURANCE ACT AMEND-**
18 **MENT.**

19 Section 19(a) of the Federal Deposit Insurance Act
20 (12 U.S.C. 1829(a)) is amended in paragraph
21 (2)(A)(i)(I)—

22 (1) by striking “or 1956”; and

23 (2) by inserting “1517, 1956, or 1957”.

1 **SEC. 2203. FEDERAL CREDIT UNION ACT AMENDMENTS.**

2 Section 205(d) of the Federal Credit Union Act (12
3 U.S.C. 1785(d)) is amended to read as follows:

4 “(d) PROHIBITION.—

5 “(1) IN GENERAL.—Except with prior written
6 consent of the Board—

7 “(A) any person who has been convicted of
8 any criminal offense involving dishonesty or a
9 breach of trust, or has agreed to enter into a
10 pretrial diversion or similar program in connec-
11 tion with a prosecution for such offense, may
12 not—

13 “(i) become, or continue as, an insti-
14 tution-affiliated party with respect to any
15 insured credit union; or

16 “(ii) otherwise participate, directly or
17 indirectly, in the conduct of the affairs of
18 any insured credit union; and

19 “(B) any insured credit union may not
20 permit any person referred to in subparagraph
21 (A) to engage in any conduct or continue any
22 relationship prohibited under such subpara-
23 graph.

24 “(2) MINIMUM 10-YEAR PROHIBITION PERIOD
25 FOR CERTAIN OFFENSES.—

1 “(A) IN GENERAL.—If the offense referred
2 to in paragraph (1)(A) in connection with any
3 person referred to in such paragraph is—

4 “(i) an offense under—

5 “(I) section 215, 656, 657, 1005,
6 1006, 1007, 1008, 1014, 1032, 1344,
7 1517, 1956, or 1957 of title 18,
8 United States Code; or

9 “(II) section 1341 or 1343 of
10 such title which affects any financial
11 institution (as defined in section 20 of
12 such title); or

13 “(ii) the offense of conspiring to com-
14 mit any such offense,

15 the Board may not consent to any exception to
16 the application of paragraph (1) to such person
17 during the 10-year period beginning on the date
18 the conviction or the agreement of the person
19 becomes final.

20 “(B) EXCEPTION BY ORDER OF SENTENC-
21 ING COURT.—

22 “(i) IN GENERAL.—On motion of the
23 Board, the court in which the conviction or
24 the agreement of a person referred to in
25 subparagraph (A) has been entered may

1 grant an exception to the application of
2 paragraph (1) to such person if granting
3 the exception is in the interest of justice.

4 “(ii) PERIOD FOR FILING.—A motion
5 may be filed under clause (i) at any time
6 during the 10-year period described in sub-
7 paragraph (A) with regard to the person
8 on whose behalf such motion is made.

9 “(3) PENALTY.—Whoever knowingly violates
10 paragraph (1) or (2) shall be fined not more than
11 \$1,000,000 for each day such prohibition is violated
12 or imprisoned for not more than 5 years, or both.”.

13 **SEC. 2204. CRIME CONTROL ACT AMENDMENT.**

14 Section 2546 of the Crime Control Act of 1990 (Pub-
15 lic Law 101–647, 104 Stat. 4885) is amended by adding
16 at the end the following new subsection:

17 “(c) FRAUD TASK FORCES REPORT.—In addition to
18 the reports required under subsection (a), the Attorney
19 General is encouraged to submit a report to the Congress
20 containing the findings of the financial institutions fraud
21 task forces established under section 2539 as they relate
22 to the collapse of private deposit insurance corporations,
23 together with recommendations for any regulatory or leg-
24 islative changes necessary to prevent such collapses in the
25 future.”.

1 **TITLE XXIII—SAVINGS AND LOAN**
2 **PROSECUTION TASK FORCE**

3 **SEC. 2301. SAVINGS AND LOAN PROSECUTION TASK FORCE.**

4 The Attorney General shall establish within the Jus-
5 tice Department a savings and loan criminal fraud task
6 force to prosecute in an aggressive manner those criminal
7 cases involving savings and loan institutions.

8 **TITLE XXIV—SENTENCING**
9 **PROVISIONS**

10 **SEC. 2401. IMPOSITION OF SENTENCE.**

11 Section 3553(a)(4) of title 18, United States Code,
12 is amended to read as follows:

13 “(4) the kinds of sentence and the sentencing
14 range established for—

15 “(A) the applicable category of offense
16 committed by the applicable category of defend-
17 ant as set forth in the guidelines issued by the
18 Sentencing Commission pursuant to section
19 994(a)(1) of title 28, United States Code, and
20 that are in effect on the date the defendant is
21 sentenced; or

22 “(B) in the case of a violation of probation
23 or supervised release, the applicable guidelines
24 or policy statements issued by the Sentencing

1 Commission pursuant to section 994(a)(3) of
2 title 28, United States Code;”.

3 **SEC. 2402. TECHNICAL AMENDMENT TO MANDATORY CON-**
4 **DITIONS OF PROBATION.**

5 Section 3563(a)(3) of title 18, United States Code,
6 is amended by striking “possess illegal controlled sub-
7 stances” and inserting “unlawfully possess a controlled
8 substance”.

9 **SEC. 2403. SUPERVISED RELEASE AFTER IMPRISONMENT.**

10 Section 3583 of title 18, United States Code, is
11 amended—

12 (1) in subsection (d), by striking “possess ille-
13 gal controlled substances” and inserting “unlawfully
14 possess a controlled substance”;

15 (2) in subsection (e)—

16 (A) by striking “person” each place such
17 term appears in such subsection and inserting
18 “defendant”; and

19 (B) by amending paragraph (3) to read as
20 follows:

21 “(3) revoke a term of supervised release, and
22 require the defendant to serve in prison all or part
23 of the term of supervised release authorized by stat-
24 ute for the offense that resulted in such term of su-
25 pervised release without credit for time previously

1 served on postrelease supervision, if the court, pur-
2 suant to the Federal Rules of Criminal Procedure
3 applicable to revocation of probation or supervised
4 release, finds by a preponderance of the evidence
5 that the defendant violated a condition of supervised
6 release, except that a defendant whose term is re-
7 voked under this paragraph may not be required to
8 serve more than 5 years in prison if the offense that
9 resulted in the term of supervised release is a class
10 A felony, more than 3 years in prison if such offense
11 is a class B felony, more than 2 years in prison if
12 such offense is a class C or D felony, or more than
13 one year in any other case; or”;

14 (3) by adding at the end the following new
15 subsections:

16 “(h) SUPERVISED RELEASE FOLLOWING REVOCA-
17 TION.—When a term of supervised release is revoked and
18 the defendant is required to serve a term of imprisonment
19 that is less than the maximum term of imprisonment au-
20 thorized under subsection (e)(3), the court may include
21 a requirement that the defendant be placed on a term of
22 supervised release after imprisonment. The length of such
23 a term of supervised release shall not exceed the term of
24 supervised release authorized by statute for the offense
25 that resulted in the original term of supervised release,

1 less any term of imprisonment that was imposed upon rev-
2 ocation of supervised release.

3 “(i) DELAYED REVOCATION.—The power of the court
4 to revoke a term of supervised release for violation of a
5 condition of supervised release, and to order the defendant
6 to serve a term of imprisonment and, subject to the limita-
7 tions in subsection (h), a further term of supervised re-
8 lease, extends beyond the expiration of the term of super-
9 vised release for any period reasonably necessary for the
10 adjudication of matters arising before its expiration if, be-
11 fore its expiration, a warrant or summons has been issued
12 on the basis of an allegation of such a violation.”.

13 **SEC. 2404. FLEXIBILITY IN APPLICATION OF MANDATORY**
14 **MINIMUM SENTENCE PROVISIONS IN CER-**
15 **TAIN CIRCUMSTANCES.**

16 (a) AMENDMENT OF TITLE 18, UNITED STATES
17 CODE.—Section 3553 of title 18, United States Code, is
18 amended by adding at the end the following new sub-
19 section:

20 “(f) EXCEPTION TO CERTAIN STATUTORY MINIMUM
21 SENTENCING PROVISIONS.—

22 “(1) SENTENCING UNDER THIS SECTION.—In
23 the case of an offense described in paragraph (2),
24 the court shall, notwithstanding the requirement of
25 a mandatory minimum sentence, impose a sentence

1 in accordance with this section and the sentencing
2 guidelines and any pertinent policy statement issued
3 by the United States Sentencing Commission.

4 “(2) OFFENSES.—An offense is described in
5 this paragraph if—

6 “(A) the defendant is subject to a manda-
7 tory minimum term of imprisonment for violat-
8 ing, attempting to violate, or conspiring to vio-
9 late sections 401 or 404 of the Controlled Sub-
10 stances Act (21 U.S.C. 841 and 844) or section
11 1010 of the Controlled Substances Import and
12 Export Act (21 U.S.C. 960);

13 “(B) the defendant does not have more
14 than 1 criminal history point under the sentenc-
15 ing guidelines;

16 “(C) the defendant did not cause, attempt
17 to cause, or credibly threaten to cause the death
18 of, or serious bodily injury to, any person dur-
19 ing the course of the offense;

20 “(D) the defendant did not carry or other-
21 wise possess a firearm or explosive during the
22 course of the offense and did not direct another
23 person to do so;

24 “(E) the defendant was not an organizer,
25 leader, manager, or supervisor of others (as de-

1 terminated under the sentencing guidelines) in
2 the offense; and

3 “(F) the offense did not result in death or
4 serious bodily injury as a result of—

5 “(i) the use of the controlled sub-
6 stance; or

7 “(ii) the act of any person which was
8 reasonably foreseeable and for which the
9 defendant is legally accountable.”.

10 (b) CONFORMING AMENDMENTS.—(1) Section
11 401(b) of the Controlled Substances Act (21 U.S.C.
12 841(b)) is amended by inserting “or section 3553(f) of
13 title 18, United States Code,” after “420 of this title”
14 the first time it appears.

15 (2) Section 404(a) of the Controlled Substances Act
16 (21 U.S.C. 844(a)) is amended by striking the penultimate
17 sentence and inserting the following: “A mandatory mini-
18 mum sentence required by this section shall not apply in
19 the case of a person subject to section 3553(f) of title 18,
20 United States Code.”.

21 (3) Section 1010(a) of the Controlled Substances Im-
22 port and Export Act (21 U.S.C. 960(a)) is amended by
23 inserting “, except as provided in section 3553(f) of title
24 18, United States Code” before the period.

1 (4) Section 411(a) of the Controlled Substances Act
2 (21 U.S.C. 851(a)) is amended by adding at the end there-
3 of the following new paragraph:

4 “(3) This section shall not apply to any determination
5 of a defendant’s criminal history under the sentencing
6 guidelines, including any determination of criminal history
7 that, under section 3553(f) of title 18, United States
8 Code, disqualifies the defendant from consideration for a
9 sentence below an otherwise applicable mandatory mini-
10 mum.”.

11 (c) HARMONIZATION.—The United States Sentencing
12 Commission—

13 (1) may make such amendments as it deems
14 necessary and appropriate to harmonize the sentenc-
15 ing guidelines and policy statements with section
16 3553(f) of title 18, United States Code, as added by
17 subsection (a), and promulgate policy statements to
18 assist the courts in interpreting that provision;

19 (2) shall review the consideration of defendants’
20 criminal histories under the guidelines and make
21 such amendments to the sentencing guidelines and
22 policy statements as the Commission determines nec-
23 essary and appropriate to ensure that—

24 (A) defendants with significant criminal
25 histories resulting from foreign convictions are

1 sentenced commensurate with the seriousness of
2 their prior criminal records to the extent that
3 consideration of such foreign convictions is con-
4 stitutional and practical;

5 (B) defendants with juvenile adjudications
6 involving significant acts of misconduct are sen-
7 tenced commensurate with the seriousness of
8 such misconduct to the extent that consider-
9 ation of such misconduct is practical and rel-
10 evant to the purposes of sentencing; and

11 (C) the assignment to a defendant of a sin-
12 gle criminal history point adequately reflects
13 the seriousness of such a defendant's prior
14 criminal conduct; and

15 (3) may promulgate any such amendments
16 under the procedures set forth in section 21(a) of
17 the Sentencing Act of 1987 (Public Law 100-182;
18 101 Stat. 1271), as though the authority under that
19 section had not expired.

20 (d) SENTENCING COMMISSION STUDY.—The United
21 States Sentencing Commission shall monitor the operation
22 of this Act and the amendments made by this Act and,
23 not later than 18 months following the date of enactment
24 of this Act, provide a report to Congress describing—

25 (1) sentences imposed under the Act;

1 (1) in subsection (b) by adding “other than a
2 petty offense” after “misdemeanor”; and

3 (2) in subsection (g) by amending the first sen-
4 tence to read as follows: “The magistrate judge may,
5 in a petty offense case involving a juvenile, exercise
6 all powers granted to the district court under chap-
7 ter 403 of this title.”.

8 **TITLE XXVI—COMPUTER CRIME**

9 **SEC. 2601. COMPUTER ABUSE AMENDMENTS ACT OF 1993.**

10 (a) SHORT TITLE.—This title may be cited as the
11 “Computer Abuse Amendments Act of 1993”.

12 (b) PROHIBITION.—Section 1030(a)(5) of title 18,
13 United States Code, is amended to read as follows:

14 “(5)(A) through means of a computer used in
15 interstate commerce or communications, knowingly
16 causes the transmission of a program, information,
17 code, or command to a computer or computer sys-
18 tem if—

19 “(i) the person causing the transmission
20 intends that such transmission will—

21 “(I) damage, or cause damage to, a
22 computer, computer system, network, in-
23 formation, data, or program; or

24 “(II) withhold or deny, or cause the
25 withholding or denial, of the use of a com-

1 puter, computer services, system or net-
2 work, information, data or program; and

3 “(ii) the transmission of the harmful com-
4 ponent of the program, information, code, or
5 command—

6 “(I) occurred without the knowledge
7 and authorization of the persons or entities
8 who own or are responsible for the com-
9 puter system receiving the program, infor-
10 mation, code, or command; and

11 “(II)(aa) causes loss or damage to one
12 or more other persons of value aggregating
13 \$1,000 or more during any 1-year period;
14 or

15 “(bb) modifies or impairs, or poten-
16 tially modifies or impairs, the medical ex-
17 amination, medical diagnosis, medical
18 treatment, or medical care of one or more
19 individuals; or

20 “(B) through means of a computer used in
21 interstate commerce or communication, knowingly
22 causes the transmission of a program, information,
23 code, or command to a computer or computer sys-
24 tem—

1 “(i) with reckless disregard of a substan-
2 tial and unjustifiable risk that the transmission
3 will—

4 “(I) damage, or cause damage to, a
5 computer, computer system, network, in-
6 formation, data or program; or

7 “(II) withhold or deny or cause the
8 withholding or denial of the use of a com-
9 puter, computer services, system, network,
10 information, data or program; and

11 “(ii) if the transmission of the harmful
12 component of the program, information, code,
13 or command—

14 “(I) occurred without the knowledge
15 and authorization of the persons or entities
16 who own or are responsible for the com-
17 puter system receiving the program, infor-
18 mation, code, or command; and

19 “(II)(aa) causes loss or damage to one
20 or more other persons of a value aggregat-
21 ing \$1,000 or more during any 1-year pe-
22 riod; or

23 “(bb) modifies or impairs, or poten-
24 tially modifies or impairs, the medical ex-
25 amination, medical diagnosis, medical

1 treatment, or medical care of one or more
2 individuals;”.

3 (c) PENALTY.—Section 1030(c) of title 18, United
4 States Code is amended—

5 (1) in paragraph (2)(B) by striking “and” after
6 the semicolon;

7 (2) in paragraph (3)(A) by inserting “(A)”
8 after “(a)(5)”; and

9 (3) in paragraph (3)(B) by striking the period
10 at the end thereof and inserting “; and”; and

11 (4) by adding at the end thereof the following:

12 “(4) a fine under this title or imprisonment for
13 not more than 1 year, or both, in the case of an of-
14 fense under subsection (a)(5)(B).”.

15 (d) CIVIL ACTION.—Section 1030 of title 18, United
16 States Code, is amended by adding at the end thereof the
17 following new subsection:

18 “(g) Any person who suffers damage or loss by rea-
19 son of a violation of the section, other than a violation
20 of subsection (a)(5)(B), may maintain a civil action
21 against the violator to obtain compensatory damages and
22 injunctive relief or other equitable relief. Damages for
23 violations of any subsection other than subsection
24 (a)(5)(A)(ii)(II)(bb) or (a)(5)(B)(ii)(II)(bb) are limited to
25 economic damages. No action may be brought under this

1 subsection unless such action is begun within 2 years of
2 the date of the act complained of or the date of the discov-
3 ery of the damage.”.

4 (e) REPORTING REQUIREMENTS.—Section 1030 of
5 title 18 United States Code, is amended by adding at the
6 end thereof the following new subsection:

7 “(h) The Attorney General and the Secretary of the
8 Treasury shall report to the Congress annually, during the
9 first 3 years following the date of the enactment of this
10 subsection, concerning investigations and prosecutions
11 under section 1030(a)(5) of title 18, United States
12 Code.”.

13 (f) PROHIBITION.—Section 1030(a)(3) of title 18
14 United States Code, is amended by inserting “adversely”
15 before “affects the use of the Government’s operation of
16 such computer”.

17 **TITLE XXVII—INTERNATIONAL**
18 **PARENTAL KIDNAPPING**

19 **SEC. 2701. SHORT TITLE.**

20 This subtitle may be cited as the “International Pa-
21 rental Kidnapping Crime Act of 1993”.

22 **SEC. 2702. TITLE 18 AMENDMENT.**

23 (a) IN GENERAL.—Chapter 55 (relating to kidnap-
24 ping) of title 18, United States Code, is amended by add-
25 ing at the end the following new section:

1 **“§ 1204. International parental kidnapping**

2 “(a) DEFINITIONS.—In this section—

3 “‘child’ means a person who has not attained
4 the age of 16 years.

5 “‘parental rights’, with respect to a child,
6 means the right to physical custody of the child—

7 “(A) whether joint or sole (and includes
8 visiting rights); and

9 “(B) whether arising by operation of law,
10 court order, or legally binding agreement of the
11 parties.

12 “(b) OFFENSE.—A person who removes a child from
13 the United States or retains a child (who has been in the
14 United States) outside the United States with intent to
15 obstruct the lawful exercise of parental rights shall be
16 fined under this title, imprisoned not more than 3 years,
17 or both.

18 “(c) AFFIRMATIVE DEFENSES.—It shall be an af-
19 firmative defense under this section that—

20 “(1) the defendant acted within the provisions
21 of a valid court order granting the defendant legal
22 custody or visitation rights, and that order was ob-
23 tained pursuant to the Uniform Child Custody Ju-
24 risdiction Act and was in effect at the time of the
25 offense;

1 “(2) the defendant was fleeing an incidence or
2 pattern of domestic violence; or

3 “(3) the defendant had physical custody of the
4 child pursuant to a court order granting legal cus-
5 tody or visitation rights and failed to return the
6 child as a result of circumstances beyond the defend-
7 ant’s control, and the defendant notified or made
8 reasonable attempts to notify the other parent or
9 lawful custodian of the child of such circumstances
10 within 24 hours after the visitation period had ex-
11 pired and returned the child as soon as possible.

12 “(d) RULE OF CONSTRUCTION.—This section does
13 not detract from The Hague Convention on the Civil As-
14 pects of International Parental Child Abduction, done at
15 The Hague on October 25, 1980.”.

16 (b) SENSE OF THE CONGRESS.—It is the sense of
17 the Congress that, inasmuch as use of the procedures
18 under The Hague Convention on the Civil Aspects of
19 International Parental Child Abduction has resulted in the
20 return of many children, those procedures, in cir-
21 cumstances in which they are applicable, should be the op-
22 tion of first choice for a parent who seeks the return of
23 a child who has been removed from the parent.

1 (c) TECHNICAL AMENDMENT.—The chapter analysis
2 for chapter 55 of title 18, United States Code, is amended
3 by adding at the end the following new item:

“1204. International parental kidnapping.”.

4 **SEC. 2703. STATE COURT PROGRAMS REGARDING INTER-**
5 **STATE AND INTERNATIONAL PARENTAL**
6 **CHILD ABDUCTION.**

7 There is authorized to be appropriated \$250,000 to
8 carry out under the State Justice Institute Act of 1984
9 (42 U.S.C. 10701 et seq.) national, regional, and in-State
10 training and educational programs dealing with criminal
11 and civil aspects of interstate and international parental
12 child abduction.

13 **TITLE XXVIII—SAFE SCHOOLS**

14 **SEC. 2801. SHORT TITLE.**

15 This title may be cited as the “Safe Schools Act of
16 1993”.

17 **SEC. 2802. SAFE SCHOOLS.**

18 (a) IN GENERAL.—Title I of the Omnibus Crime
19 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
20 et seq.), as amended by section 1204(a), is amended—

21 (1) by redesignating part W as part X;

22 (2) by redesignating section 2301 as section
23 2401; and

24 (3) by inserting after part V the following new
25 part:

1 **“PART W—SAFE SCHOOLS ASSISTANCE**

2 **“SEC. 2301. GRANT AUTHORIZATION.**

3 “(a) IN GENERAL.—The Director of the Bureau of
4 Justice Assistance, in consultation with the Secretary of
5 Education, may make grants to local educational agencies
6 for the purpose of providing assistance to such agencies
7 most directly affected by crime and violence.

8 “(b) MODEL PROJECT.—The Director, in consulta-
9 tion with the Secretary of Education, shall develop a writ-
10 ten safe schools model in English and in other appropriate
11 languages in a timely fashion and make such model avail-
12 able to any local educational agency that requests such
13 information.

14 **“SEC. 2302. USE OF FUNDS.**

15 “Grants made by the Director under this part shall
16 be used—

17 “(1) to fund anticrime and safety measures and
18 to develop education and training programs for the
19 prevention of crime, violence, and illegal drugs and
20 alcohol;

21 “(2) for counseling programs for victims of
22 crime within schools;

23 “(3) for crime prevention equipment, including
24 metal detectors and video-surveillance devices; and

1 “(4) for the prevention and reduction of the
2 participation of young individuals in organized crime
3 and drug and gang-related activities in schools.

4 **“SEC. 2303. APPLICATIONS.**

5 “(a) IN GENERAL.—In order to be eligible to receive
6 a grant under this part for any fiscal year, a local edu-
7 cational agency shall submit an application to the Director
8 in such form and containing such information as the Di-
9 rector may reasonably require.

10 “(b) REQUIREMENTS.—Each application under sub-
11 section (a) shall include—

12 “(1) a request for funds for the purposes de-
13 scribed in section 2302;

14 “(2) a description of the schools and commu-
15 nities to be served by the grant, including the nature
16 of the crime and violence problems within such
17 schools;

18 “(3) assurances that Federal funds received
19 under this part shall be used to supplement, not
20 supplant, non-Federal funds that would otherwise be
21 available for activities funded under this part; and

22 “(4) statistical information in such form and
23 containing such information that the Director may
24 require regarding crime within schools served by
25 such local educational agency.

1 “(c) COMPREHENSIVE PLAN.—Each application shall
2 include a comprehensive plan that shall contain—

3 “(1) a description of the crime problems within
4 the schools targeted for assistance;

5 “(2) a description of the projects to be devel-
6 oped;

7 “(3) a description of the resources available in
8 the community to implement the plan together with
9 a description of the gaps in the plan that cannot be
10 filed with existing resources;

11 “(4) an explanation of how the requested grant
12 will be used to fill gaps;

13 “(5) a description of the system the applicant
14 will establish to prevent and reduce crime problems;
15 and

16 “(6) a description of educational materials to be
17 developed in Spanish.

18 **“SEC. 2304. ALLOCATION OF FUNDS; LIMITATIONS ON**
19 **GRANTS.**

20 “(a) ADMINISTRATIVE COST LIMITATION.—The Di-
21 rector shall use not more than 5 percent of the funds avail-
22 able under this part for the purposes of administration
23 and technical assistance.

24 “(b) RENEWAL OF GRANTS.—A grant under this
25 part may be renewed for up to 2 additional years after

1 the first fiscal year during which the recipient receives its
2 initial grant under this part, subject to the availability of
3 funds, if—

4 “(1) the Director determines that the funds
5 made available to the recipient during the previous
6 year were used in a manner required under the ap-
7 proved application; and

8 “(2) the Director determines that an additional
9 grant is necessary to implement the crime prevention
10 program described in the comprehensive plan as re-
11 quired by section 2303(c).

12 **“SEC. 2305. AWARD OF GRANTS.**

13 “(a) SELECTION OF RECIPIENTS.—The Director, in
14 consultation with the Secretary of Education, shall con-
15 sider the following factors in awarding grants to local edu-
16 cational agencies:

17 “(1) CRIME PROBLEM.—The nature and scope
18 of the crime problem in the targeted schools.

19 “(2) NEED AND ABILITY.—Demonstrated need
20 and evidence of the ability to provide the services de-
21 scribed in the plan required under section 2303(c).

22 “(3) POPULATION.—The number of students to
23 be served by the plan required under section
24 2303(c).

1 “(b) GEOGRAPHIC DISTRIBUTION.—The Director
2 shall attempt, to the extent practicable, to achieve an equi-
3 table geographic distribution of grant awards.

4 **“SEC. 2306. REPORTS.**

5 “(a) REPORT TO DIRECTOR.—Local educational
6 agencies that receive funds under this part shall submit
7 to the Director a report not later than March 1 of each
8 year that describes progress achieved in carrying out the
9 plan required under section 2303(c).

10 “(b) REPORT TO CONGRESS.—The Director shall
11 submit to the Committee on Education and Labor and the
12 Committee on the Judiciary a report by October 1 of each
13 year in which grants are made available under this part
14 which shall contain a detailed statement regarding grant
15 awards, activities of grant recipients, a compilation of sta-
16 tistical information submitted by applicants under
17 2303(b)(4), and an evaluation of programs established
18 under this part.

19 **“SEC. 2307. DEFINITIONS.**

20 “For the purposes of this part:

21 “(1) The term ‘Director’ means the Director of
22 the Bureau of Justice Assistance.

23 “(2) The term ‘local educational agency’ means
24 a public board of education or other public authority
25 legally constituted within a State for either adminis-

1 trative control or direction of, or to perform a serv-
 2 ice function for, public elementary and secondary
 3 schools in a city, county, township, school district, or
 4 other political subdivision of a State, or such com-
 5 bination of school districts of counties as are recog-
 6 nized in a State as an administrative agency for its
 7 public elementary and secondary schools. Such term
 8 includes any other public institution or agency hav-
 9 ing administrative control and direction of a public
 10 elementary or secondary school.”.

11 (b) TECHNICAL AMENDMENT.—The table of contents
 12 of title I of the Omnibus Crime Control and Safe Streets
 13 Act of 1968 (42 U.S.C. 3711 et seq.), as amended by sec-
 14 tion 1204(b), is amended by striking the matter relating
 15 to part W and inserting the following:

“PART W—SAFE SCHOOLS ASSISTANCE

“Sec. 2301. Grant authorization.

“Sec. 2302. Use of funds.

“Sec. 2303. Applications.

“Sec. 2304. Allocation of funds; limitations on grants.

“Sec. 2305. Award of grants.

“Sec. 2306. Reports.

“Sec. 2307. Definitions.

“PART X—TRANSITION; EFFECTIVE DATE; REPEALER

“Sec. 2401. Continuation of rules, authorities, and proceedings.”.

16 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
 17 1001(a) of the Omnibus Crime Control and Safe Streets
 18 Act of 1968 (42 U.S.C. 3793), as amended by section
 19 1204(d), is amended—

1 (1) in paragraph (3) by striking “and V” and
2 inserting “V, and W”; and

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

5 “(17) There are authorized to be appropriated to
6 carry out projects under part U \$100,000,000 for each
7 of fiscal years 1994, 1995, and 1996.”.

8 **TITLE XXIX—MISCELLANEOUS**
9 **Subtitle A—Increases in Penalties**

10 **SEC. 2901. INCREASED PENALTIES FOR ASSAULT.**

11 (a) CERTAIN OFFICERS AND EMPLOYEES.—Section
12 111 of title 18, United States Code, is amended—

13 (1) in subsection (a) by inserting “, where the
14 acts in violation of this section constitute only simple
15 assault, be fined under this title or imprisoned not
16 more than one year, or both, and in all other cases,”
17 after “shall”;

18 (2) in subsection (b) by inserting “or inflicts
19 bodily injury” after “weapon”.

20 (b) FOREIGN OFFICIALS, OFFICIAL GUESTS, AND
21 INTERNATIONALLY PROTECTED PERSONS.—Section
22 112(a) of title 18, United States Code, is amended—

23 (1) by striking “not more than \$5,000” and in-
24 serting “under this title”;

1 (2) by inserting “, or inflicts bodily injury,”
2 after “weapon”; and

3 (3) by striking “not more than \$10,000” and
4 inserting “under this title”.

5 (c) MARITIME AND TERRITORIAL JURISDICTION.—
6 Section 113 of title 18, United States Code, is amended—

7 (1) in subsection (c)—

8 (A) by striking “of not more than \$1,000”
9 and inserting “under this title”; and

10 (B) by striking “five” and inserting “ten”;
11 and

12 (2) in subsection (e)—

13 (A) by striking “of not more than \$300”
14 and inserting “under this title”; and

15 (B) by striking “three” and inserting
16 “six”.

17 (d) CONGRESS, CABINET, OR SUPREME COURT.—
18 Section 351(e) of title 18, United States Code, is amend-
19 ed—

20 (1) by striking “not more than \$5,000,” and in-
21 serting “under this title,”;

22 (2) by inserting “the assault involved in the use
23 of a dangerous weapon, or” after “if”;

24 (3) by striking “not more than \$10,000” and
25 inserting “under this title”; and

1 (4) by striking “for”.

2 (e) PRESIDENT AND PRESIDENT’S STAFF.—Section
3 1751(e) of title 18, United States Code, is amended—

4 (1) by striking “not more than \$10,000,” both
5 places it appears and inserting “under this title,”;

6 (2) by striking “not more than \$5,000,” and in-
7 serting “under this title,”; and

8 (3) by inserting “the assault involved the use of
9 a dangerous weapon, or” after “if”.

10 **SEC. 2902. INCREASED PENALTIES FOR MANSLAUGHTER.**

11 Section 1112 of title 18, United States Code, is
12 amended—

13 (1) in subsection (b)—

14 (A) by inserting “fined under this title or”
15 after “shall be” in the first undesignated para-
16 graph; and

17 (B) by inserting “, or both” after “years”;

18 (2) by striking “not more than \$1,000” and in-
19 serting “under this title”; and

20 (3) by striking “three” and inserting “six”.

21 **SEC. 2903. INCREASED PENALTIES FOR CIVIL RIGHTS VIO-**
22 **LATIONS.**

23 (a) CONSPIRACY AGAINST RIGHTS.—Section 241 of
24 title 18, United States Code, is amended—

1 (1) by striking “not more than \$10,000” and
2 inserting “under this title”;

3 (2) by inserting “from the acts committed in
4 violation of this section or if such acts include kid-
5 napping or an attempt to kidnap, aggravated sexual
6 abuse or an attempt to commit aggravated sexual
7 abuse, or an attempt to kill” after “results”;

8 (3) by striking “subject to imprisonment” and
9 inserting “fined under this title or imprisoned”; and

10 (4) by inserting “, or both” after “life”.

11 (b) DEPRIVATION OF RIGHTS.—Section 242 of title
12 18, United States Code, is amended—

13 (1) by striking “more more than \$1,000” and
14 inserting “under this title”;

15 (2) by inserting “from the acts committed in
16 violation of this section or if such acts include the
17 use, attempted use, or threatened use of a dangerous
18 weapon, explosives, or fire,” after “bodily injury re-
19 sults”;

20 (3) by inserting “from the acts committed in
21 violation of this section or if such acts include kid-
22 napping or an attempt to kidnap, aggravated sexual
23 abuse, or an attempt to commit aggravated sexual
24 abuse, or an attempt to kill, shall be fined under this
25 title, or” after “death results”;

1 (4) by striking “shall be subject to imprison-
2 ment” and inserting “imprisoned”; and

3 (5) by inserting “, or both” after “life”.

4 (c) FEDERALLY PROTECTED ACTIVITIES.—Section
5 245(b) of title 18, United States Code, is amended in the
6 matter following paragraph (5)—

7 (1) by striking “not more than \$1,000” and in-
8 serting “under this title”;

9 (2) by inserting “from the acts committed in
10 violation of this section or if such acts include the
11 use, attempted use, or threatened use of a dangerous
12 weapon, explosives, or fire” after “bodily injury re-
13 sults;

14 (3) by striking “not more than \$10,000” and
15 inserting “under this title”;

16 (4) by inserting “from the acts committed in
17 violation of this section or if such acts include kid-
18 napping or an attempt to kidnap, aggravated sexual
19 abuse or an attempt to commit aggravated sexual
20 abuse, or an attempt to kill,” after “death results”;

21 (5) by striking “subject to imprisonment” and
22 inserting “fined under this title or imprisoned”; and

23 (6) by inserting “, or both” after “life”.

24 (d) DAMAGE TO RELIGIOUS PROPERTY.—Section
25 247 of title 18, United States Code, is amended—

1 (1) in subsection (c)(1) by inserting “from acts
2 committed in violation of this section or if such acts
3 include kidnapping or an attempt to kidnap, aggra-
4 vated sexual abuse or an attempt to commit aggra-
5 vated sexual abuse, or an attempt to kill” after
6 “death results”;

7 (2) in subsection (c)(2)—

8 (A) by striking “serious”; and

9 (B) by inserting “from the acts committed
10 in violation of this section or if such acts in-
11 clude the use, attempted use, or threatened use
12 of a dangerous weapon, explosives, or fire”
13 after “bodily injury results”; and

14 (3) by amending subsection (e) to read as fol-
15 lows:

16 “(e) As used in this section, the term ‘religious prop-
17 erty’ means any church, synagogue, mosque, religious
18 cemetery, or other religious property.”.

19 (e) FAIR HOUSING ACT.—Section 901 of the Fair
20 Housing Act (42 U.S.C. 3631) is amended—

21 (1) in the caption by striking “bodily injury;
22 death;”;

23 (2) by striking “not more than \$1,000,” and in-
24 serting “under this title”;

1 (3) by inserting “from the acts committed in
2 violation of this section or if such acts include the
3 use, attempted use, or threatened use of a dangerous
4 weapon, explosives, or fire” after “bodily injury re-
5 sults”;

6 (4) by striking “not more than \$10,000,” and
7 inserting “under this title”;

8 (5) by inserting “from the acts committed in
9 violation of this section or if such acts include kid-
10 napping or an attempt to kidnap, aggravated sexual
11 abuse or an attempt to commit aggravated sexual
12 abuse, or an attempt to kill,” after “death results”;

13 (6) by striking “subject to imprisonment” and
14 inserting “fined under this title or imprisoned”; and

15 (7) by inserting “, or both” after “life”.

16 **SEC. 2904. INCREASED PENALTIES FOR TRAFFICKING IN**
17 **COUNTERFEIT GOODS AND SERVICES.**

18 (a) IN GENERAL.—Section 2320(a) of title 18, Unit-
19 ed States Code, is amended—

20 (1) in the first sentence by striking “imprisoned
21 not more than five years” and inserting “imprisoned
22 not more than 10 years”; and

23 (2) in the second sentence by striking “impris-
24 oned not more than fifteen years” and inserting
25 “imprisoned not more than 20 years”.

1 (b) LAUNDERING MONETARY INSTRUMENTS.—Sec-
2 tion 1956(c)(7)(D) of title 18, United States Code, is
3 amended by striking “or section 2319 (relating to copy-
4 right infringement),” and inserting “section 2319 (relat-
5 ing to copyright infringement), or section 2320 (relating
6 to trafficking in counterfeit goods and services),”.

7 **SEC. 2905. INCREASED PENALTY FOR CONSPIRACY TO COM-**
8 **MIT MURDER FOR HIRE.**

9 Section 1958(a) of title 18, United States Code, is
10 amended by inserting “or who conspires to do so” before
11 “shall be fined” the first place it appears.

12 **SEC. 2906. INCREASED PENALTIES FOR TRAVEL ACT VIOLA-**
13 **TIONS.**

14 Section 1952(a) of title 18, United States Code, is
15 amended by striking “and thereafter performs or attempts
16 to perform any of the acts specified in subparagraphs (1),
17 (2), and (3), shall be fined not more than \$10,000 or im-
18 prisoned for not more than 5 years, or both” and inserting
19 “and thereafter performs or attempts to perform (A) any
20 of the acts described in paragraphs (1) and (3) shall be
21 fined under this title, imprisoned for not more than 5
22 years, or both, or (B) any of the acts described in para-
23 graph (2) shall be fined under this title, imprisoned for
24 not more than 20 years, or both, and if death results shall
25 be imprisoned for any term of years or for life”.

1 **Subtitle B—Extension of**
2 **Protection of Civil Rights Statutes**

3 **SEC. 2911. EXTENSION OF PROTECTION OF CIVIL RIGHTS**
4 **STATUTES.**

5 (a) CONSPIRACY AGAINST RIGHTS.—Section 241 of
6 title 18, United States Code, is amended by striking “in-
7 habitant of” and inserting “person in”.

8 (b) DEPRIVATION OF RIGHTS UNDER COLOR OF
9 LAW.—Section 242 of title 18, United States Code, is
10 amended—

11 (1) by striking “inhabitant of” and inserting
12 “person in”; and

13 (2) by striking “such inhabitant” and inserting
14 “such person”.

15 **Subtitle C—Audit and Report**

16 **SEC. 2921. AUDIT REQUIREMENT FOR STATE AND LOCAL**
17 **LAW ENFORCEMENT AGENCIES RECEIVING**
18 **FEDERAL ASSET FORFEITURE FUNDS.**

19 (a) STATE REQUIREMENT.—Section 524(c)(7) of
20 title 28, United States Code, is amended to read as fol-
21 lows:

22 “(7)(A) The Fund shall be subject to annual
23 audit by the Comptroller General.

24 “(B) The Attorney General shall require that
25 any State or local law enforcement agency receiving

1 funds conduct an annual audit detailing the uses
2 and expenses to which the funds were dedicated and
3 the amount used for each use or expense and report
4 the results of the audit to the Attorney General.”.

5 (b) INCLUSION IN ATTORNEY GENERAL’S REPORT.—
6 Section 524(c)(6)(C) of title 28, United States Code, is
7 amended by adding at the end the following flush sen-
8 tence: “The report should also contain all annual audit
9 reports from State and local law enforcement agencies re-
10 quired to be reported to the Attorney General under sub-
11 paragraph (B) of paragraph (7).”.

12 **SEC. 2922. REPORT TO CONGRESS ON ADMINISTRATIVE**
13 **AND CONTRACTING EXPENSES.**

14 Section 524(c)(6) of title 28, United States Code, is
15 amended—

16 (1) by striking “and” at the end of subpara-
17 graph (B);

18 (2) by striking the period at the end of sub-
19 paragraph (C) and inserting “; and”; and

20 (3) by adding at the end the following new sub-
21 paragraph:

22 “(D) a report for such fiscal year containing a
23 description of the administrative and contracting ex-
24 penses paid from the Fund under paragraph
25 (1)(A).”.

Subtitle D—Gambling

1
2 **SEC. 2931. CRIMINAL HISTORY RECORD INFORMATION FOR**
3 **THE ENFORCEMENT OF LAWS RELATING TO**
4 **GAMING.**

5 A State gaming enforcement office located within a
6 State Attorney General's office may obtain from the Inter-
7 state Identification Index of the FBI criminal history
8 record information for licensing purposes through an au-
9 thorized criminal justice agency.

10 **SEC. 2932. CLARIFYING AMENDMENT REGARDING SCOPE**
11 **OF PROHIBITION AGAINST GAMBLING ON**
12 **SHIPS IN INTERNATIONAL WATERS.**

13 (a) The first paragraph of section 1081 of title 18,
14 United States Code, is amended by adding at the end the
15 following: "Such term does not include a vessel with re-
16 spect to gambling aboard such vessel beyond the territorial
17 waters of the United States during a covered voyage (as
18 defined in section 4472 of the Internal Revenue Code of
19 1986 in effect as of September 21, 1993).".

Subtitle E—White Collar Crime Amendments

22 **SEC. 2941. RECEIVING THE PROCEEDS OF EXTORTION OR**
23 **KIDNAPPING.**

24 (a) PROCEEDS OF EXTORTION.—Chapter 41 of title
25 18, United States Code, is amended—

1 (1) by adding at the end the following new sec-
2 tion:

3 **“§ 880. Receiving the proceeds of extortion**

4 “A person who receives, possesses, conceals, or dis-
5 poses of any money or other property which was obtained
6 from the commission of any offense under this chapter
7 that is punishable by imprisonment for more than 1 year,
8 knowing the same to have been unlawfully obtained, shall
9 be imprisoned not more than 3 years, fined under this
10 title, or both.”; and

11 (2) in the table of sections, by adding at the
12 end the following new item:

“880. Receiving the proceeds of extortion.”.

13 (b) RANSOM MONEY.—Section 1202 of title 18, Unit-
14 ed States Code, is amended—

15 (1) by designating the existing matter as sub-
16 section “(a)”; and

17 (2) by adding the following new subsections:

18 “(b) A person who transports, transmits, or transfers
19 in interstate or foreign commerce any proceeds of a kid-
20 napping punishable under State law by imprisonment for
21 more than 1 year, or receives, possesses, conceals, or dis-
22 poses of any such proceeds after they have crossed a State
23 or United States boundary, knowing the proceeds to have
24 been unlawfully obtained, shall be imprisoned not more
25 than 10 years, fined under this title, or both.

1 “(c) For purposes of this section, the term ‘State’ has
2 the meaning set forth in section 245(d) of this title.”.

3 **SEC. 2942. RECEIVING THE PROCEEDS OF A POSTAL ROB-**
4 **BERY.**

5 Section 2114 of title 18, United States Code, is
6 amended—

7 (1) by designating the existing matter as sub-
8 section (a); and

9 (2) by adding at the end the following new
10 subsection:

11 “(b) A person who receives, possesses, conceals, or
12 disposes of any money or other property which has been
13 obtained in violation of this section, knowing the same to
14 have been unlawfully obtained, shall be imprisoned not
15 more than 10 years, fined under this title, or both.”.

16 **SEC. 2943. CONFORMING ADDITION TO OBSTRUCTION OF**
17 **CIVIL INVESTIGATIVE DEMAND STATUTE.**

18 Section 1505 of title 18, United States Code, is
19 amended by inserting “section 1968 of this title, section
20 3733 of title 31, United States Code or” before “the Anti-
21 trust Civil Process Act”.

1 **SEC. 2944. CONFORMING ADDITION OF PREDICATE OF-**
2 **FENSES TO FINANCIAL INSTITUTIONS RE-**
3 **WARDS STATUTE.**

4 Section 3059A of title 18, United States Code, is
5 amended—

- 6 (1) by inserting “225,” after “215”;
7 (2) by striking “or” before “1344”; and
8 (3) by inserting “, or 1517” after “1344”.

9 **SEC. 2945. DEFINITION OF SAVINGS AND LOAN ASSOCIA-**
10 **TION IN BANK ROBBERY STATUTE.**

11 Section 2113 of title 18, United States Code, is
12 amended by adding at the end the following:

13 “(h) As used in this section, the term ‘savings and
14 loan association’ means (1) any Federal savings associa-
15 tion or State savings association (as defined in section
16 3(b) of the Federal Deposit Insurance Act, 12 U.S.C.
17 1813(b)) having accounts insured by the Federal Deposit
18 Insurance Corporation, and (2) any corporation described
19 in section 3(b)(1)(C) of the Federal Deposit Insurance Act
20 (12 U.S.C. 1813(b)(1)(C)) which is operating under the
21 laws of the United States.”.

22 **SEC. 2946. CONFORMING DEFINITION OF “1-YEAR PERIOD”**
23 **IN 18 U.S.C. 1516.**

24 Section 1516(b) of title 18, United States Code, is
25 amended—

- 26 (1) by inserting “(i)” before “the term”; and

1 (2) by inserting before the period the following:
2 “, and (ii) the term ‘in any 1 year period’ has the
3 meaning given to the term ‘in any 1-year period’ in
4 section 666 of this title.”.

5 **Subtitle F—Safer Streets and**
6 **Neighborhoods**

7 **SEC. 2951. SHORT TITLE.**

8 This subtitle may be cited as the “Safer Streets and
9 Neighborhoods Act of 1993”.

10 **SEC. 2952. LIMITATION ON GRANT DISTRIBUTION.**

11 (a) AMENDMENT.—Section 510(b) of title I of the
12 Omnibus Crime Control and Safe Streets Act of 1968 (42
13 U.S.C. 3760(b)) is amended by inserting “non-Federal”
14 after “with”.

15 (b) EFFECTIVE DATE.—The amendment made by
16 subsection (a) shall take effect on October 1, 1993.

17 **Subtitle G—Other Provisions**

18 **SEC. 2961. OPTIONAL VENUE FOR ESPIONAGE AND RELAT-**

19 **ED OFFENSES.**

20 (a) IN GENERAL.—Chapter 211 of title 18, United
21 States Code, is amended by inserting after section 3238
22 the following new section:

1 **“§ 3239. Optional venue for espionage and related of-**
2 **fenses**

3 “The trial for any offense involving a violation, begun
4 or committed upon the high seas or elsewhere out of the
5 jurisdiction of any particular State or district, of—

6 “(1) section 793, 794, 798, or section
7 1030(a)(1) of this title;

8 “(2) section 601 of the National Security Act of
9 1947 (50 U.S.C. 421); or

10 “(3) section 4(b) or 4(c) of the Subversive Ac-
11 tivities Control Act of 1950 (50 U.S.C. 783 (b) or
12 (c));

13 may be in the District of Columbia or in any other district
14 authorized by law.”.

15 (b) TECHNICAL AMENDMENT.—The item relating to
16 section 3239 in the table of sections of chapter 211 of
17 title 18, United States Code, is amended to read as
18 follows:

“3239. Optional venue for espionage and related offense.”.

19 **SEC. 2962. UNDERCOVER OPERATIONS.**

20 (a) IN GENERAL.—Chapter 1 of title 18, United
21 States Code, is amended by adding at the end the follow-
22 ing new section:

1 **“§21. Stolen or counterfeit nature of property for**
2 **certain crimes defined**

3 “(a) Wherever in this title it is an element of an of-
4 fense that—

5 “(1) any property was embezzled, robbed, sto-
6 len, converted, taken, altered, counterfeited, falsely
7 made, forged, or obliterated; and

8 “(2) the defendant knew that the property was
9 of such character;

10 such element may be established by proof that the defend-
11 ant, after or as a result of an official representation as
12 to the nature of the property, believed the property to be
13 embezzled, robbed, stolen, converted, taken, altered, coun-
14 terfeited, falsely made, forged, or obliterated.

15 “(b) For purposes of this section, the term ‘official
16 representation’ means any representation made by a Fed-
17 eral law enforcement officer (as defined in section 115)
18 or by another person at the direction or with the approval
19 of such an officer.’”.

20 (b) TECHNICAL AMENDMENT.—The table of sections
21 of chapter 1 of title 18, United States Code, is amended
22 by adding at the end the following new item:

“21. Stolen or counterfeit nature of property for certain crimes defined.”.

1 **SEC. 2963. UNDERCOVER OPERATIONS—CHURNING.**

2 Section 7601(c)(3) of the Anti-Drug Abuse Act of
3 1988 (relating to effective date) is amended to read as
4 follows:

5 “(3) EFFECTIVE DATE.—The amendments
6 made by this subsection shall take effect on the date
7 of the enactment of this Act and shall cease to apply
8 after December 31, 1994.”.

9 **SEC. 2964. REPORT ON BATTERED WOMEN’S SYNDROME.**

10 (a) REPORT.—Not less than 1 year after the date of
11 enactment of this Act, the Attorney General and the Sec-
12 retary of Health and Human Services shall transmit to
13 the Congress a report on the medical and psychological
14 basis of “battered women’s syndrome” and on the extent
15 to which evidence of the syndrome has been held to be
16 admissible as evidence of guilt or as a defense in a crimi-
17 nal trial.

18 (b) COMPONENTS OF THE REPORT.—The report de-
19 scribed in subsection (a) shall include—

20 (1) medical and psychological testimony on the
21 validity of battered women’s syndrome as a psycho-
22 logical condition;

23 (2) a compilation of State and Federal court
24 cases that have admitted evidence of battered wom-
25 en’s syndrome as evidence of guilt as a defense in
26 criminal trials; and

1 (3) an assessment by State and Federal judges,
2 prosecutors, and defense attorneys on the effects
3 that evidence of battered women’s syndrome may
4 have in criminal trials.

5 **SEC. 2965. WIRETAPS.**

6 Section 2511(1) of title 18, United States Code, is
7 amended—

8 (1) by striking “or” at the end of paragraph
9 (c);

10 (2) by inserting “or” at the end of paragraph
11 (d); and

12 (3) by adding after paragraph (d) the following
13 new paragraph:

14 “(e)(i) intentionally discloses, or endeavors to
15 disclose, to any other person the contents of any
16 wire, oral, or electronic communication, intercepted
17 by means authorized by sections 2511(2)(A)(ii),
18 2511(b)–(c), 2511(e), 2516, and 2518 of this sub-
19 chapter, (ii) knowing or having reason to know that
20 the information was obtained through the intercep-
21 tion of such a communication in connection with a
22 criminal investigation, (iii) having obtained or re-
23 ceived the information in connection with a criminal
24 investigation, (iv) with intent to improperly obstruct,

1 impede, or interfere with a duly authorized criminal
2 investigation.”.

3 **SEC. 2966. THEFT OF MAJOR ARTWORK.**

4 (a) OFFENSE.—Chapter 31 of title 18, United States
5 Code, is amended by adding at the end the following new
6 section:

7 **“§ 668. Theft of major artwork**

8 “(a) DEFINITIONS.—In this section—

9 “‘museum’ means an organized and permanent
10 institution, the activities of which affect interstate or
11 foreign commerce, that—

12 “(A) is situated in the United States;

13 “(B) is established for an essentially edu-
14 cational or aesthetic purpose;

15 “(C) has a professional staff; and

16 “(D) owns, utilizes, and cares for tangible
17 objects that are exhibited to the public on a
18 regular schedule.

19 “‘object of cultural heritage’ means an object of
20 art or cultural significance that is registered with
21 the International Foundation for Art Research or an
22 equivalent registry.”.

23 “(b) OFFENSES.—A person who—

1 “(1) steals or obtains by fraud from the care,
2 custody, or control of a museum any object of cul-
3 tural heritage; or

4 “(2) knowing that an object of cultural heritage
5 has been stolen or obtained by fraud, if in fact the
6 object was stolen or obtained from the care, custody,
7 or control of a museum (whether or not that fact is
8 known to the person), receives, conceals, exhibits, or
9 disposes of the object,

10 shall be fined under this title, imprisoned not more than
11 10 years, or both.”.

12 (b) FORFEITURE.—

13 (1) CIVIL.—Section 981(a)(1)(C) of title 18,
14 United States Code, is amended by inserting “668,”
15 after “657,”.

16 (2) CRIMINAL.—Section 982(a)(2) of title 18,
17 United States Code, is amended by inserting “668,”
18 after “545”.

19 (c) PERIOD OF LIMITATION.—Chapter 213 of title
20 18, United States Code, is amended by adding at the end
21 the following new section:

22 **“§ 3294. Theft of major artwork**

23 “No person shall be prosecuted, tried, or punished
24 for a violation of or conspiracy to violate section 668 un-

1 less the indictment is returned or the information is filed
2 within 20 years after the commission of the offense.”.

3 (d) TECHNICAL AMENDMENTS.—

4 (1) CHAPTER 31.—The chapter analysis for
5 chapter 31 of title 18, United States Code, is
6 amended by adding at the end the following new
7 item:

“668. Theft of major artwork.”.

8 (2) CHAPTER 213.—The chapter analysis for
9 chapter 31 of title 18, United States Code, is
10 amended by adding at the end the following new
11 item:

“3294. Theft of major artwork.”.

12 **SEC. 2967. BALANCE IN THE CRIMINAL JUSTICE SYSTEM.**

13 (a) FINDINGS.—The Congress finds that—

14 (1) an adequately supported Federal judiciary
15 is essential to the enforcement of law and order in
16 the United States,

17 (2) section 331 of title 28 provides in pertinent
18 part that the Chief Justice shall submit to Congress
19 an annual report of the proceedings of the Judicial
20 Conference and its recommendations for legislation,

21 (3) in 1990, in response to the recommenda-
22 tions of the Judicial Conference for additional judge-
23 ships, Congress enacted legislation creating 85 addi-

1 tional judgeships with an effective date of December
2 1, 1990,

3 (4) during the previous administration, it took
4 an average of 502 days from the time a judgeship
5 became vacant until such vacancy was filled,

6 (5) the enactment of legislation providing addi-
7 tional funding for the investigation and prosecution
8 facets of the criminal justice system has a direct and
9 positive impact on the needs and workload of the
10 Judiciary, which is already severely overloaded with
11 criminal cases,

12 (6) recommendations by the Judicial Con-
13 ference for the filling of judicial vacancies are cur-
14 rently made on the basis of historical data alone,

15 (7) the General Accounting Office, pursuant to
16 the 1988 Anti-Drug Abuse Act, has developed a
17 computer model that measures the potential effect of
18 fiscal increases on one or more parts of the criminal
19 justice system on the Judiciary,

20 (8) the General Accounting Office has estab-
21 lished that an increase in the resources allocated to
22 the investigative and prosecutorial parts of the
23 criminal justice system, brings about an increase in
24 the number of criminal cases filed, which in turn
25 adds to the need for additional judgeships,

1 (9) the allocation of resources to portions of the
2 Federal criminal justice system other than the Judi-
3 ciary contributes to the need for additional judge-
4 ships that cannot be anticipated by the use of histor-
5 ical data alone, and

6 (10) the use of historical data alone, because of
7 its inability to project the need for additional judge-
8 ships attributable to the increase in criminal case-
9 load adds to the delay in meeting the needs of the
10 Judiciary.

11 (b) SENSE OF THE SENATE.—It is the sense of the
12 Senate that the Judicial Conference should be encouraged
13 to make its recommendations to Congress for additional
14 judgeships utilizing historical data and a workload esti-
15 mate model designed to anticipate an increase in criminal
16 filings resulting from increased funding in one or more
17 components of the Federal criminal justice system, and
18 to take into account the time expended in the appointive
19 and confirmation process.

20 **SEC. 2968. MISUSE OF INITIALS “DEA”.**

21 (a) AMENDMENT.—Section 709 of title 18, United
22 States Code, is amended—

23 (1) in the thirteenth unnumbered paragraph by
24 striking “words—” and inserting “words; or”; and

1 (2) Section 2112 of title 18, United States Code, is
2 amended by inserting “or attempts to rob” after “robs”.

3 (3) Section 2114 of title 18, United States Code, is
4 amended by inserting “or attempts to rob” after “robs”.

5 (b) KIDNAPPING.—Section 1201(d) of title 18,
6 United States Code, is amended by striking “Whoever at-
7 tempts to violate subsection (a)(4) or (a)(5)” and insert-
8 ing “Whoever attempts to violate subsection (a)”.

9 (c) SMUGGLING.—Section 545 of title 18, United
10 States Code, is amended by inserting “or attempts to
11 smuggle or clandestinely introduce” after “smuggles, or
12 clandestinely introduces”.

13 (d) MALICIOUS MISCHIEF.—(1) Section 1361 of title
14 18, United States Code, is amended—

15 (A) by inserting “or attempts to commit any of
16 the foregoing offenses” before “shall be punished”,
17 and

18 (B) by inserting “or attempted damage” after
19 “damage” each place it appears.

20 (2) Section 1362 of title 18, United States Code, is
21 amended by inserting “or attempts willfully or maliciously
22 to injure or destroy” after “willfully or maliciously injures
23 or destroys”.

24 (3) Section 1366 of title 18, United States Code, is
25 amended—

1 (A) by inserting “or attempts to damage” after
2 “damages” each place it appears;

3 (B) by inserting “or attempts to cause” after
4 “causes”; and

5 (C) by inserting “or would if the attempted of-
6 fense had been completed have exceeded” after “ex-
7 ceeds” each place it appears.

8 **SEC. 2970. DEFINITION OF LIVESTOCK.**

9 Section 2311 of title 18, United States Code, is
10 amended by inserting after the second paragraph relating
11 to the definition of “cattle” the following new paragraph:

12 “‘Livestock’ means any domestic animals raised for
13 home use, consumption, or profit, such as horses, pigs,
14 goats, fowl, sheep, and cattle, or the carcasses thereof.”.

15 **SEC. 2971. EXTENSION OF STATUTE OF LIMITATIONS FOR**
16 **ARSON.**

17 Section 844(i) of title 18, United States Code, is
18 amended by adding at the end the following: “No person
19 shall be prosecuted, tried, or punished for any noncapital
20 offense under this subsection unless the indictment is
21 found or the information is instituted within 10 years
22 after the date on which the offense was committed.”.

1 **SEC. 2972. GUN-FREE SCHOOL ZONES.**

2 (a) AMENDMENT OF TITLE 18, UNITED STATES
3 CODE.—Section 922(q) of title 18 , United States Code,
4 is amended—

5 (1) by redesignating paragraphs (1), (2), and
6 (3) as paragraphs (2), (3), and (4), respectively; and

7 (2) by inserting after “(q)” the following new
8 paragraph:

9 “(1) The Congress finds and declares that—

10 “(A) crime, particularly crime involving drugs
11 and guns, is a pervasive, nationwide problem;

12 “(B) crime at the local level is exacerbated by
13 the interstate movement of drugs, guns, and crimi-
14 nal gangs;

15 “(C) firearms and ammunition move easily in
16 interstate commerce and have been found in increas-
17 ing numbers in and around schools, as documented
18 in numerous hearings in both the Judiciary Commit-
19 tee of the House of Representatives and Judiciary
20 Committee of the Senate;

21 “(D) in fact, even before the sale of a firearm,
22 the gun, its component parts, ammunition, and the
23 raw materials from which they are made have con-
24 siderably moved in interstate commerce;

25 “(E) while criminals freely move from State to
26 State, ordinary citizens and foreign visitors may fear

1 to travel to or through certain parts of the country
2 due to concern about violent crime and gun violence,
3 and parents may decline to send their children to
4 school for the same reason;

5 “(F) the occurrence of violent crime in school
6 zones has resulted in a decline in the quality of edu-
7 cation in our country;

8 “(G) this decline in the quality of education has
9 an adverse impact on interstate commerce and the
10 foreign commerce of the United States;

11 “(H) States, localities, and school systems find
12 it almost impossible to handle gun-related crime by
13 themselves; even States, localities, and school sys-
14 tems that have made strong efforts to prevent, de-
15 tect, and punish gun-related crime find their efforts
16 unavailing due in part to the failure or inability of
17 other States or localities to take strong measures;
18 and

19 “(I) Congress has power, under the interstate
20 commerce clause and other provisions of the Con-
21 stitution, to enact measures to ensure the integrity
22 and safety of the Nation’s schools by enactment of
23 this subsection.”.

1 **TITLE XXX—TECHNICAL**
2 **CORRECTIONS**

3 **SEC. 3001. AMENDMENTS RELATING TO FEDERAL FINAN-**
4 **CIAL ASSISTANCE FOR LAW ENFORCEMENT.**

5 (a) CROSS REFERENCE CORRECTIONS.—(1) Section
6 506 of title I of the Omnibus Crime Control and Safe
7 Streets Act of 1968 (42 U.S.C. 3756) is amended—

8 (1) in subsection (a) by striking “Of” and in-
9 serting “Subject to subsection (f), of”,

10 (2) in subsection (c) by striking “subsections
11 (b) and (c)” and inserting “subsection (b)”,

12 (3) in subsection (e) by striking “or (e)” and
13 inserting “or (f)”,

14 (4) in subsection (f)(1)—

15 (A) in subparagraph (A)—

16 (i) by striking “, taking into consider-
17 ation subsection (e) but”, and

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

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

22 (b) CORRECTIONAL OPTIONS GRANTS.—(1) Section
23 515(b) of title I of the Omnibus Crime Control and Safe
24 Streets Act of 1968 is amended—

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

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

6 (2) Section 516 of title I of the Omnibus Crime Con-
7 trol and Safe Streets Act of 1968 is amended—

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

11 (B) in subsection (b) by striking “section
12 515(a)(1) or (a)(3)” and inserting “paragraph (1)
13 or (3) of section 515(a)”.

14 (c) DENIAL OR TERMINATION OF GRANT.—Section
15 802(b) of title I of the Omnibus Crime Control and Safe
16 Streets Act of 1968 (42 U.S.C. 3783(b)) is amended by
17 striking “M,,” and inserting “M,”.

18 (d) DEFINITIONS.—Section 901(a)(21) of title I of
19 the Omnibus Crime Control and Safe Streets Act of 1968
20 (42 U.S.C. 3791(21)) is amended by adding a semicolon
21 at the end.

22 (e) PUBLIC SAFETY OFFICERS DISABILITY BENE-
23 FITS.—Title I of the Omnibus Crime Control and Safe
24 Streets Act of 1968 (42 U.S.C. 3796) is amended—

25 (1) in section 1201—

1 (A) in subsection (a) by striking “sub-
2 section (g)” and inserting “subsection (h),”,
3 and

4 (B) in subsection (b)—

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

7 (ii) by striking “personal”, and

8 (iii) in the first proviso by striking
9 “section” and inserting “subsection”, and

10 (2) in section 1204(3) by striking “who was re-
11 sponding to a fire, rescue or police emergency”.

12 (f) HEADINGS.—(1) The heading for part M of title
13 I of the Omnibus Crime Control and Safe Streets Act of
14 1968 (42 U.S.C. 3797) is amended to read as follows:

15 “PART M—REGIONAL INFORMATION SHARING SYSTEMS”.

16 (2) The heading for part O of title I of the Omnibus
17 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
18 3797) is amended to read as follows:

19 “PART O—RURAL DRUG ENFORCEMENT”.

20 (g) TABLE OF CONTENTS.—The table of contents of
21 title I of the Omnibus Crime Control and Safe Streets Act
22 of 1968 is amended—

23 (1) in the item relating to section 501 by strik-
24 ing “Drug Control and System Improvement Grant”
25 and inserting “drug control and system improvement
26 grant”,

1 (2) in the item relating to section 1403 by
2 striking “Application” and inserting “Applications”,
3 and

4 (3) in the items relating to part O by redesignig-
5 nating sections 1401 and 1402 as sections 1501 and
6 1502, respectively.

7 (h) OTHER TECHNICAL AMENDMENTS.—Title I of
8 the Omnibus Crime Control and Safe Streets Act of 1968
9 is amended—

10 (1) in section 202(c)(2)(E) by striking
11 “crime,,” and inserting “crime,”,

12 (2) in section 302(c)(19) by striking a period at
13 the end and inserting a semicolon,

14 (3) in section 602(a)(1) by striking “chapter
15 315” and inserting “chapter 319”,

16 (4) in section 603(a)(6) by striking “605” and
17 inserting “606”,

18 (5) in section 605 by striking “this section”
19 and inserting “this part”,

20 (6) in section 606(b) by striking “and Statis-
21 tics” and inserting “Statistics”,

22 (7) in section 801(b)—

23 (A) by striking “parts D,” and inserting
24 “parts”,

1 (B) by striking “part D” each place it ap-
2 pears and inserting “subpart 1 of part E”,

3 (C) by striking “403(a)” and inserting
4 “501”, and

5 (D) by striking “403” and inserting
6 “503”,

7 (8) in the first sentence of section 802(b) by
8 striking “part D,” and inserting “subpart 1 of part
9 E or under part”,

10 (9) in the second sentence of section 804(b) by
11 striking “Prevention or” and inserting “Prevention,
12 or”,

13 (10) in section 808 by striking “408, 1308,”
14 and inserting “507”,

15 (11) in section 809(c)(2)(H) by striking “805”
16 and inserting “804”,

17 (12) in section 811(e) by striking “Law En-
18 forcement Assistance Administration” and inserting
19 “Bureau of Justice Assistance”,

20 (13) in section 901(a)(3) by striking “and,”
21 and inserting “, and”,

22 (14) in section 1001(c) by striking “parts” and
23 inserting “part”.

24 (i) CONFORMING AMENDMENT TO OTHER LAW.—
25 Section 4351(b) of title 18, United States Code, is amend-

1 ed by striking “Administrator of the Law Enforcement
2 Assistance Administration” and inserting “Director of the
3 Bureau of Justice Assistance”.

4 **SEC. 3002. GENERAL TITLE 18 CORRECTIONS.**

5 (a) SECTION 1031.—Section 1031(g)(2) of title 18,
6 United States Code, is amended by striking “a govern-
7 ment” and inserting “a Government”.

8 (b) SECTION 208.—Section 208(c)(1) of title 18,
9 United States Code, is amended by striking “Banks” and
10 inserting “banks”.

11 (c) SECTION 1007.—The heading for section 1007 of
12 title 18, United States Code, is amended by striking
13 “Transactions” and inserting “transactions” in lieu there-
14 of.

15 (d) SECTION 1014.—Section 1014 of title 18, United
16 States Code, is amended by striking the comma which fol-
17 lows a comma.

18 (e) ELIMINATION OF OBSOLETE CROSS REF-
19ERENCE.—Section 3293 of title 18, United States Code,
20 is amended by striking “1008,”.

21 (f) ELIMINATION OF DUPLICATE SUBSECTION DES-
22IGNATION.—Section 1031 of title 18, United States Code,
23 is amended by redesignating the second subsection (g) as
24 subsection (h).

1 (g) CLERICAL AMENDMENT TO PART I TABLE OF
2 CHAPTERS.—The item relating to chapter 33 in the table
3 of chapters for part I of title 18, United States Code, is
4 amended by striking “701” and inserting “700”.

5 (h) AMENDMENT TO SECTION 924(a)(1)(b).—Section
6 924(a)(1)(B) of title 18, United States Code, is amended
7 by striking “(q)” and inserting “(r)”.

8 (i) AMENDMENT TO SECTION 3143.—The last sen-
9 tence of section 3143(b) of title 18, United States Code,
10 is amended by striking “(b)(2)(D)” and inserting
11 “(1)(B)(iv)”.

12 (j) AMENDMENT TO TABLE OF CHAPTERS.—The
13 table of chapters at the beginning of part I of title 18,
14 United States Code, is amended by striking the item relat-
15 ing to the chapter 113A added by section 132 of Public
16 Law 102–27, but subsequently repealed.

17 (k) PUNCTUATION CORRECTION.—Section
18 207(c)(2)(A)(ii) of title 18, United States Code, is amend-
19 ed by striking the semicolon at the end and inserting a
20 comma.

21 (l) TABLE OF CONTENTS CORRECTION.—The table
22 of contents for chapter 223 of title 18, United States
23 Code, is amended by adding at the end the following:

“3509. Child Victims’ and child witnesses’ rights.”.

1 (m) ELIMINATION OF SUPERFLUOUS COMMA.—Sec-
2 tion 3742(b) of title 18, United States Code, is amended
3 by striking “Government,” and inserting “Government”.

4 **SEC. 3003. CORRECTIONS OF ERRONEOUS CROSS REF-**
5 **ERENCES AND MISDESIGNATIONS.**

6 (a) SECTION 1791 OF TITLE 18.—Section 1791(b)
7 of title 18, United States Code, is amended by striking
8 “(c)” each place it appears and inserting “(d)”.

9 (b) SECTION 1956 OF TITLE 18.—Section
10 1956(c)(7)(D) of title 18, United States Code, is amended
11 by striking “section 1822 of the Mail Order Drug Para-
12 phernalia Control Act (100 Stat. 3207–51; 21 U.S.C.
13 857)” and inserting “section 422 of the Controlled Sub-
14 stances Act (21 U.S.C. 863)”.

15 (c) SECTION 2703 OF TITLE 18.—Section 2703(d)
16 of title 18, United States Code, is amended by striking
17 “section 3126(2)(A)” and inserting “section 3127(2)(A)”.

18 (d) SECTION 666 OF TITLE 18.—Section 666(d) of
19 title 18, United States Code, is amended—

20 (1) by redesignating the second paragraph (4)
21 as paragraph (5);

22 (2) by striking “and” at the end of paragraph
23 (3); and

24 (3) by striking the period at the end of para-
25 graph (4) and inserting “; and”.

1 (e) SECTION 4247 OF TITLE 18.—Section 4247(h)
2 of title 18, United States Code, is amended by striking
3 “subsection (e) of section 4241, 4243, 4244, 4245, or
4 4246,” and inserting “subsection (e) of section 4241,
5 4244, 4245, or 4246, or subsection (f) of section 4243,”.

6 (f) SECTION 408 OF THE CONTROLLED SUB-
7 STANCE.—Section 408(b)(2)(A) of the Controlled Sub-
8 stances Act (21 U.S.C. 848(b)(2)(A)) is amended by strik-
9 ing “subsection (d)(1)” and inserting “subsection (c)(1)”.

10 (g) MARITIME DRUG LAW ENFORCEMENT ACT.—(1)
11 Section 994(h) of title 28, United States Code, is amended
12 by striking “section 1 of the Act of September 15, 1980
13 (21 U.S.C. 955a)” each place it appears and inserting
14 “the Maritime Drug Law Enforcement Act (46 U.S.C.
15 App. 1901 et seq.)”.

16 (2) Section 924(e) of title 18, United States Code,
17 is amended by striking “the first section or section 3 of
18 Public Law 96–350 (21 U.S.C. 955a et seq.)” and insert-
19 ing “the Maritime Drug Law Enforcement Act (46 U.S.C.
20 App. 1901 et seq.)”.

21 (h) SECTION 2596 OF THE CRIME CONTROL ACT OF
22 1990.—Section 2596(d) of the Crime Control Act of 1990
23 is amended, effective retroactively to the date of enact-
24 ment of such Act, by striking “951(c)(1)” and inserting
25 “951(c)(2)”.

1 (i) SECTION 3143 OF TITLE 18.—The last sentence
2 of section 3143(b)(1) of title 18, United States Code, is
3 amended by striking “(b)(2)(D)” and inserting
4 “(1)(B)(iv)”.

5 **SEC. 3004. REPEAL OF OBSOLETE PROVISIONS IN TITLE 18.**

6 Title 18, United States Code, is amended—

7 (1) in section 212, by striking “or of any Na-
8 tional Agricultural Credit Corporation,” and by
9 striking “or National Agricultural Credit Corpora-
10 tions,”;

11 (2) in section 213, by striking “or examiner of
12 National Agricultural Credit Corporations”;

13 (3) in section 709, by striking the seventh and
14 thirteenth paragraphs;

15 (4) in section 711, by striking the second para-
16 graph;

17 (5) by striking section 754, and amending the
18 table of sections for chapter 35 by striking the item
19 relating to section 754;

20 (6) in sections 657 and 1006, by striking “Re-
21 construction Finance Corporation,” and by striking
22 “Farmers’ Home Corporation,”;

23 (7) in section 658, by striking “Farmers’ Home
24 Corporation,”;

1 (8) in section 1013, by striking “, or by any
2 National Agricultural Credit Corporation”;

3 (9) in section 1160, by striking “white person”
4 and inserting “non-Indian”;

5 (10) in section 1698, by striking the second
6 paragraph;

7 (11) by striking sections 1904 and 1908, and
8 amending the table of sections for chapter 93 by
9 striking the items relating to such sections;

10 (12) in section 1909, by inserting “or” before
11 “farm credit examiner” and by striking “or an ex-
12 aminer of National Agricultural Credit Corpora-
13 tions,”;

14 (13) by striking sections 2157 and 2391, and
15 amending the table of sections for chapters 105 and
16 115, respectively, by striking the items relating to
17 such sections;

18 (14) in section 2257 by striking the subsections
19 (f) and (g) that were enacted by Public Law 100-
20 690;

21 (15) in section 3113, by striking the third para-
22 graph;

23 (16) in section 3281, by striking “except for of-
24 fenses barred by the provisions of law existing on
25 August 4, 1939”;

1 (17) in section 443, by striking “or (3) 5 years
2 after 12 o’clock noon of December 31, 1946,”; and
3 (18) in sections 542, 544, and 545, by striking
4 “the Philippine Islands,”.

5 **SEC. 3005. CORRECTION OF DRAFTING ERROR IN THE FOR-**
6 **EIGN CORRUPT PRACTICES ACT.**

7 Section 104 of the Foreign Corrupt Practices Act of
8 1977 (15 U.S.C. 78dd-2) is amended, in subsection
9 (a)(3), by striking “issuer” and inserting in lieu thereof
10 “domestic concern”.

11 **SEC. 3006. ELIMINATION OF REDUNDANT PENALTY PROVI-**
12 **SION IN 18 U.S.C. 1116.**

13 Section 1116(a) of title 18, United States Code, is
14 amended by striking “, and any such person who is found
15 guilty of attempted murder shall be imprisoned for not
16 more than 20 years”.

17 **SEC. 3007. ELIMINATION OF REDUNDANT PENALTY.**

18 Section 1864(c) of title 18, United States Code, is
19 amended by striking “(b) (3), (4), or (5)” and inserting
20 in lieu thereof “(b)(5)”.

21 **SEC. 3008. CORRECTIONS OF MISSPELLINGS AND GRAM-**
22 **MATICAL ERRORS.**

23 Title 18, United States Code, is amended—

1 (1) in section 513(c)(4), by striking “associa-
2 tion or persons” and inserting in lieu thereof “asso-
3 ciation of persons”;

4 (2) in section 1956(e), by striking
5 “Evironmental” and inserting in lieu thereof “Envi-
6 ronmental”;

7 (3) in section 3125, by striking the quotation
8 marks in paragraph (a)(2), and by striking “pro-
9 vider for” and inserting in lieu thereof “provider of”
10 in subsection (d);

11 (4) in section 3731, by striking “order of a dis-
12 trict courts” and inserting in lieu thereof “order of
13 a district court” in the second undesignated para-
14 graph;

15 (5) in section 151, by striking “mean” and in-
16 serting “means”;

17 (6) in section 208(b), by inserting “if” after
18 “(4)”;

19 (7) in section 209(d), by striking “under the
20 terms of the chapter 41” and inserting “under the
21 terms of chapter 41”;

22 (8) in section 1014, by inserting a comma after
23 “National Credit Union Administration Board”; and

24 (9) in section 3291, by striking “the afore-men-
25 tioned” and inserting “such”.

1 **SEC. 3009. OTHER TECHNICAL AMENDMENTS.**

2 (a) SECTION 419 OF CONTROLLED SUBSTANCES
3 ACT.—Section 419(b) of the Controlled Substances Act
4 (21 U.S.C. 860(b)) is amended by striking “years Pen-
5 alties” and inserting “years. Penalties”.

6 (b) SECTION 667.—Section 667 of title 18, United
7 States Code, is amended by adding at the end the follow-
8 ing: “The term ‘livestock’ has the meaning set forth in
9 section 2311 of this title.”.

10 (c) SECTION 1114.—Section 1114 of title 18, United
11 States Code, is amended by striking “or any other officer,
12 agency, or employee of the United States” and inserting
13 “or any other officer or employee of the United States or
14 any agency thereof”.

15 (d) SECTION 408 OF CONTROLLED SUBSTANCES
16 ACT.—Section 408(q)(8) of the Controlled Substances Act
17 (21 U.S.C. 848(q)(8)) is amended by striking “applica-
18 tions, for writ” and inserting “applications for writ”.

19 **SEC. 3010. CORRECTIONS OF ERRORS FOUND DURING**
20 **CODIFICATION.**

21 Title 18, United States Code, is amended—

22 (1) in section 212, by striking “218” and in-
23 sserting “213”;

24 (2) in section 1917—

1 (A) by striking “Civil Service Commission”
2 and inserting “Office of Personnel Manage-
3 ment”; and

4 (B) by striking “the Commission” in para-
5 graph (1) and inserting “such Office”;

6 (3) by transferring the table of sections for
7 each subchapter of each of chapters 227 and 229 to
8 follow the heading of that subchapter;

9 (4) so that the heading of section 1170 reads
10 as follows:

11 **“§ 1170. Illegal trafficking in Native American human**
12 **remains and cultural items”;**

13 (5) so that the item relating to section 1170 in
14 the table of sections at the beginning of chapter 53
15 reads as follows:

“1170. Illegal trafficking in Native American human remains and cultural
items.”;

16 (6) in section 3509(a), by striking paragraph
17 (11) and redesignating paragraphs (12) and (13) as
18 paragraphs (11) and (12), respectively;

19 (7) in section 3509—

20 (A) by striking out “subdivision” each
21 place it appears and inserting “subsection”; and

22 (B) by striking out “government” each
23 place it appears and inserting “Government”;

1 (8) in section 2252(a)(3)(B), by striking
2 “materails” and inserting “materials”;

3 (9) in section 14, by striking “45,” and “608,
4 611, 612,”;

5 (10) in section 3059A—

6 (A) in subsection (b), by striking “this
7 subsection” and inserting “subsection”; and

8 (B) in subsection (c), by striking “this
9 subsection” and inserting “subsection”;

10 (11) in section 1761(c)—

11 (A) by striking “and” at the end of para-
12 graph (1);

13 (B) by inserting “and” at the end of para-
14 graph (3); and

15 (C) by striking the period at the end of
16 paragraph (2)(B) and inserting a semicolon;

17 (12) in the table of sections at the beginning of
18 chapter 11—

19 (A) in the item relating to section 203, by
20 inserting a comma after “officers” and by strik-
21 ing the comma after “others”; and

22 (B) in the item relating to section 204, by
23 inserting “the” before “United States Court of
24 Appeals for the Federal Circuit”;

1 (13) in the table of sections at the beginning of
2 chapter 23, in the item relating to section 437, by
3 striking the period immediately following “Indians”;

4 (14) in the table of sections at the beginning of
5 chapter 25, in the item relating to section 491, by
6 striking the period immediately following “paper
7 used as money”;

8 (15) in section 207(a)(3), by striking “Clari-
9 fication of Restrictions” and inserting “Clarification
10 of restrictions”;

11 (16) in section 176, by striking “the govern-
12 ment” and inserting “the Government”;

13 (17) in section 3059A(e)(2)(iii), by striking
14 “backpay” and inserting “back pay”; and

15 (18) by adding a period at the end of the item
16 relating to section 3059A in the table of sections at
17 the beginning of chapter 203.

18 **SEC. 3011. PROBLEMS RELATED TO EXECUTION OF PRIOR**

19 **AMENDMENTS.**

20 (a) INCORRECT REFERENCE AND PUNCTUATION
21 CORRECTION.—(1) Section 2587(b) of the Crime Control
22 Act of 1990 is repealed, effective on the date such section
23 took effect.

24 (2) Section 2587(b) of Public Law 101-647 is
25 amended, effective the date such section took effect, by

1 striking “The chapter heading for” and inserting “The
2 table of sections at the beginning of”.

3 (3) The item relating to section 3059A in the table
4 of sections at the beginning of chapter 203 of title 18,
5 United States Code, is amended by adding a period at the
6 end.

7 (b) LACK OF PUNCTUATION IN STRICKEN LAN-
8 GUAGE.—Section 46(b) of Public Law 99–646 is amended,
9 effective on the date such section took effect, so that—

10 (A) in paragraph (1), the matter proposed to be
11 stricken from the beginning of section 201(b) of title
12 18, United States Code, reads “(b) Whoever, di-
13 rectly”; and

14 (B) in paragraph (2), a comma, rather than a
15 semicolon, appears after “his lawful duty” in the
16 matter to be stricken from paragraph (3) of section
17 201(b) of such title.

18 (c) BIOLOGICAL WEAPONS.—(1) Section 3 of the Bi-
19 ological Weapons Anti-Terrorism Act of 1989 is amended,
20 effective on the date such section took effect in subsection
21 (b), by striking “2516(c)” and inserting “2516(1)(c)”.

22 (2) The item in the table of chapters for part I of
23 title 18, United States Code, that relates to chapter 10
24 is amended by striking “Weapons” and inserting “weap-
25 ons”.

1 (d) PLACEMENT OF NEW SECTION.—Section 404(a)
2 of Public Law 101–630 is amended, effective on the date
3 such section took effect, by striking “adding at the end
4 thereof” each place it appears and inserting “inserting
5 after section 1169”.

6 (e) ELIMINATION OF ERRONEOUS CHARACTERIZA-
7 TION OF MATTER INSERTED.—Section 225(a) of Public
8 Law 101–674 is amended, effective on the date such sec-
9 tion took effect, by striking “new rule”.

10 (f) CLARIFICATION OF PLACEMENT OF AMEND-
11 MENT.—Section 1205(c) of Public Law 101–647 is
12 amended, effective the date such section took effect, by
13 inserting “at the end” after “adding”.

14 (g) ELIMINATION OF DUPLICATE AMENDMENT.—
15 Section 1606 of Public Law 101–647 (amending section
16 1114 of title 18, United States Code) is repealed effective
17 the date of the enactment of such section.

18 (h) ERROR IN AMENDMENT PHRASING.—Section
19 3502 of Public Law 101–647 is amended, effective the
20 date such section took effect, by striking “10” and insert-
21 ing “ten”.

22 (i) CLARIFICATION THAT AMENDMENTS WERE TO
23 TITLE 18.—Sections 3524, 3525, and 3528 of Public Law
24 101–647 are each amended, effective the date such sec-

1 tions took effect, by inserting “of title 18, United States
2 Code” before “is amended”.

3 (j) CORRECTION OF PARAGRAPH REFERENCE.—Sec-
4 tion 3527 of Public Law 101–647 is amended, effective
5 the date such section took effect, by striking “4th” and
6 inserting “5th”.

7 (k) REPEAL OF OBSOLETE TECHNICAL CORRECTION
8 TO SECTION 1345.—Section 3542 of Public Law 101–647
9 is repealed, effective the date of enactment of such Public
10 Law.

11 (l) REPEAL OF OBSOLETE TECHNICAL CORRECTION
12 TO SECTION 1956.—Section 3557(2)(E) of Public Law
13 101–647 is repealed, effective the date of enactment of
14 such Public Law.

15 (m) CLARIFICATION OF PLACEMENT OF AMEND-
16 MENTS.—Public Law 101–647 is amended, effective the
17 date of the enactment of such Public Law—

18 (1) in section 3564(1), by inserting “each place
19 it appears” after the quotation mark following
20 “2251” the first place it appears; and

21 (2) in section 3565(3)(A), by inserting “each
22 place it appears” after the quotation mark following
23 “subchapter”.

24 (n) CORRECTION OF WORD QUOTED IN AMEND-
25 MENT.—Section 3586(1) of Public Law 101–647 is

1 amended, effective the date such section took effect, by
2 striking “fines” and inserting “fine”.

3 (o) ELIMINATION OF OBSOLETE TECHNICAL AMEND-
4 MENT TO SECTION 4013.—Section 3599 of Public Law
5 101–647 is repealed, effective the date of the enactment
6 of such Public Law.

7 (p) CORRECTION OF DIRECTORY LANGUAGE.—Sec-
8 tion 3550 of Public Law 101–647 is amended, effective
9 the date such section took effect, by striking “not more
10 than”.

11 (q) REPEAL OF DUPLICATE PROVISIONS.—(1) Sec-
12 tion 3568 of Public Law 101–647 is repealed, effective
13 the date such section took effect.

14 (2) Section 1213 of Public Law 101–647 is repealed,
15 effective the date such section took effect.

16 (r) CORRECTION OF WORDS QUOTED IN AMEND-
17 MENT.—Section 2531(3) of Public Law 101–647 is
18 amended, effective the date such section took effect, by
19 striking “1679(c)(2)” and inserting “1679a(c)(2)”.

20 (s) FORFEITURE.—(1) Section 1401 of Public Law
21 101–647 is amended, effective the date such section took
22 effect—

23 (A) by inserting a comma after “, 5316”; and

24 (B) by inserting “the first place it appears”
25 after the quotation mark following “5313(a)”.

1 (2) Section 2525(a)(2) of Public Law 101–647 is
2 amended, effective the date such section took effect, by
3 striking “108(3)” and inserting “2508(3)”.

4 (t) INCORRECT SECTION REFERENCE.—Section
5 1402(d)(3) of the Victims of Crime Act of 1984 (42
6 U.S.C. 10601(d)(3)) is amended by striking “1404(a)”
7 and inserting “1404A”.

8 (u) MISSING TEXT.—Section 1403(b)(1) of the Vic-
9 tims of Crime Act of 1984 (42 U.S.C. 10602(b)(1)) is
10 amended by inserting after “domestic violence” the follow-
11 ing: “for—

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

16 “(B) loss of wages attributable to a phys-
17 ical injury resulting from a compensable crime;
18 and

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

21 **SEC. 3012. AMENDMENTS TO SECTION 1956 OF TITLE 18 TO**
22 **ELIMINATE DUPLICATE PREDICATE CRIMES.**

23 Section 1956 of title 18, United States Code, is
24 amended—

1 (1) in subsection (c)(7)(D), by striking “section
2 1341 (relating to mail fraud) or section 1343 (relat-
3 ing to wire fraud) affecting a financial institution,
4 section 1344 (relating to bank fraud),”;

5 (2) in subsection (a)(2) and in subsection (b),
6 by striking “transportation” each place it appears
7 and inserting “transportation, transmission, or
8 transfer”;

9 (3) in subsection (a)(3), by striking “rep-
10 resented by a law enforcement officer” and inserting
11 “represented”; and

12 (4) in subsection (c)(7)(E), by striking the pe-
13 riod that follows a period.

14 **SEC. 3013. AMENDMENTS TO PART V OF TITLE 18.**

15 Part V of title 18, United States Code, is amended—

16 (1) by inserting after the heading for such part
17 the following:

18 **“CHAPTER 601—IMMUNITY**
19 **OF WITNESSES”;**

20 (2) in section 6001(1)—

21 (A) by striking “Atomic Energy Commis-
22 sion” and inserting “Nuclear Regulatory Com-
23 mission”; and

24 (B) by striking “the Subversive Activities
25 Control Board,”

- 1 (3) by striking “part” the first place it appears
2 and inserting “chapter”; and
3 (4) by striking “part” each other place it ap-
4 pears and inserting “title”.

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